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

BRENT WALKER
N-39578
Brent Walker  
4632 Vin-Santo  
Meridian, ID 83646

Dear Mr. Walker:

During their meeting on May 3-4, 2012, the Board of Nursing members took action to approve the Stipulation and Consent Order. Enclosed is a copy of the Order.

Your license has been placed on PROBATION. You may not seek reinstatement from Probation for a minimum of two years. Conditions of the Stipulation and Consent Order are indicated in Section C and D. Reporting forms are enclosed to assist you in submitting reports in a timely manner. Reports are due by the end of the month starting with June 30, 2012. Please submit your current licensure certificate by return mail so "Probation" and "Valid Only in Idaho" may be stamped on the license.

In regard to completion of required courses, these courses can be found at www.learningext.com, a brochure is enclosed for your convenience. You will need to provide a copy of the certificate of completion to this office within thirty days of completion of these courses. The courses must be completed within twelve (12) months.

The Order became effective May 4, 2012 and you may not practice nursing in any other state participating in the Nurse Licensure Compact.

Sincerely,

SANDRA EVANS, MAEd, RN  
Executive Director

SE:dja  
Enclosures
WHEREAS, information has been received by the Idaho State Board of Nursing ("Board") that constitutes sufficient grounds for the initiation of an administrative action against BREN WALKER ("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 nursing license N-39578 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

B.1. At times relevant to these proceedings, Respondent was employed at Saint Alphonsus Regional Medical Center in Boise, Idaho.

B.2. On December 28, 2011, while Respondent was working as a nurse at Saint Alphonsus Regional Medical Center, a patient’s family member reported their suspicion that Respondent was intoxicated. Respondent submitted to a breathalyzer test which was negative for alcohol. Respondent was also informed that he would have to submit a urine sample for testing. Before doing so, Respondent asked a CNA working at the time to
provide him with a urine sample that Respondent could submit as his own for the testing. The CNA refused. Respondent subsequently submitted his own urine for testing. The urinalysis showed a positive result for Amphetamine, Tramadol and Hydrocodone. Respondent had no prescription for either the Amphetamine or the Tramadol.

B.5. The facts set forth above constitute grounds for imposing discipline upon Respondent’s license. Respondent’s conduct violated the laws and rules governing the practice of nursing in Idaho, including, but not limited to the following:

a. Idaho Code § 15-1413(1)(e) and IDAPA Rule 23.01.01.100.06 (a nurse shall not habitually use alcoholic beverages or narcotic, hypnotic or hallucinogenic drugs);

b. Idaho Code § 54-1413(1)(g) and IDAPA Rule 23.01.01.100.08 (a nurse shall not violate the Board’s laws, rules or standards of conduct and practice).

c. Idaho Code § 54-1413(1)(h) and IDAPA Rule 23.01.01.100.09 (a nurse shall not engage in conduct of a character likely to deceive, defraud or endanger patients or the public).

d. IDAPA Rule 23.01.01.101.03(e) (a nurse shall not practice nursing while impaired by alcohol or drugs or physical, mental or emotional disability).

e. IDAPA Rule 23.01.01.101.05(c) (a nurse shall be responsible and accountable for his nursing judgments, actions and competence).

B.6. Respondent, in lieu of proceeding with a formal disciplinary action, hereby agrees that the Board may enter a final order against his license as set forth in Section C below.

C. Stipulated Discipline

C.1. Probation: Respondent shall be considered to be on probation for a minimum of two years or until Respondent completes all terms of Consent Stipulation.

C.2. Drug and Alcohol Education: Respondent shall successfully complete a
minimum of 32 hours of alcohol/drug education within the first twelve (12) months of this Consent Stipulation. The education site must be a Board-approved training center. Respondent shall provide evidence of attendance within 1 month of completion by submitting a letter from the course instructor or providing a certificate as proof of completion of the courses.

C.3. 12-Step Meetings and Programs: Respondent shall attend 2-3 meetings of NA/AA per week for the duration of Probation. Proof of attendance will be by way of initialed AA/NA cards with the date, name and location of each meeting. The monthly card shall be submitted to the Board on the last working day of each month.

C.4. Individual Counseling: Respondent shall participate in personal counseling to address his history of grief and loss. Counseling shall be with an Idaho licensed MSW social worker or Ph.D. psychologist. The purpose of the counseling sessions is to increase Respondent’s awareness and understanding of how his personal life can impact his professional life and choices. Respondent shall provide the mental health provider with a copy of this Stipulation prior to beginning counseling. Respondent shall attend a minimum of six (6) 1-hour counseling sessions within the first twelve (12) months of this Consent Stipulation. Within thirty (30) days of each visit with Respondent, the mental health provider will submit a report to the Board on a Board form outlining Respondent’s attendance and recommendations for treatment/therapy. Respondent shall comply with all treatment recommendations of the mental health provider. Respondent’s counselor shall be permitted to discuss and report to the Board any concerns he/she might have about Respondent’s inability to safely practice nursing, as set forth in Section D of this Stipulation.

C.5. Medical Provider: Respondent shall enter a pain control contract with one medical provider and one pharmacy. The Medical Provider will be identified as the “gatekeeper” for management of his back pain, colitis, or other medical issues. The Medical Provider shall be responsible for any pain management but will consult with a
physician specializing in addiction for the purpose of developing a treatment plan for Respondent. Respondent’s treatment plan and a complete list of medications shall be provided to Board Staff within two (2) months of the date the Consent Order is accepted by the Board. Respondent shall request his medical provider to submit three (3) reports to the Board as follows: the initial visit (2 months), an update evaluation at twelve (12) months after the initial visit, and an exit visit at 24 months after the date of this Consent Stipulation. The medical provider’s reports shall evaluate Respondent’s issues with attention, concentration, hyperactivity and focus issues and the potential need of medication or other intervention. If Respondent’s treatment plan is revised or medication changed, Respondent must submit those changes to the Board within two (2) weeks of any modification. At the exit visit, Respondent shall request that his medical provider submit an “exit treatment plan” to the Board identifying any concerns the provider might have about Respondent’s course or medical condition. Respondent agrees to take any medications as directed. Respondent shall not exceed the recommended dose prescribed by the provider.

C.6. Non-Pharmacologic Treatment: Respondent agrees to explore with his health care providers non-pharmacologic treatment for his back pain (e.g., acupuncture, physical therapy, and biofeedback).

C.7. Performance Evaluations: If Respondent becomes employed while on Probation, Respondent’s supervisor shall submit performance evaluations monthly for the first twelve (12) months. If Respondent’s performance is satisfactory after the first six (6) months, the supervisor shall submit performance evaluations quarterly for the duration of the Probation. The supervisor’s evaluations shall address and provide feedback on Respondent’s ability to manage stress, attendance, outcome of orientation and work performance. Respondent’s employer shall be permitted to discuss Respondent’s work performance with Board Staff and to report any concerns or indications that Respondent is not safe to practice (i.e. positive drug test).
C.8. **Self-Evaluations:** For the first twelve (12) months following the date of this Agreement, Respondent shall submit monthly self-evaluations *whether he is employed or not.* If the Board determines that Respondent’s self-evaluations are satisfactory after the first twelve (12) months, Respondent shall then submit self-evaluations quarterly for the following twelve (12) months. If the Board determines that Respondent’s self-evaluations are *not* satisfactory after the first twelve (12) months, Respondent shall continue to submit self-evaluations on a monthly basis for the following twelve (12) months. The self-evaluations shall address interventions utilized by Respondent to manage his back pain, colitis, work environment/schedule, grief counseling and any other related issues.

C.9. **Drug Testing:** Respondent agrees to submit twelve (12) random Urinalysis tests ("UAs") annually during the course of his Probation or as necessary to provide the Board with information that Respondent is following his treatment plan and has the ability to follow medical recommendations. The results of the random UAs must be negative for alcohol or any other drug that is not prescribed by a medical provider with whom Respondent has an established provider/patient relationship. If Respondent’s UA is positive for prescribed drugs, the level shall not exceed the prescribed dose(s). Respondent agrees to register with the Board’s contract laboratory service or First Lab within thirty (30) days of executing this Stipulation.

C.10. **Complete Courses:** Within twelve (12) 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: "Idaho Nurse Practice Act" and "Ethics of Nursing Practice." Respondent shall submit proof of successful completion of each course to the Board within thirty (30) days of completing the course. The certificates issued by NCSBN shall constitute proof of completion of the courses.

C.11 **Nurse Support Group:** Respondent shall participate monthly in a nurse support group and provide the Board with proof of attendance.
C.12. **Single State:** License shall be limited to a single state license for the duration of the Probation.

C.13. All costs associated with compliance with the terms of this Stipulation are the sole responsibility of Respondent.

C.14. 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 Respondent’s nursing license be revoked or suspended indefinitely until such time as Respondent has come into compliance with the terms and conditions of this Stipulation and Consent Order. 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 F. The Board may also require Respondent to pay any additional costs incurred by the Board to enforce this Stipulation and Consent Order.

**D. Stipulated Consent to Disclosure and Use**

D.1. **Respondent’s Consent to Health Care Providers:**

a. Respondent hereby requests and authorizes his medical and mental health care providers to disclose the information referenced in this Agreement to the Idaho State Board of Nursing and Board Staff. This consent extends not only to the disclosure of such written notices as may be required under this Stipulation and Consent Order but it also enables the health care providers to orally discuss such information with Board Staff. The purpose of this consent to disclosure is to enable Board Staff to determine (i) whether Respondent is complying with the health care providers’ requirements and recommendations and Respondent’s obligations under this Stipulation and Consent Order and, if not, (ii) whether Board Staff should initiate and conduct contested case proceedings in order to protect the public.

b. Respondent may specifically revoke this consent at any time, except to the extent that the health care providers may have already acted upon it. If this consent
is not specifically revoked, then it shall automatically terminate once the Idaho State Board of Nursing receives all required reports from Respondent, Respondent’s supervisor, and any health care providers discussed above.

D.2. **Respondent’s Consent to Board:**

a. Respondent requests and authorizes Board Staff and the Idaho State Board of Nursing to disclose this Stipulation and Consent Order and any information referenced above in any contested case proceeding Board Staff may initiate against Respondent for purposes of protecting the public. Respondent understands that contested case proceedings are public proceedings, and that he is, therefore, requesting and authorizing that this Stipulation and Consent Order and any information referenced in it, be disclosed to, and used in the presence of, members of the public.

b. Respondent may specifically revoke this consent at any time, except to the extent that the Idaho State Board of Nursing or Board Staff may have already taken action in reliance upon it. Respondent understands, however, that if he specifically revokes this consent he will be in default under this Stipulation and Consent Order. If Respondent does not specifically revoke this consent, then it shall automatically terminate once the referenced contested case proceedings conclude, except to the limited extent that re-disclosure may be required in response to a request for records under the Idaho Public Records Act, subpoena, or court order.

E. **Presentation of Stipulation to Board**

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

E.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.

E.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.

E.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.

F. Violation of Stipulation and Consent Order

F.1. 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 his 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 Board shall file a Motion to Enforce setting forth the allegations of non-compliance. The Motion to Enforce will include notice to Respondent, and his attorney, if applicable, of the allegations of non-compliance 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.

F.2. If Respondent is found to have violated the terms and conditions of this Stipulation and Consent Order, Respondent’s license shall be revoked or suspended indefinitely until Respondent has come into compliance with the terms and conditions of the Stipulation and Consent Order as set forth in Section C.6 above. Any additional costs incurred by the Board in such enforcement action shall be the responsibility of Respondent.

F.3. 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.

G. Waiver of Procedural Rights

I, Brent Walker, by affixing my signature hereto, acknowledge that:

G.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.

G.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 Idaho Administrative Procedure Act 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 this matter.

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

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

G.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 to me under Idaho law. I understand that the Board may 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 20th day of April, 2012.

Brent Walker
Respondent

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

DATED this 24th day of April, 2012.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By
Shasta Kilminster-Hadley
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 25th day of May, 2012. IT IS SO ORDERED.

IDAHO STATE BOARD OF NURSING

By
Susan-Ödom, Ph.D., R.N.
Chair
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this ___ day of May, 2012, I caused to be served a true and correct copy of the foregoing by the following method to:

Brent Walker
219 W. John Deere St.
Kuna, ID 83634

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

Shasta Kilminster-Hadley
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

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

[Signature]
Linda Coley
Management Assistant
Idaho Board of Nursing
U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com

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Certified Fee  
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BRENT WALKER
4632 VIN-SANTO
MERIDIAN, ID 83646

ReceiTed  
5/10/12
5/c order