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

BONNIE WARNER
N-11359
April 18, 2011
CERTIFIED MAIL

Bonnie Warner
1710 S 2150 E
Gooding, ID 83330

Dear Ms. Warner:

During their meeting on April 14-15, 2011, the Board of Nursing members took action to accept the Findings of Fact, Conclusions of Law and Final Order in which your professional nurse license, N-11359 was revoked. During the period of revocation, you may not practice nursing in the State of Idaho. Enclosed is a copy of the Final Order.

The Order became effective April 14, 2011. Please be advised that you may not apply for reinstatement for a period of two (2) years from the date of this order.

Sincerely,

[Signature]

SANDRA EVANS, MAEd, RN
Executive Director

SE: lhc
enclosure
BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of:  )  Case No. BON 10-066
BONNIE WARNER,  )  FINDINGS OF FACT,
License No. N-11359,  )  CONCLUSIONS OF LAW AND
Respondent.  )  FINAL ORDER

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

FINDINGS OF FACT

1. Bonnie Warner (“Respondent”) has been licensed by the Board, under License No. N-11359, to engage in the practice of nursing in the state of Idaho.

2. On or about August 12, 2010, the Board received a Report Form for Violation of the Nursing Practice Act, which contained allegations pertaining to Respondent’s employment at the North Canyon Medical Center in Gooding, Idaho (“North Canyon”). Specifically, the report set forth the following allegations against Respondent:

   a. While employed at North Canyon, Respondent was allegedly selected for a random drug and alcohol test, pursuant to North Canyon policy, and instructed by North Canyon’s Human Resources Director to submit to a drug screen urinalysis on July 30, 2010;

   b. After being instructed to submit to a drug screen urinalysis Respondent allegedly announced her resignation, effective immediately, on July 30, 2010;

   c. When asked by North Canyon administration about the nature of her resignation Respondent allegedly responded that she was not going to submit to the drug screen urinalysis because she had “used” a few days ago and would not pass the test.

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FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL ORDER - 1
4. Shortly after the alleged incidents of July 30, 2010, Respondent followed through with her resignation and ended her employment with North Canyon.

5. On or about August 19, 2010, the Board notified the Respondent via letter that the Board had received information of concern regarding Respondent’s nursing practice and that the Board would like to discuss the situation with Respondent.

5. On August 23, 2010, Respondent admitted to Board Staff that she used marijuana and further identified that she uses marijuana on average twice a day and had used marijuana for the past ten (10) years.

6. On September 4, 2010, Respondent temporarily voluntarily surrendered her license, admitting that she “used marijuana twice daily for the past ten years – lost nursing employment as a result.” Respondent agreed to enter treatment immediately and to participate in the Program for Recovering Nurses (PRN), a monitoring program, and to resume the practice of nursing only at such time as a conditional limited license was issued to her. A true and correct copy of Respondent’s Temporary Voluntary Surrender of License is attached hereto as Exhibit A.

8. On or about December 7, 2010, the Board informed Respondent via letter that she would be required to enroll in PRN immediately in order to avoid further disciplinary action against her nursing license.

7. On March 1, 2011, the PRN notified the Board via letter that Respondent had not enrolled in the PRN. A true and correct copy of the March 1, 2011, letter from the PRN to the Board is attached hereto as Exhibit B.

8. To date, Respondent has not enrolled in the PRN.

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. N-11359 is conditioned upon her complying with the laws and rules of the Board.

3. Respondent has violated the terms upon which she voluntarily surrendered her license in lieu of discipline, in that she failed to enroll in and participate in the PRN.
4. 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.

5. Grounds for discipline exist against Respondent’s license because:
   a. Respondent habitually uses alcohol or drugs, in violation of Idaho Code § 54-1413(1)(e) and Board Rule 100.06;
   b. Respondent violated the Board’s laws, rules, or standards of conduct, in violation of Idaho Code § 54-1413(1)(g) and Board Rule 100.08;
   c. Respondent engaged in conduct likely to deceive, defraud or endanger patients or the public, in violation of Idaho Code § 54-1413(h) and Board Rule 100.09; and
   d. Respondent shall be responsible and accountable for her nursing judgments, actions and competence, in accordance with Rule 101.05.c.

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. N-11359 issued to Bonnie Warner is hereby:
   □ Revoked.  
   □ 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 on the Compact privilege in any other state participating in the Nurse Licensure Compact with the State of Idaho.

2. 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. 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. **Health Care Providers**: Respondent must provide Board Staff with a written list of her attending health care providers (including without limitation any therapists, counselors, or other mental health care providers);

b. **Health Care Provider’s Evaluation**: Respondent’s health care providers (“provider”) must submit to the Board the provider’s evaluation describing Respondent’s current medical condition(s) and listing her prescriptions, including the dose/frequency and rationale for the medications prescribed. This evaluation shall be submitted on a form provided by the Board. The provider shall also identify any concerns that he/she may have about Respondent’s ability to safely practice nursing and what restrictions, if any, should be placed upon Respondent’s practice. When requesting such evaluations, Respondent shall provide the provider with, and request that the provider review, the Idaho Board of Nursing Position on Safety to Practice. A copy of the Idaho Board of Nursing Position on Safety to Practice is attached as Exhibit C;

c. Evidence of abstinence from the use of non-medically prescribed drugs and alcohol;

d. Documentation that she is rehabilitated and competent to practice nursing by submitting:
   
   i. A recent, within 6 months, comprehensive drug/alcohol evaluation completed by a qualified Board approved evaluator 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 at least two (2) years of documented sobriety with 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 14th day of April, 2011.

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 issuance 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.

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FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL ORDER - 5
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of April, 2011, I caused to be served a true and correct copy of the foregoing by the following method to:

Bonnie Warner
1710 S. 2150 E.
Gooding, ID 83330

☑ U.S. Mail
☑ Certified Mail, Return Receipt Requested
☑ Overnight Mail
☐ Facsimile:

Andrew J. Snook
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

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

[Signature]
Linda H. Coley, Management Assistant
Board of Nursing
RULE 132
TEMPORARY VOLUNTARY SURRENDER OF LICENSE

1. ____________, by affixing my signature hereto, acknowledge that I am disabled due to alcohol or drug use or to emotional or mental impairment and admit that I have engaged in the following conduct: Used marijuana twice daily for the past ten years - lost nursing employment as a result.

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 §54-1404(2).

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 concerning these admitted facts or any other matter involving my license are brought before the Board.

7. In lieu of a formal disciplinary hearing, I voluntarily surrender my license on a temporary basis. Attached is my license, number PN-11359; I agree to immediately discontinue the practice of nursing in Idaho.

8. I will enter treatment as required by the Board, and fully participate in the Program for Recovering Nurses (PRN) monitoring program. I will resume the practice of nursing only at such time as a conditional limited license has been issued to me. If I do not fully participate in and cooperate with the PRN, the Board may enter an order revoking or otherwise disciplining my license, including any conditional license that may have been issued, without further notice or hearing or other process given to me.

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

DATED 9.4.10

Signature of Licensee
1713 3150E

Address
Simpson Pl 83430

City, State, Zip

DATED

Revised 410 - PRN

Signature of Witness

Exhibit A

Page 1 of 1
March 1, 2011

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

RE: Bonnie Warner

Dear Ms. Evans,

This letter is being sent to notify you that Ms. Bonnie Warner, a Board of Nursing referral, has not enrolled in the Program for Recovering Nurses (PRN) as required. Ms. Warner was sent her PRN contract and all other necessary enrollment paperwork on February 10, 2011 with a deadline to return it as of February 24, 2011. As of this date, PRN has not received any of that paperwork.

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 me at (208) 323-9555 ext. 101.

Sincerely,

Ashley Gochnour
Senior Compliance Monitor
Southworth Associates

Cc: Bonnie Warner
In response to questions from nurses and their employers, the members of the Board of Nursing addressed the issue of ‘safety to practice’. In particular, nurses wanted to know if they should continue to practice while taking prescribed medications, including pain medications; whether they should refuse assignments to work overtime or extra shifts; whether they should consider retirement from practice when they have reached a certain chronological age.

The Board’s “Position on Safety to Practice” provides thoughtful direction to assist nurses and their employers in addressing these concerns.

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<th>IDAHO BOARD OF NURSING</th>
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<td>POSITION ON SAFETY TO PRACTICE</td>
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<td>Adopted April 29, 2005</td>
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One essential element of safe nursing practice is a nurse’s functional ability: the competence and reliability with which a nurse is able to practice at any given time.

The board is aware that nurses sometimes experience situations that may compromise their ability to safely practice for either the short or long term. Some of these situations involve personal or job-related stress, sleep deprivation, the normal effects of aging, and episodic or persistent health conditions, some of which may require pain management or the use of maintenance-level prescribed medication. The list is not exclusive.

Whether a nurse should continue active nursing practice when that practice may be compromised depends upon the nurse’s ability to function safely and effectively. The assessment of functional ability is an individualized process that does not lend itself to application of a set format based on select elements. On the contrary, assessment of functional ability requires active consideration of all relevant factors, such as diagnosis, prescribed treatment and situational events, as well as an evaluation of the impact of those factors on the individual being assessed.

Although constant evaluation of one’s ability to safely and competently practice nursing is the responsibility of each individual nurse, the Board of Nursing remains the ultimate decision maker. In some instances, it may be necessary for the board to require objective physical and/or functional assessment, using reliable psychometric instruments and methods administered by qualified licensed professionals. For example, even though an individual nurse might perceive that he is capable of safe practice, a neuropsychiatric assessment, done at the Board’s request, may indicate functional impairment.

Licensed nurses are accountable for assuring that their actions and behaviors meet all applicable standards at all times. This requires constant awareness of the demands of the job and a continual process of evaluation and assessment in order to make sure that the nurse is fit to practice and competent to safely perform those functions that fall within the defined scope of nursing practice and for which the nurse has accepted responsibility. Nurses who practice while not fit to do so may be subject to disciplinary action by the board including, among others, license suspension or revocation, remedial measures, or monitored practice.
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Restricted Delivery Fee
(Endorsement Required)
Total Postage & Fees $ 18-11

Sent To
BONNIE WARNER
1710 S 2150 E
GOODING, ID. 83330

PS Form 3800, August 2005
See Reverse for Instructions