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

TAMMY SPEARS
PN-7317
Dear Ms. Spears:

Following their review of written materials during their meeting of April 29-30, 2010, the members of the Board of Nursing took action to issue you a limited license, with conditions for five (5) years, upon receipt of the $100.00 fee required under IDAPA 23.01.01.901.04a. The conditions of limited licensure are indicated on the attached Order On Petition for Reinstatement of License. Report forms will be included with the limited license. To register for the urine drug screens, go to www.firstlab.com (see enclosed instructions).

Motivation to assume responsibility for the submission of reports is an important aspect of recovery. Therefore, no reminders will be sent by the Board of Nursing in advance of when reports are due. You are expected to submit reports in a timely manner. Reports may be faxed (208) 334-3262 to aid in their timely submission. All reports must be submitted no later than the 30th of the month in which they are due. Please note that should the limited license not be obtained within twelve (12) months of the issuance of the Order, the previously imposed discipline will remain in effect and you will need to submit a new reinstatement application and supporting documents.

The limited license may be summarily suspended and shall be surrendered upon demand without prior notice or hearing, in the event the Board of Nursing or its staff receives information or evidence that any of the conditions of the limited license or the rules of the Board have been violated.

Please contact me if you have any questions concerning the limited license or the conditions.

Sincerely,

SANDRA EVANS, MAEd, RN
Executive Director

SE: lhce

enclosure

The Mission of the Board of Nursing is to regulate nursing practice and education for the purpose of safeguarding the public health, safety and welfare.
BEFORE THE BOARD OF NURSING

STATE OF IDAHO

In the Matter of the Application of: )
) CASE NO. 03-054
TAMMY L. SPEARS )
License No. PN-7317, ) ORDER ON PETITION FOR
) REINSTATEMENT OF LICENSE
RESPONDENT. )

On April 7, 2010, Respondent Tammy L. Spears (Respondent) applied for reinstatement of her nursing licensure. Her application for reinstatement was presented to the members of the Idaho Board of Nursing (Board) on April 30-May 1, 2010. Following its review of the application, the matters on file with the Board, and the information submitted in support of the application, and good cause appearing therefore, the Board enters the following Order on Petition for Reinstatement.

FINDINGS OF FACT

1. Respondent became licensed as a practical nurse on December 1, 1981. She was issued license number PN-7317.

2. On July 25, 2003, Respondent was convicted of one count of Grand Theft for diverting medications from her employer. Respondent received four (4) years of probation. A copy of the Judgment and Sentence on Case #CR-F 03-36205 is attached hereto as Exhibit A.

3. On November 13, 2003, Respondent represented herself at a hearing before the Board.

4. On December 2, 2003, the Board issued Findings of Fact and Conclusions of Law and an Order of Revocation. A copy of the Findings of Fact, Conclusions of Law and Final Order is attached hereto as Exhibit B.

5. On January 28, 2004, the Board received Respondent’s written request for reconsideration, seeking a reversal or modification of the Board’s Order of December 2, 2003. A hearing on the request was conducted during the Board’s meeting of January 29, 2004; Respondent appeared by telephone.

6. On February 26, 2004, the Board issued an Order denying the Respondent’s petition for reconsideration. A copy of the Order on Petition for Reconsideration is attached hereto as Exhibit C.
7. On July 14, 2009, Respondent submitted an application for reinstatement, but withdrew the application after speaking with Board professional staff.

8. Respondent again applied for reinstatement of her practical nurse license on April 7, 2010.

9. By letter received April 7, 2010, Respondent submitted an updated personal statement indicating that she is currently employed as a bartender; that she had attended eight (8) weeks of drug rehabilitation as ordered by her probation officer, and attended six (6) weeks of self improvement classes.

10. An Order of Dismissal, dated November 25, 2009, verified that judgment was vacated and criminal Case Number CR-F 03-36205 was dismissed.

11. During a regularly scheduled Board meeting on April 29-30, 2010, Respondent’s request for reinstatement of licensure was conditionally granted and a limited license for three (3) years was authorized.

CONCLUSIONS OF LAW

1. The facts as stated above fall within the regulatory jurisdiction of the Board as set forth in title 54, chapter 14, Idaho Code.

2. The Board has the power to refuse to reinstate a license, and may place on probation, reprimand, limit, restrict, condition or take other disciplinary action against the licensee upon the determination that the licensee engaged in conduct constituting grounds for discipline. Idaho Code Section 54-1413.

3. In considering applications for reinstatement, the Board evaluates the nature and severity of the act that resulted in revocation; the applicant’s subsequent conduct; the lapse of time since discipline; the degree of compliance with any terms and conditions that the Board imposed; intervening circumstances; degree of rehabilitation; applicant’s adherence to law and rule; and applicant’s criminal background. IDAPA 23.01.01.120.03.

4. The Board may issue a limited license to a qualified applicant who has been the subject of a disciplinary action. IDAPA 23.01.01.132.01.a.

5. Respondent’s license was the subject of disciplinary action, based on conduct constituting legal grounds for imposition of discipline, as set forth in the attached Order of Revocation of License (Exhibit B).

6. Respondent has completed her court-ordered probation and received a Dismissal of Charges and has complied with all terms and conditions imposed by the Board.
7. Respondent’s demonstration of meeting the Board’s requirements qualifies her for reinstatement of licensure; however, Respondent’s previous history of discipline by the Board warrants the imposition of reasonable limits or conditions on her license to practice.

ORDER

NOW, THEREFORE, it is hereby ordered that Respondent’s petition for reinstatement is GRANTED, but only upon the following limitations and terms:

1. Respondent will be issued a conditional temporary license for three months and restricted solely to Idaho, following receipt of the required fee of $100.00, (IDAPA 23.01.01.901.04a).

2. While operating on the conditional license, Respondent shall complete a minimum of 80 hours of supervised practice in accordance with the Board’s Out-of-Practice Policy with the following conditions:
   a. Work under registered nurse supervision and have no charge nurse responsibilities; and
   b. After a minimum of 80 hours of supervised practice, request a registered nurse supervisor to submit a written performance evaluation regarding Respondent’s basic nursing skills as addressed in Nursing Practice Rules.

3. Upon notification of satisfactory completion of the requirements for an Out-of-Practice Policy, Respondent will be issued a LIMITED LICENSE, for a period of three (3) years, valid only in Idaho, subject to Respondent’s strict adherence to and compliance with each of the following conditions and limitations:
   a. Notify the Board of any change in current address and telephone number within ten (10) days of that change.
   b. Notify the Board of the name(s) and address(es) of any employer(s), at the time that employment in any field is accepted.
   c. Performance Evaluations: Assure that employer(s) submits reports of performance evaluations at monthly intervals for twelve (12) months, then at quarterly intervals directly to the Board.
   d. Urine Drug Screens: Obtain and pay for random urine drug screens on Board request.
   e. Meetings with Professional Staff: Meet with Professional Board staff when requested.
   f. Self-Evaluation Reports: Submit self-evaluations at monthly intervals for twelve (12) months, then at quarterly intervals.
   g. Comply with all laws, rules, standards, policies and procedures pertaining to the practice of nursing.
   h. Abstain from the use of alcohol or any controlled substance or other drugs that are not medically prescribed, in which case, the respondent will...
furnish a copy of the prescription to the Board and the Board’s Testing Lab.
i. May not accept employment in another state without written authorization from the Idaho Board of Nursing and the Board of Nursing in the employment state, including any state party to the Nurse Licensure Compact.

4. Additional Conditions:
a. Should the limited license not be obtained within twelve (12) months of the issuance of this Order, the previously imposed discipline will remain in effect and Respondent must submit a new reinstatement application and supporting documents.
b. Length of Monitoring. The conditions of this limited license will remain in effect until there are three (3) years of documented continuous monitoring.

5. REPORTING REQUIREMENTS. All reports must be submitted to the Board of Nursing office by the 30th day of each month in which they are due. Further assure that any required reports to be submitted by others are submitted by the 30th of each month in which they are due.

IT IS FURTHER ORDERED, that any failure to strictly adhere to the foregoing conditions, including the submission of reports in a timely manner shall constitute grounds for the imposition of disciplinary action.

NOTICE OF APPEAL RIGHTS

This is a Final Order of the agency. Any party may file a motion for reconsideration of this Final Order within fourteen (14) days of the date of this Order. The agency 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).

As set forth in section 54-1413, Idaho Code, and Board of Nursing Rule, IDAPA 23.01.01.165.01, you may petition for reconsideration of any final order of the Board upon the following grounds:

a. Newly discovered or newly available evidence relevant to the issues;
b. Error in the processing or Board decision that would be grounds for reversal or judicial review of the order;
c. Need for further consideration of the issues and the evidence in the public interest; or
d. A showing that issues not considered ought to be examined in order to properly dispose of the matter.

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

ORDER ON PETITION FOR REINSTATEMENT- 4
issued orders in this case to district court by filing a petition in the district court of the county in which:

i. a hearing was held,
ii. the final agency action was taken,
iii. the party seeking review of the order resides or operates its principal place of business in Idaho, or
iv. 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 execution date of this Final Order, (b) of an order denying Motion for Reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a Motion 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.

DATED this 21st ___________ day of __May___, 2010.

IDAHO STATE BOARD OF NURSING

By: ____________________________

Susan Odom, PhD, RN
Chairman
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of May, 2010, I caused to be served a true and correct copy of the foregoing ORDER ON PETITION FOR REINSTATEMENT OF LICENSE, addressed as follows:

Roger Gabel
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

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

Tammy L. Spears
PO Box 149
Osburn, ID 83849

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

Dated this 24th day of May, 2010.

[Signature]

Linda H. Coley
Management Assistant
Idaho Board of Nursing

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