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

CYNTHIA SOMMERDORF
PN-13538

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

In the Matter of the License of: )
) Case No. BON 07-003
CYNTHIA R. SOMMERDORF, ) FINDINGS OF FACT,
License No. PN-13538, ) CONCLUSIONS OF LAW AND
Respondent. ) FINAL ORDER

Having reviewed the documents appended hereto, the Idaho State Board of Nursing (the "Board") enters the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. Cynthia R. Sommerdorf ("Respondent") has been licensed by the Idaho State Board of Nursing under License No. PN-13538 to engage in the practice of nursing in the State of Idaho.

2. On or about January 3, 2007, the Board received a Report of Violation of the Nurse Practice Act from Respondent's employer, Marquis Care at Shaw Mountain in Boise, Idaho. The report indicated that:


   b. On January 2, 2007, Respondent reported for work at 0600 and appeared impaired. Respondent was informed that she would be required to have drug and alcohol testing and that she was suspended until Marquis Care received the results of the test.

   c. On January 3, 2007, Marquis Care received the results of Respondent's drug and alcohol testing which showed that Respondent's blood alcohol level was 1.06. The test was also positive for marijuana.

   d. On January 4, 2007, Respondent accepted a leave of absence from Marquis Care to complete a treatment program.
3. On February 13, 2007, Respondent voluntarily surrendered her license—admitting that her “UA and blood test came back positive for marijuana and over the legal limit for alcohol—and agreed to immediately enter treatment and participate in a monitoring program. A true and correct copy of Respondent’s Voluntary Surrender of License is attached hereto as Exhibit A.

4. On June 25, 2007, the Program for Recovering Nurses (the monitoring program to which Respondent was referred) notified the Board that Respondent had failed to participate in the program by, among other things, not calling into NCPS for more than a month and missing scheduled urinalysis tests. A true and correct copy of the June 25, 2007, letter from Program for Recovering Nurses (PRN) to the Board is attached hereto as Exhibit B.

5. Also on June 25, 2007, Respondent sent a letter to the PRN advising that she “will no longer be requiring [the PRN’s] services.” A true and correct copy of Respondent’s June 25, 2007, letter is attached hereto as Exhibit C.

CONCLUSIONS OF LAW

1. As a licensed nurse in the State of Idaho, Respondent is subject to the jurisdiction of the Board and to the provisions of title 54, chapter 14, Idaho Code.

2. Respondent’s Idaho License No. PN-13538 is conditioned upon her complying with the laws and rules of the Idaho State Board of Nursing.


4. Respondent reported for work while impaired.

5. Respondent voluntarily surrendered her license and agreed to immediately enter treatment and participate in a monitoring program. She has failed to do so and has withdrawn from the PRN.

6. Respondent’s acts as set forth above constitute violations of the laws and rules governing the practice of nursing in the State of Idaho; specifically:

   a. Idaho Code § 54-1413(1)(d) and Board Rule 100.05 (gross negligence or recklessness in performing nursing functions);
b. Idaho Code § 54-1413(1)(e) and Board Rule 100.06 (a nurse shall not habitually use narcotic, hypnotic or hallucinogenic drugs);

c. Idaho Code § 54-1413(1)(g) and Board Rule 100.08 (a nurse shall not violate the Board's laws, rules or standards of conduct and practice);

d. Board Rule 101.03.e (a nurse shall not practice nursing while the ability to practice is impaired by alcohol or drugs);

e. Board Rule 101.04.d (a nurse shall act to safeguard the patient from the incompetent practice of any person); and

f. Board Rule 101.05.c (a nurse shall be responsible and accountable for her nursing judgments, actions and competence).

7. Pursuant to Idaho Code § 54-1413(3)(a), Respondent's voluntary surrender of her license empowers the Board, without a hearing, to revoke or suspend Respondent's license and/or impose such conditions, limitations, or restrictions on her license as the Board in its discretion may deem appropriate.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and good cause being shown, it is hereby ordered that:

1. License No. PN-13538 issued to Cynthia R. Sommerdorf is hereby:

   X Revoked: Respondent may not apply for reinstatement for a two (2) year period after entry of this Order or a _____ year period after entry of this Order, whichever period is greater.

   ____ Suspended: _____ days _____ year(s) ____ indefinitely. Respondent’s license shall be a single-state license during the term of suspension and Respondent shall not be eligible to practice in any other state participating in the Nurse Licensure Compact with the State of Idaho.

2. At such time as Respondent requests reinstatement of licensure, she shall comply with the requirements of Idaho Code § 54-1411(3) and IDAPA 23.01.01.120. This will include, but is not limited to, providing the following information to the Board:
a. Evidence of abstinence from the use of non-medically prescribed drugs and alcohol;
b. Documentation that she is rehabilitated and competent to practice nursing by submitting:
   i. A comprehensive drug/alcohol evaluation completed by a qualified health care provider at the time of application for reinstatement.
   ii. A detailed summary of employment since licensure revocation or suspension; and
   iii. Documentation of activities engaged in to address drug/alcohol issues, to include documentation of an active recovery program.

3. The Board reserves the right to assess investigative costs and attorney fees incurred in this matter as a condition of reinstatement.

   This order is effective immediately.
   
   DATED this _____ day of _____, 2007.

   IDAHO STATE BOARD OF NURSING

   By ____________________________
   Susan Odom, Ph.D., R.N.
   Chair

   NOTICE OF DUE PROCESS RIGHTS

   This is a final order of the Board. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Board will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Idaho Code § 67-5246(4).

   Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order or orders previously issued in this case may appeal this final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:
a. A hearing was held,
b. The final agency action was taken,
c. The party seeking review of the order resides, or
d. The real property or personal property that was the subject of the agency action is located.

An appeal must be filed within twenty-eight (28) days (a) of the service date of this final order, (b) of an order denying petition for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See Idaho Code § 67-5273. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of July, 2007, I caused to be served a true and correct copy of the foregoing by the following method to:

Cynthia R. Sommerdorf
2416 W. Idaho Street
Boise, ID 83702

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

Karl T. Klein
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

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

[Signature]
Sandra Evans, M.A.Ed., R.N.
Executive Director
Board of Nursing

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER - 5
RULE 132.04.
VOLUNTARY SURRENDER OF LICENSE

I, Cynthia Sommerdorf, by affixing my signature hereto, acknowledge that

1. I admit that I have engaged in the following conduct: Urine and Blood Test came back positive for marijuana & over the legal limit for alcohol.

2. I understand that the admitted facts constitute grounds for disciplinary action pursuant to the Nursing Practice Act, Idaho Code §54-1413(1) and the rules of the Board, IDAPA 23.01.01, et seq. I also understand that the Board of Nursing has the authority to accept this voluntary surrender pursuant to Idaho Code §54-1413(2)(a).

3. I am aware that, without my consent, no legal action can be taken against me, except pursuant to the Idaho Administrative Procedures Act, Chapter 52, Title 67, Idaho Code.

4. I understand that I have the following rights, among others: the right to a formal fact finding hearing before the Board, to reasonable notice of said hearing, to representation by counsel, to present evidence and testimony on my behalf, to compel the testimony of witnesses, and to cross-examine witnesses against me; and

5. I waive all such rights, including the right to a formal disciplinary hearing.

6. I also waive the right to challenge the board for bias in the event that charges concern these admitted facts or any other matter involving my license are brought before the board.

7. In lieu of a formal disciplinary hearing, I hereby voluntarily surrender license number PN-13538 and will immediately discontinue the practice of nursing in Idaho.

8. As required by Board of Nursing Rule 132, IDAPA 23.01.01.132.04, I agree to treatment immediately, to participate in a monitoring program and to resume the practice of nursing only at such time as a conditional limited license has been issued to me.

9. I understand that Board of Nursing representatives will, if questioned, report the status of my license as "surrendered."

DATED: 2/13/07

2006-2008

State of Idaho
Board of Nursing

This is to certify that:

CYNTHIA R SOMMERDORF
3308 SYCAMORE DR
BOISE, ID 83703

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

Signature of Licensee
2416 W. Idaho St
Boise, ID 83702
City, State, Zip

Signature of Witness

Exhibit A
Page 1 of 1
June 25, 2007

Idaho State Board of Nursing
ATTN: Sandra Evans
P.O. Box 83720
Boise, ID 83720-0061

RE: Cynthia Sommerdorf

Dear Ms. Evans,

This letter is being sent to notify you that Ms. Cynthia Sommerdorf, a Board of Nursing referral, is currently not in compliance with her Program for Recovering Nurses (PRN) contract. Ms. Sommerdorf has not called into NCPS since May 17, 2007 and has missed scheduled urinalysis tests on May 18, 2007 as well as June 11, 2007. I also have no evidence that Ms. Sommerdorf has attended any 12-step meetings since May 11, 2007. Several attempts have been made to reach Ms. Sommerdorf many to no avail. When last contacted, Ms. Sommerdorf stated she “will no longer require our services”.

Ms. Sommerdorf’s current contract with PRN was signed on March 12, 2007. Ms. Sommerdorf’s contract requirements include, but are not limited to, the following: 1) attend Relapse Prevention w/ Sarah Donesley or approved replacement, 2) attend After Care with Steve Tubbs or approved replacement, 3) attend ninety 12-step meetings in ninety days then rate to be determined, 4) meet weekly, face-to-face, with sponsor to work the steps, and 5) random urinalysis/drug testing.

Ms. Sommerdorf currently owes PRN $0.00 and NCPS $17.00.

We look forward to receiving further guidance from the Board of Nursing regarding this issue. If you have any questions or concerns, please feel free to contact either me at (208) 323-9555.

Sincerely,

Ashley Stewart
Compliance Monitor
Southworth Associates

cc: Cynthia Sommerdorf

The Program for Recovering Nurses: Protecting the public safety, health and welfare by assisting nurses in their recovery and return to safe practice.
June 25, 2007

Dear Southworth Associates,

I will no longer be requiring your services. I would like to thank you, among other agencies, for inspiring me to leave the nursing industry all together.

Best Regards,
Cynthia Sommerdorf
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Postage</td>
<td>0</td>
</tr>
<tr>
<td>Certified Fee</td>
<td></td>
</tr>
<tr>
<td>Return Receipt Fee (Endorsement Required)</td>
<td></td>
</tr>
<tr>
<td>Restricted Delivery Fee (Endorsement Required)</td>
<td></td>
</tr>
<tr>
<td>Total Postage &amp; Fees</td>
<td>$</td>
</tr>
</tbody>
</table>

Sent To:

CYNTHIA SOMMERDORF  
2416 W IDAHO STREET  
BOISE ID 83702