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

DELORES SUMMERFIELD-COOPER
PN-10173

Idaho Board of Nursing – PO Box 83720 – Boise, Idaho 83720-0061 – (208) 334-3110
Delores Summerfield-Cooper  
956 S. Curtis Road  
Boise, ID  83705  

Dear Ms. Summerfield-Cooper:

During their meeting on November 4-5, 2010, the Board of Nursing members took action to approve the Stipulation and Consent Order. Enclosed is a copy of the Consent Order.

Your license has been SUSPENDED for two (2) years, the Suspension has been STAYED and you are placed on PROBATION for a minimum period of two (2) years or until you have satisfied the twenty-four month supervised practice requirement. The conditions of probation are indicated in section C.a. through C.f. Following conclusion of the probationary period, you must request that the conditions be lifted and reinstatement be granted.

The Order became effective November 5, 2010 and you may not practice nursing in any other state participating in the Nurse Licensure Compact.

Sincerely,

SANDRA EVANS, MAEd, RN  
Executive Director

SE:lh
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 IDAHO STATE BOARD OF NURSING

In the Matter of the License of: )
DELORES M. SUMMERFIELD-COOPER, ) Case Nos. BON 08-045
License No. PN-10173, ) BON 09-047
Respondent. )

STIPULATION AND CONSENT ORDER

WHEREAS, information has been received by the Idaho State Board of Nursing (the "Board") that constitutes sufficient grounds for the initiation of an administrative action against Delores M. Summerfield-Cooper ("Respondent"); and

WHEREAS, the parties wish to expeditiously settle the matter in lieu of proceeding to an administrative hearing before the Board; now, therefore,

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms:

A. JURISDICTION OF THE BOARD

A.1. The Board regulates the practice of nursing in the State of Idaho in accordance with title 54, chapter 14, Idaho Code.

A.2. The Board has issued License No. PN-10173 to Respondent. Respondent's license is subject to the provisions of title 54, chapter 14, Idaho Code and the Board's rules at IDAPA 23.01.01, et seq.

B. Stipulated Facts and Law

COUNT I

B.1. On or about May 30, 2008, the Board received a Notice of Violation from Respondent’s former employer, Saint Alphonsus Physician Services, Inc., Meridian Health Clinic ("Saint Alphonsus"), alleging Respondent had removed the following sample medications for her own use and for her daughter’s use:

a. On June 15, 2007, Respondent removed Cipro 500 mg and listed herself as the patient;

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b. On March 30, 2008, Respondent removed Effexor XR 75 (starter pack) and listed her daughter as the patient;

c. On March 30, 2008, Respondent removed Effexor XR 75 (starter pack) and listed herself as the patient; and

d. On April 27, 2008, Respondent removed Effexor XR 75 (starter pack) and listed her daughter as the patient.

B.2. Pursuant to Saint Alphonsus' policy, all medication samples provided to staff must be documented in the same manner as a non-staff member patient. Staff is not to remove medication samples for his/her own use and a provider must provide a written prescription to clinic staff to be filed.

B.3. Respondent violated Saint Alphonsus' policy by removing medication samples for her own use and by not obtaining a written prescription by a provider. Respondent's employment at Saint Alphonsus ended as a result of this incident.

B.4. Respondent explained to the Board investigator that it was common for staff to remove medication samples for their own use without a provider prescription. She also explained that her daughter had a prescription for Effexor XR by a provider at the Middleton Medical Clinic.

B.5. The allegations of Paragraphs B.1 through B.4, if proven, would violate the laws and rules governing the practice of nursing and would be grounds for discipline, specifically:

a. 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);

b. Board Rule 101.04.e (a 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);

c. Board Rule 101.05.c (a nurse shall be responsible and accountable for his nursing judgments, actions and competence); and
d. Board Rule 101.05.f (a nurse shall respect the property of the patient and employer and shall not take or divert equipment, materials, property, or drugs without prior consent or authorization).

COUNT II


B.7. Pursuant to St. Luke’s policy, only individuals authorized by his/her scope of practice may make entries into medical records. In addition, only authorized recipients on a need-to-know basis can use medical records within the hospital.

B.8. Respondent, as an LPN, did not meet the scope of practice standard and used the medical records in an unauthorized manner.

B.9. On July 29, 2010, Respondent admitted to the Board’s investigator that she entered the medical record database and made additions to her own medical record. She explained that while looking at her medical record, she noticed that notes had not been entered from an appointment she had approximately two (2) weeks prior after an automobile accident. Respondent admitted that this was poor judgment, but at the time she was going through a divorce and bankruptcy.

B.10. Respondent was terminated from her employment at St. Luke’s.

B.11. The allegations of Paragraphs B.6 through B.10, if proven, would violate the laws and rules governing the practice of nursing and would be grounds for discipline, specifically:

a. Idaho Code § 54-1413(1)(g) and Board Rule (IDAPA 23.01.01) 100.08 (a nurse shall not violate the Board’s laws, rules or standards of conduct and practice);
b. Board Rule 101.05.c (a nurse shall be responsible and accountable for his nursing judgments, actions and competence); and

c. Board Rule 101.05.e (a 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).

B.12. Respondent, in lieu of proceeding with a formal disciplinary action, hereby agrees that the Board may enter a final order against her license as set forth in Section C below.

C. Stipulated Discipline

C.1. License No. PN-10173 issued to Respondent is SUSPENDED for two (2) years. Such suspension shall be STAYED and Respondent shall be placed upon probation for minimum period of two (2) years or until Respondent has satisfied the twenty-four (24) month supervised practice requirement below. Respondent's probationary term will begin immediately upon the entry of the Board's Order. Conditions of probation shall include the following requirements:

a. Supervised Practice: Respondent shall be supervised by an experienced licensed professional nurse for a period of not less than twenty-four (24) months in a practice setting approved by Board Staff. Respondent shall provide to Board Staff the name, work address, and work phone number of the supervisor responsible for such supervision before Respondent accepts the position. Any period of time Respondent is not working as a nurse will not apply to satisfy this twenty-four month supervised practice requirement or excuse compliance with the terms of this Stipulation.

i. Respondent's supervisor shall submit monthly performance evaluations for the first twelve (12) months. If Respondent's performance is satisfactory during this time, then the supervisor need only submit quarterly evaluations for the remaining twelve (12) months of supervised practice. If Respondent's performance has
not been satisfactory during the first twelve (12) months, then the supervisor must continue to submit monthly evaluations for the remaining twelve (12) months of supervised practice.

ii. The supervisor's evaluations must address and provide feedback on Respondent's ability to problem solve, apply critical thinking skills and follow the agency's policies and procedures. A copy of the type of form to be used is attached as Exhibit A.

iii. Respondent shall not work more than 40-45 hours per week. Respondent may not work as a charge nurse or supervisor.

iv. If Respondent plans to change employment, those changes must be pre-approved by Board Staff before Respondent accepts the new assignment.

b. **Self Evaluations:** Regardless of whether Respondent is employed, Respondent must prepare and submit written self-evaluations to Board Staff. Such evaluations must be satisfactory to the Board and whether any particular evaluation is satisfactory is a determination made by Board Staff in its sole discretion. Respondent shall submit self-evaluations as follows:

i. For the first twelve (12) months following the date of entry of the Board's Order, Respondent shall submit monthly, written self-evaluations. If Board Staff determines that Respondent's self-evaluations are satisfactory after the first twelve (12) months, then Respondent need only submit quarterly self-evaluations for the remaining twelve (12) months. If Board Staff determines that Respondent's self-evaluations are not satisfactory after the first twelve (12) months, then Respondent must continue to submit monthly self-evaluations for the remaining twelve (12) months.

ii. All self-evaluations must address interventions utilized by Respondent to follow all policies and procedures of the agency she is working for and any other related issues identified by the Board or Board Staff. A copy of the type of form to be used is attached as Exhibit B.
c. **Complete Courses:** Within six (6) months of the date of entry of the Board’s Order, Respondent shall complete the following National Council of State Boards of Nursing (“NCSBN”) online education courses: "Sharpening Critical Thinking Skills," "Professional Accountability & Legal Liability for Nurses," and "Idaho Nurse Practice Act." Respondent shall submit proof of successful completion of each course to the Board within thirty (30) days of completing the course. The certificate issued by NCSBN shall constitute proof of completion of the courses.

d. **Paper:** Within ten (10) months of the date of entry of the Board’s Order, Respondent shall write and submit a six (6) page paper, typed and double spaced, scholarly paper to Board Staff. The paper shall follow the American Psychological Association (APA) format and, at a minimum, utilize the Idaho Nurse Practice Act and Rules that govern nursing practice in Idaho as references. The format of the paper is more fully described in Exhibit C. The focus of the paper must define the reasons and the importance of following agency policy and procedures and the risk of not using and participating in the chain of command. In addition, the paper must also address the following topics:

i. How will Respondent apply the concept of professional accountability when deciding whether to ask her supervisor/manager about issues that arise outside the boundaries as defined in the agency’s policies or procedures?

ii. What factors can positively and negatively impact Respondent’s critical thinking ability to anticipate and analyze potentially harmful effects of her decisions on her patients, the agency and her professional career?

iii. Identify how Respondent plans to self-regulate her nursing practice by critiquing her judgment and decision making during these two incidents and the consequences to her employment and nursing license.

e. **Single-State License:** During the term of Respondent’s probation, Respondent’s license shall be a single-state license and Respondent shall not be eligible
to practice on the Compact privilege in any other state participating in the Nurse Licensure Compact with the State of Idaho

f. Respondent shall comply with all the laws and rules of the Board of Nursing.

C.2. At the conclusion of the probationary period, Respondent may request that the conditions of probation be lifted and seek reinstatement of her license. At such time as Respondent requests reinstatement of licensure, she shall comply with the requirements set forth in applicable statutes and rules including Idaho Code § 54-1411(3). Respondent shall further comply with the provisions of IDAPA 23.01.01, Sections 61.04 and 120, as applicable.

C.3. All costs associated with compliance with the terms of this Stipulation are the sole responsibility of Respondent.

C.4. If Respondent fails to comply with any of the terms and conditions set forth in this Stipulation and Consent Order, the Board may order that the stayed suspension of Respondent’s nursing license in Paragraph C.1. be put into effect immediately. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this Stipulation and Consent Order. Any action taken by the Board to enforce compliance with this Stipulation and Consent Order shall be in accordance with Section E. The Board may also require Respondent to pay any additional costs incurred by the Board to enforce this Stipulation and Consent Order.

D. Presentation of Stipulation to Board

D.1. The Board’s prosecutor shall present this Stipulation to the Board with a recommendation for approval.

D.2. The Board may accept, modify with Respondent’s approval, or reject this Stipulation. If the Board rejects the Stipulation, an administrative Complaint may be filed with the Board. Respondent waives any right Respondent may have to challenge the Board’s impartiality to hear the allegations in the administrative Complaint based on the
fact that the Board has considered and rejected this Stipulation. Respondent does not waive any other rights regarding challenges to Board members.

D.3. If the Board rejects this Stipulation then, except for Respondent's waiver set forth in Paragraph D.2., this Stipulation shall be regarded as null and void, and admissions in this Stipulation and negotiations preceding the signing of this Stipulation will not be admissible at any subsequent disciplinary hearing.

D.4. Except for Paragraph D.2. which becomes effective when Respondent signs this Stipulation, this Stipulation shall not become effective until it has been approved by a majority of the Board and a Board member signs the attached Order.

E. Violation of Stipulation and Consent Order

The Board has authority to enforce compliance with the terms and conditions of this Stipulation and Consent Order. By signing this Stipulation and Consent Order, Respondent waives her ability to challenge the Board's authority to enforce compliance on appeal to a district court. If there is reason to believe Respondent has violated any of the terms or conditions of this Stipulation and Consent Order, the Executive Director of the Idaho Board of Nursing shall file a Motion to Enforce setting forth the allegations of non-compliance. The Motion to Enforce will include notice to Respondent, and her attorney, if applicable, of the allegations of non-compliance, the suspension of her license and Respondent's opportunity to request a hearing regarding the allegations of non-compliance. If Respondent fails to request a hearing pursuant to the Motion to Enforce, any allegations of non-compliance will be deemed admitted.

If Respondent is found to have violated the terms and conditions of this Stipulation and Consent Order, Respondent's license shall be suspended pursuant to Paragraph C.1. Any additional costs incurred by the Board in such enforcement action shall be the responsibility of Respondent.

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If Respondent is found to have not violated the terms and conditions of this Stipulation and Consent Order, Respondent’s license shall be reinstated to the status of the license at the time the Motion to Enforce was filed.

F. Waiver of Procedural Rights

I, Delores M. Summerfield-Cooper, by affixing my signature hereto, acknowledge that:

F.1. I have read, understand and admit the allegations pending before the Board as stated in Section B, above, and I agree that the Board has jurisdiction to proceed in this matter.

F.2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to testify myself; the right to reconsideration of the Board’s orders; the right to judicial review of the Board’s orders; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of nursing in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this Stipulation as a resolution of the pending allegations.

F.3. I understand that in signing this Stipulation I am enabling the Board to impose disciplinary action upon my license without further process.

F.4. I understand that this Stipulation and Consent Order is the resolution of a contested case and is a public record.

F.5. I understand that this Stipulation contains the entire agreement between the parties, and I agree that I am not relying on any other agreement or representation of any kind, verbal or otherwise.

I have read the above Stipulation fully and have had the opportunity to discuss it with legal counsel. I understand that by its terms I am waiving certain rights accorded me under Idaho law. I understand that the Board may either approve this Stipulation as proposed, approve it subject to specified changes, or reject it. I understand that, if approved as proposed,
the Board will issue an Order on this Stipulation according to the
aforementioned terms, and I hereby agree to the above Stipulation for
settlement. I understand that if the Board approves this Stipulation subject
to changes, and the changes are acceptable to me, the Stipulation will take
effect and an order modifying the terms of the Stipulation will be issued. If
the changes are unacceptable to me or the Board rejects this Stipulation, it
will be of no effect.

DATED this 21st day of __________, 2010.

[Signature]
Delores M. Summerfield-Cooper
Respondent

I recommend that the Board enter an Order based upon this Stipulation.

DATED this 21st day of __________, 2010.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

[Signature]
Karin Magnelli
Deputy Attorney General

ORDER

Pursuant to Idaho Code §§ 54-1404 and 54-1413, the foregoing is adopted as the
decision of the Board of Nursing in this matter and shall be effective on the 5th day of
November, 2010. IT IS SO ORDERED.

IDAHO STATE BOARD OF NURSING

[Signature]
Susan Odom, Ph.D., R.N.
Chair
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of November, 2010, I caused to be served a true and correct copy of the foregoing by the following method to:

Delores M. Summerfield-Cooper
956 S. Curtis Road
Boise, ID 83705

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

Karin Magnelli
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

Linda Coley
Management Assistant
Idaho Board of Nursing

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