The attached are Primary Source Documents of the Idaho Board of Nursing for:

DEBORAH SICURELLA
N-17197

Idaho Board of Nursing – PO Box 83720 – Boise, Idaho 83720-0061 – (208) 334-3110
BEFORE THE IDAHO STATE BOARD OF NURSING


Case No. 03-074

COMPLAINT

To: Deborah Kay Sicurella
    9975 Hillview Drive
    Hayden Lake, ID 83835

STATEMENT OF CHARGES

1. The Idaho State Board of Nursing (hereinafter the "Board") is empowered by Idaho Code § 54-1404 to regulate the practice of nursing in the State of Idaho.

2. Deborah Sicurella (hereinafter "Respondent") was previously licensed to engage in the practice of nursing by the Idaho State Board of Nursing under License No. N-17197. Respondent's Idaho license issued in October 1984.

3. In June 1995, Respondent had her license to practice nursing in the state of California revoked and a fine of $7,000.00 imposed for numerous violations of dangerous practices and diverting narcotic medication for her own.

4. On September 30, 1996, Dr. Stephen Ambrose, a family practice physician in Coeur d'Alene, Idaho, reported to the Board that Respondent, whom he had recently hired, was terminated for phoning prescriptions for herself and family members to several local pharmacies. An investigation was conducted by the Board and Respondent admitted she had phoned in the prescriptions, but denied she was addicted to the medications.
5.

On October 18, 1996, Respondent voluntarily surrendered her license and entered the PRN. She was issued a limited license in June 1997. In August 1997, the Board received a report from Dr. Ambrose that Respondent was engaging in drug-seeking behavior. An investigation failed to substantiate those allegations.

6.

In November 1997, the Board received information that Respondent had been discharged for not documenting medication dispensed to patients at her then-employer. In early January 1998, the Board was advised Respondent had failed a random urine analysis. Respondent denied using and could not understand how the positive result occurred.

7.

In June 1998, Respondent advised PRN and the Board that she was withdrawing from the PRN as she was moving from Idaho to care for her mother who was terminally ill. On August 27, 1998, she voluntarily surrendered her limited license for an indeterminate time and advised she would reapply when she returned to the state of Idaho. Based upon these actions, the Board entered an order suspending license number N-17197 for an indefinite period of time. See Exhibit A.

8.

In November 1998, it came to the attention of the Board that Respondent had her state of Washington nursing license suspended for drug diversion and phoning in prescriptions for herself by using another person's name. Further, the Board was advised that Respondent was convicted of a crime for having done so and spent time in jail in Washington state.

9.

In November 2000, the Board learned that Respondent was applying for jobs with several north Idaho physicians’ offices and the Board of Medicine was notified that
Respondent's license was suspended. The Board of Medicine notified all Idaho physicians of this by placing an article in the newsletter. In September 2001, Respondent was sent a cease and desist letter by the Board warning her that continuing to misrepresent the status of her license would result in criminal charges being brought against her for violating Idaho Code § 54-1414. See Exhibit B.

10.

On or about November 10, 2003, the Board received two complaints from Respondent's employer that she had been working as a home health administrator on a forged license that indicated it expired in 2003 and then 2005. See Exhibit C. During the investigation by Board staff, it was learned Respondent had been employed for at least eight months as the administrator based upon the forged license and also that Respondent had been arrested for phoning in prescription medication for deceased clients then picking up the prescriptions and consuming them herself.

11.

Respondent's conduct as set forth above, if proven, constitutes grounds for discipline as follows:

a. For violations of Idaho Code § 54-1413 (1)(e) and IDAPA 23.01.01.100.06—Habitually uses alcoholic beverages or narcotic, hypnotic or hallucinogenic drugs;

b. For violations of Idaho Code § 54-1413 (1)(g) and IDAPA 23.01.01.100.08 and 23.01.01.101.01—Violates the law, or rules and standards of conduct and practice as may be adopted by the board;

c. For violations of Idaho Code § 54-1413 (1)(h) and IDAPA 23.01.01.100.09—Conduct to deceive, defraud or endanger patients or the public;

d. For violations of Idaho Code § 54-1413 (1)(i) and IDAPA 23.01.01.100.10—Has had a license to practice nursing suspended or revoked in any jurisdiction;
e. For violations of IDAPA 23.01.01.101.03.a—The nurse shall practice professional or practical nursing in Idaho only with a valid current Idaho license or during the period of valid temporary licensure or as otherwise allowed by law;

f. For violations of IDAPA 23.01.01.101.04.a—The nurse shall have knowledge of the statutes and rules governing nursing and shall function within the defined legal scope of nursing practice. The nurse shall not assume any duty or responsibility within the practice of nursing without adequate training or where competency has not been maintained;

g. For violations of IDAPA 23.01.01.101.04.e—The nurse shall not obtain, possess, furnish or administer prescription drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs;

h. For violations of IDAPA 23.01.01.101.05.c—The nurse shall be responsible and accountable for his nursing judgments, actions and competence; and

i. For violations of IDAPA 23.01.01.101.05.e—The nurse shall make or keep accurate, intelligible entries into records required by law, employment or customary practice of nursing, and shall not falsify, destroy, alter or knowingly make incorrect or unintelligible entries into patients’ records or employer or employee records.

6.

Pursuant to Idaho Code § 54-1413, the Board is authorized to enter an order of revocation of Respondent’s license for Respondent’s violations of Idaho Code and the Board’s duly promulgated rules, as set forth above.

WHEREFORE, the Idaho State Board of Nursing prays for the following action:

1. That a hearing commence at a designated time to allow evidence on the allegations contained in the Complaint to be presented before the Board or the Board’s designated hearing officer;

2. That subsequent to taking evidence, the waiver of a hearing, or the failure of the Respondent to file an Answer to this administrative Complaint, that the Board, or
its designated hearing officer, shall issue findings of fact and conclusions of law finding the violations of law alleged herein and the Board shall determine whether the license of Respondent Deborah Sicurella should be revoked pursuant to the statutory and regulatory authority of the Board of Nursing; and

3. For such other and further relief as the Board deems just and proper in the circumstances.

DATED this 16th day of December, 2003.

IDAHO STATE BOARD OF NURSING

By ____________________________
Sandra Evans, M.A.Ed., R.N.
Executive Director

NOTIFICATION OF PROCEDURAL RIGHTS

Pursuant to the provisions of the Administrative Procedure Act codified at title 67, chapter 52, Idaho Code, and the Idaho Rules of the Administrative Procedure of the Attorney General, promulgated at IDAPA 04.11.01, if you wish to contest the charges set forth in this Complaint, you must: (1) file with the Idaho State Board of Nursing a verified Answer to the allegations contained herein within twenty-one (21) days after you are served with this Complaint and (2) request an evidentiary hearing on the charges. You are further notified that if you fail to answer and/or request a hearing, the Board may enter a default against you and be granted the relief sought in this Complaint. Upon receipt of your Answer and request for hearing, the matter will be reviewed and a hearing scheduled. You will then be notified of the date, time and place of the hearing, the name of the hearing officer appointed by the Board (if any) and further notification of your procedural rights and responsibilities.

You also have the right to be represented by legal counsel, at your own expense, during this administrative proceeding.
Copies of the Administrative Procedure Act and the Idaho Rules of the Administrative Procedure of the Attorney General may be obtained at the Idaho State Law Library.

All original official documents must be filed with the Board at the following address:

Idaho State Board of Nursing
280 N. Eighth Street, Suite 210
P.O. Box 83720
Boise, ID 83720-0061
telephone: (208) 334-3110
facsimile: (208) 334-3262

A copy of the Answer and every pleading, motion or subsequent document filed with the Board must also be served upon legal counsel for the Board at the following address:

Cheri L. Bush
Deputy Attorney General
Civil Litigation Division
P.O. Box 83720
Boise, ID 83720-0010
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of December 2003, I caused to be served a true and correct copy of the foregoing COMPLAINT addressed as follows:

Cheri L. Bush
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

U.S. Mail, postage prepaid
Certified U.S. Mail, return receipt
Hand Delivery 12/18/03
Overnight Mail
Facsimile:
Statehouse Mail

Deborah Kay Sicurella
9975 Hillview Drive
Hayden Lake, ID 83835

X U.S. Mail, postage prepaid
X Certified U.S. Mail, return receipt
Hand Delivery
Overnight Mail
Facsimile:
Statehouse Mail

Sandra Evans, M.A.Ed., R.N.
Executive Director
Board of Nursing
BEFORE THE BOARD OF NURSING, STATE OF IDAHO

In the Matter of

Deborah Kay McGowan Sicurella

ORDER OF
INDEFINITE SUSPENSION
OF LICENSE

LICENSE NO: N-17197

CASE NO: 96-67

The above entitled matter being submitted to the Board of Nursing, State of Idaho, and the matters therein being fully considered by the Board of Nursing, and there appearing good cause, therefore:

IT IS HEREBY ORDERED, that the professional nurse license of Deborah Kay McGowan Sicurella, number N-17197 be and it hereby is indefinitely suspended, based upon voluntary surrender, and is subject to Subsequent Review under 54-1413 (3), IDAHO CODE.

BE IT FURTHER ORDERED, that should Deborah Sicurella request reinstatement of licensure in the future, that she present:

1. Evidence of abstinence from the use of non-medically prescribed drugs and alcohol.
2. Documentation that she is rehabilitated and competent to practice nursing by submitting:
   a. A comprehensive drug/alcohol evaluation completed by a qualified evaluator at the time of application for reinstatement.
   b. A detailed summary of employment since licensure revocation.
   c. Documentation of activities engaged in to address drug/alcohol issues, to include documentation of an active recovery program.

DATED THIS August 27, 1998

Charles Moseley
CHARLES MOSELEY, R.N., CRNA
Chairman
Idaho Board of Nursing
September 4, 2001

Deborah K. Sicurella
1606 East Best
Coeur d'Alene, ID 83814

Re: Cease and Desist Letter

Dear Ms. Sicurella:

On behalf of the Board of Nursing, I have been asked to respond to some recent complaints regarding you. We have received information from several physicians in the Coeur d'Alene area that you have been representing that you are a licensed nurse. One physician actually sent us an altered State of Idaho Board of Nursing license that indicated you held a current license to practice as a professional nurse, and that your license did not expire until August 31, 2001. A review of Board of Nursing records indicates that you voluntarily surrendered your temporary license to practice nursing. The Board entered an Order on August 27, 1998, indefinitely suspending your professional nurse license. The administrative file does not indicate that you have ever requested reinstatement of your license to practice nursing. Without a current license in the state of Idaho, you may not practice nursing.

You are hereby ordered to cease and desist from falsifying or forging any professional license that would indicate that you are currently licensed to practice nursing, and falsely representing that you are licensed pursuant to the Nursing Practice Act. You are also ordered to cease and desist the practice of nursing without a current license. Under the Board of Nursing Practice Act, it is unlawful for any person to:

(a) practice nursing in this state without a license unless exempt from licensure by this Act;
(b) falsify or forge any application for licensure, license, renewal of license or certification required by this Act; or
(c) falsely represent by use of any designation, title or statement that he is licensed pursuant to this Act.

Idaho Code § 54–1414.

Persons violating those provisions are guilty of a misdemeanor and can be punishable by a fine of up to $300 or by imprisonment up to six months or by both fine and imprisonment. If the Board receives any additional complaints, we will refer this to the appropriate authorities and request criminal prosecution.

If you have any questions, you may give me a call. However, I cannot give you any legal advice. If you desire any legal advice you may wish to contact a private attorney.

Sincerely,

[Signature]

KIRSTEN L. WALLACE
Deputy Attorney General

KLW: cjf
cc: Board of Nursing (w/ file)
Nursing\L.1247\wa
State of Idaho
Board of Nursing

License Number
N-17197

This is to certify that

DEBORAH F. SICURELLA
3825 RAMSEY ROAD,
COEUR D'ALENE, ID. 83815

has complied with the requirements of the law and is entitled to practice as a LICENSED PROFESSIONAL NURSE (RN)

[Signature]

Valid when signed by licensee
State of Idaho
Board of Nursing

License Number
N-17197

This is to certify that:
Expires: August 31, 2001

DEBORAH K. SICURELLA
3825 RAMSEY ROAD
COEUR D'ALENE, ID 83815

has complied with the requirements of the law and is entitled
to practice as a LICENSED PROFESSIONAL NURSE (RN)

[Signature]

Valid when signed by licensee
2003-2005
License Number
N-17197

State of Idaho
Board of Nursing

This is to certify that

DEBORAH K SICURELLA
1606 E BEST AVE.
COEUR D'ALENE ID 83814

has complied with the requirements of the law and is entitled
to practice as a LICENSED PROFESSIONAL NURSE.

[Signature]
[Signature]

Valid when signed by licensee

[Signature]
[Signature]
IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

STATE OF IDAHO, IDAHO STATE BOARD BOARD OF NURSING,

Plaintiff,

vs.

DEBRA DICURELLA,

Defendant.

Case No. CV 03-9144

JUDGMENT AND PERMANENT INJUNCTION

IT APPEARING TO THE COURT that Defendant Debra Sicurella has admitted to the jurisdiction of this Court over the subject matter of these proceedings and over the parties hereto, and that the Complaint states a cause of action for injunctive relief under the Idaho Nursing Act as alleged in the Complaint and admitted to by Defendant in her Answer and upon questioning by the Court, and the Court being fully advised in the premises: IT IS HEREBY ORDERED, ADJUDGED and DECREED that:

1. That Defendant Deborah Sicurella, and her agents, servants, employees, and any other persons in active concert or participation with her, who receive actual notice of the Court’s order, by personal service or otherwise, be permanently enjoined
from committing any acts, practices or omissions which would constitute a violation of
the Idaho Nurses Act, title 54, chapter 14, Idaho Code; and in particular, that, until such
time that she becomes a licensed nurse in the state of Idaho, she be permanently enjoined
from the following:

a. Seeking and applying for employment as a nurse or employment
that requires a license as a nurse;

b. Engaging in the practice of nursing, which means assisting individuals
or groups of individuals to promote, maintain or restore optimal health throughout the life
process by assessing and evaluating their health status, planning, and implementing a
strategy of care to accomplish defined goals, and evaluate responses to care and
treatment; and

c. Representing herself to be a nurse by holding herself out to the
public by any title or description incorporating the word “nurse,” “registered nurse,”
“graduate nurse,” or “professional nurse” or the abbreviation “R.N.” or any other
designation, titles, or abbreviations to indicate that she is practicing nursing in this state.

2. That Plaintiff be awarded its actual and reasonable attorney’s fees and costs
incurred in investigating, preparing and prosecuting this action.

DATED this 28th day of April, 2004.

STATE OF IDAHO

[Signature]
FIRST JUDICIAL DISTRICT JUDGE
KOOTENAI COUNTY
CLERK'S CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this ___ day of ___ , 2004, I caused to be served a true and correct copy of the foregoing Judgment and Permanent Injunction by the following method to:

Deborah Kay Sicurella
1606 E. Best Ave.
Coeur d'Alene, ID 83814

☐ U.S. Mail
☐ Hand Delivery
☐ Certified Mail, Return Receipt Requested
☐ Overnight Mail
☐ Facsimile: __________
☐ Statehouse Mail

Cheri L. Bush, DAG
Office of Attorney General
Civil Litigation Division
P. O. Box 83720
Boise, ID 83720-0010

☐ U.S. Mail
☐ Hand Delivery
☐ Certified Mail, Return Receipt Requested
☐ Overnight Mail
☐ Facsimile: __________
☐ Statehouse Mail

[Signature]
Deputy Clerk
STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

Statement of Attorney’s Fees and Costs

Matter: Board of Nursing/Deborah Sicurella

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RECAPITULATION

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IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

STATE OF IDAHO, IDAHO STATE
BOARD OF NURSING
Plaintiff,

vs.

DEBORAH SICURELLA
Defendant.

Case No. CV 03-9144

I, CHERI L. BUSH, being first duly sworn, depose and say:

1. I am the deputy attorney general responsible for prosecuting disciplinary matters for the Board of Nursing.

2. I received this assignment on December 9, 2003.
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of May, 2004, I caused to be served a true and correct copy of the foregoing by the following method to:

Deborah Kay Sicurella
1606 E. Best Avenue
Coeur d'Alene, ID 83814

☒ U.S. Mail
☐ Hand Delivery
☐ Certified Mail, Return Receipt Requested
☐ Overnight Mail
☐ Facsimile: ________________________
☐ Statehouse Mail

CHERI L. BUSH

AFFIDAVIT OF CHERI L. BUSH - 3
LAWRENCE WASDEN
ATTORNEY GENERAL

DAVID G. HIGH
Chief of Civil Litigation

CHERI L. BUSH (ISB No. 3202)
Deputy Attorneys General
Statehouse, Room 210
P.O. Box 83720
Boise, ID 83720-0010
Telephone: (208) 334-2400
Nursing\Sicurella\P33521ha
Attorneys for Plaintiff

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

STATE OF IDAHO, IDAHO STATE BOARD OF NURSING

Plaintiff,

vs.

DEBORAH SICURELLA

Defendant.

Case No.

AFFIDAVIT OF SANDRA EVANS

State of Idaho )
 ) ss.
County of Ada )

I, SANDRA EVANS, being first duly sworn, depose and say:

1. I am the Executive Director and the Custodian of Records for the Idaho State Board of Nursing. In that capacity, I have personal knowledge of and I am competent to testify to the matters stated herein.

AFFIDAVIT OF SANDRA EVANS- 1
2. Attached hereto are true and correct copies of (1) an "Order of Indefinite Suspension of License," (2) a cease and desist letter to Defendant, dated September 4, 2001, authored by Deputy Attorney General Kirsten L. Wallace, and (3) a falsified nursing license, License No. N-17197, in the name of Deborah K. Sicurella.

3. I have knowledge that Defendant has been practicing and holding herself out to be a licensed professional nurse.

This concludes my affidavit.

SANDRA EVANS, M.A.Ed., R.N.
Executive Director