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

TERI TURNER
PN-11039
BEFORE THE BOARD OF NURSING

STATE OF IDAHO

In the Matter of: )   Case No. 00-046
)   )
Terri Lee Turner, )   FINDINGS OF FACT,
License No. PN-11039, )   CONCLUSIONS OF LAW,
)   AND FINAL ORDER
Respondent. )

Having reviewed the documents and correspondence contained in the
administrative file in this matter, the Idaho Board of Nursing (hereinafter the “Board”)
hereby enters the following Findings of Fact, Conclusions of Law, and Final Order:

FINDINGS OF FACT

1. Respondent Terri Lee Turner (“Respondent”) is a duly licensed nurse in the
State of Idaho holding License No. PN-11039.

2. On or about August 8, 2000, the Board received a complaint from Idaho
Home Health & Hospice, Twin Falls, that Respondent had tested positive on a urinalysis
test for marijuana. A true and correct copy of the complaint sent to the Board by Idaho
Home Health & Hospice is attached hereto as Exhibit 1.

3. On or about August 8, 2000, Respondent voluntarily surrendered her
license. A true and correct copy of the voluntary surrender form signed by Respondent is
attached hereto as Exhibit 2.

4. Respondent knowingly and freely waived her right to a hearing, and waived
all rights granted to Respondent pursuant to the Administrative Procedures Act, chapter
52, title 67, Idaho Code.
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, and the rules promulgated by the Board thereunder.

2. The allegations in the complaint, if proven, would constitute violations of the Nursing Practice Act and Rules and constitute grounds for revocation or suspension of Respondent’s license to practice nursing pursuant to Idaho Code § 54-1413(1)(d), (1)(e), (1)(g), and IDAPA 23.01.01100.05, 100.06, 100.08.i.

3. Respondent’s voluntary surrender of licensure authorizes the Board to revoke or suspend Respondent’s license without further process pursuant to Idaho Code § 54-1413(2).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, based upon the foregoing Findings of Fact and Conclusions of Law, and good cause being shown, that Nursing License No. PN-11039 issued to Respondent Terri Lee Turner is

✓ Revoked

___ Suspended ____ days/year(s) ____ indefinitely

based upon voluntary surrender, and is subject to subsequent review pursuant to Idaho Code § 54-1413(3).

It is further ordered that, should Respondent request reinstatement of licensure in the future, that she present the following information to the Board with her application for reinstatement:

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 drug/alcohol evaluator at the time of application for reinstatement;

b. A detailed summary of employment since licensure revocation or suspension;

c. Documentation of activities engaged in to address drug/alcohol issues, to include documentation of an active recovery program; and

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

This order is effective immediately.

DATED this 17th day of August, 2000.

IDAHO BOARD OF NURSING

By Charles Moseley, CRNA
Chair

NOTICE OF DUE PROCESS RIGHTS

NOTE: THIS NOTICE IS PROVIDED SOLEY FOR COMPLIANCE WITH IDAHO CODE § 67-5248, AND IS NOT INTENDED TO REINSTATE ANY RIGHTS PREVIOUSLY WAIVED BY RESPONDENT.

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 Board 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 Board 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.

If respondent's license was revoked, then pursuant to Board Rule 121, Respondent may apply to the Board for reinstatement one (1) year after the execution of this Order. At the time of application, the Board may conduct further evidentiary hearings to determine whether to grant a license, extend a limited license, or deny application for reinstatement.

If respondent's license was suspended, then pursuant to Board Rule 120, Respondent may apply to the Board within a reasonable time after the execution of this Order, or as specified by the term of suspension. At the time of application, the Board may conduct further evidentiary hearings to determine whether to grant a license, extend a limited license, or deny application for reinstatement.
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of AUGUST, 2000, I caused to be served a true and correct copy of the foregoing by placing a copy thereof in the United States Mail, postage prepaid, certified mail, return receipt requested, and regular mail, postage prepaid, addressed to:

Terri Lee Turner
174 Filer Avenue West
Twin Falls, ID 83301

__________________________
Sandra Evans, MAEd, RN
Executive Director
August 4, 2000

State Board of Nursing
P.O. Box 83720
Boise, ID 83720-0061

Dear Board:

Re: Terri Turner
PN-11039

Enclosed is the LPN license of Ms. Terri Turner. Ms. Turner has voluntarily surrendered her license following drug screening that tested positive for marijuana.

During an employee interview session yesterday that was attended by Ms. Turner, her immediate supervisor Jeannie Benson RN, our HR director, Tina Myers and myself, Ms. Turner refused all services that our company was willing to offer. She openly admitted to daily use of marijuana and expressed no desire to quit. She also stated that she would under no circumstances engage in a random drug-screening program.

During the interview, we engaged in a speakerphone discussion with Sandra Evans at the State Board of Nursing and listened as Ms. Evans shared the assistance that the State Board of Nursing could provide to Ms. Turner. Ms. Turner refused participation.

The results of the urine screen, processed at Magic Valley Regional Medical Center, are in our files. While I believe we are protected under the law to release the information to the Board, I need confirmation either from our law firm or from the Deputy Attorney General assigned to the Board to assure that we are not liable for releasing this information without employee consent.

Respectfully,

[Signature]
Gary L. Thietten RN BSN
President

cc: HR File

EXHIBIT NO: 1
VOLUNTARY SURRENDER OF LICENSE
IN LIEU OF FORMAL DISCIPLINARY HEARING

1. [Name], hereby voluntarily surrender my license to practice nursing in the State of Idaho and will immediately discontinue the practice of nursing in this state. By affixing my signature hereto, I acknowledge that:

2. I have been advised that, without my consent, no legal action can be taken against me except as allowed by the Idaho Administrative Procedures Act, Title 67, Chapter 52, Idaho Code.

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

4. I waive all such rights.

5. I also waive the right to contest this surrender and the right to challenge the board for bias in any subsequent proceedings concerning this matter or any other matters brought before the board.

6. In surrendering my license to practice nursing, I am not making any admissions; however, I agree that the allegations against me, if the same had been proven true in a disciplinary hearing, would constitute grounds for the imposition of a disciplinary action against me.

7. I understand that by surrendering my license to practice nursing I am also surrendering all of the privileges associated with that licensure, until such time as I am again properly licensed.

8. I agree that there will be no rebate or refund, either in full or in part, of any sums previously made by me in connection with my licensure, including but not limited to payments of license application or renewal fees.

9. I understand that to obtain a license to practice nursing in the state of Idaho, I must re-apply to the Idaho State Board of Nursing pursuant to the provisions of Title 54, Chapter 14, Idaho Code and all applicable rules and orders entered by the Board.

10. I understand and agree that any decision regarding reinstatement of my license is a discretionary decision for the board. I understand and agree that the board may rely on factors set forth in this document or other than those set forth in this document as grounds for denial of a petition for reinstatement.

DATED: 8/5/00

[Signature of Licensee]

Address

City, State, Zip

DATED: 8/5/00

[Signature of Witness]

EXHIBIT NO: 2
1999-2000

State of Idaho
Board of Nursing

This is to certify that:

TERRI TURNER
174 FILER AVE W
TWIN FALLS, ID 83301

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

Valid when signed by licensee