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

MELODY WEAVER
N-37281
Melody Weaver
3921 S Sherman
Spokane, WA 99203

Dear Ms. Weaver:

During their meeting on October 27-28, 2011, 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 until you have been released from and/or have completed your probation in the State of Washington. Conditions of the Stipulation and Consent Order are indicated in Section C.2. Please note that per your request, the Board approved the receipt of reports from the Washington Commission be submitted to this Board on a quarterly basis.

The Order became effective October 28, 2011 and you may not practice nursing in any other state participating in the Nurse Licensure Compact. Please return your current licensure certificate to this office so it may be stamped ‘PROBATION’.

Sincerely,

SANDRA EVANS, MAEd, RN
Executive Director

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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: )
MELODY WEAVER, )
License No. N-37281, )
Respondent. )

Case No. BON 11-059

STIPULATION AND CONSENT ORDER

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 Melody Weaver ("Respondent"); and

WHEREAS, the parties wish to expeditiously settle this 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 Idaho nursing license N-37281 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.2. The Washington Order placed Respondent's Washington nursing license on probation for twenty-four (24) months and imposed other conditions and requirements. A true and correct copy of the Washington Order is attached hereto as Exhibit A.
B.3. The facts set forth in paragraphs B.1. and B.2., and set forth more fully in the Washington Order, constitute sufficient grounds for disciplining Respondent’s Idaho nursing license. Specifically, Respondent’s conduct violated the laws and rules governing the practice of nursing in the State of Idaho, including, but not limited to, the following:

a. 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); and

b. Idaho Code § 54-1413(1)(i) and IDAPA Rule 23.01.01.100.10 (a nurse shall not have his/her license or privilege to practice nursing restricted, limited, revoked, or suspended, or otherwise disciplined, by any jurisdiction);

B.4. 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. Respondent’s Idaho nursing license, N-37281, shall be placed on PROBATION until such time as Respondent is released from and/or completes her probation in the State of Washington. Respondent’s Idaho probation shall begin on the date the Board executes this Stipulation.

C.2. During the Idaho probation period, Respondent shall comply with the following conditions:

a. Respondent shall maintain full compliance with all the terms and conditions of the Washington Order.

b. Respondent shall provide the Board with quarterly reports from the Washington Commission addressing Respondent’s compliance with the Washington Order.
c. Respondent shall not accept employment in the State of Idaho as a nurse, or in any other health care related position, without prior approval from the Board, and any such employment must comply with the conditions of the Washington Order and/or Respondent’s Washington probation.

d. Within six (6) months of the effective date of this Stipulation and Consent Order, Respondent shall complete the Idaho Nurse Practice Act online education course provided by the National Council of State Boards of Nursing ("NCSBN"). Respondent shall submit proof of successful completion of this course to the Board within thirty (30) days of completing the course. The certificate issued by NCSBN shall constitute proof of completing the course.

C.3. Upon Respondent’s release and/or completion of her probation in the State of Washington, Respondent shall provide the Board with written documentation from the Washington Commission evidencing that Respondent has in fact been released from and/or completed her Washington probation.

C.4. Provided Respondent has maintained compliance with the terms of this Stipulation, Respondent’s Idaho probation shall terminate upon the Board’s receipt of documentation evidencing Respondent’s completion and/or release from her Washington probation.

C.5. All costs associated with compliance with the terms of this Stipulation are the sole responsibility of Respondent.

C.6. 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 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 approved as proposed, the Board will issue an Order on this Stipulation according to the aforementioned terms, and Respondent agrees to this Stipulation for settlement. Respondent understands that if the Board approves this Stipulation subject to changes, and the changes are acceptable to her, the Stipulation will take effect and an order modifying the terms of the Stipulation will be issued. If the changes are unacceptable to Respondent or the Board rejects this Stipulation, it will be of no effect.

D.3. 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.4. Except for Paragraph D.2., which becomes effective when Respondent signs this Stipulation, 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. Violation of Stipulation and Consent Order

E.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 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 Board 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 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.

E.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.

E.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.

F. Waiver of Procedural Rights

I, Melody Weaver, 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 A, above, and I agree that the Board has jurisdiction to proceed in this matter. I have also had the opportunity to discuss this matter with legal counsel.

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 provided 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.

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.

DATED this 17th day of October, 2011.

Melody Weaver
Respondent

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

DATED this 24th day of October, 2011.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By
Andrew J. Snook
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 28th day of November, 2011. 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 1st day of November, 2011, I caused to be served a true and correct copy of the foregoing by the following method to:

Melody Weaver
3921 S. Sherman
Spokane, WA 99203

[Signature]
Linda Coley
Management Assistant
Idaho Board of Nursing
In the Matter of

MELODY L. WEAVER
Credential No. RN.RN.00105048
Respondent

No. M2009-771

STIPULATED FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
AGREED ORDER

The Nursing Care Quality Assurance Commission (Commission), through Michael Ellsworth, Department of Health Staff Attorney, and Respondent, represented by counsel, if any, stipulate and agree to the following:

1. PROCEDURAL AGREED ORDERS

1.1 On February 1, 2010, the Commission issued a Statement of Charges against Respondent.

1.2 Respondent understands that the Commission is prepared to proceed to a hearing on the allegations in the Statement of Charges.

1.3 Respondent understands that if the allegations are proven at a hearing, the Commission has the authority to impose sanctions pursuant to RCW 18.130.160.

1.4 Respondent has the right to defend against the allegations in the Statement of Charges by presenting evidence at a hearing.

1.5 Respondent waives the opportunity for a hearing on the Statement of Charges provided that the Commission accepts this Stipulated Findings of Fact, Conclusions of Law and Agreed Order (Agreed Order).

1.6 The parties agree to resolve this matter by means of this Agreed Order.

1.7 Respondent understands that this Agreed Order is not binding unless and until it is signed and accepted by the Commission.

1.8 If the Commission accepts this Agreed Order, it will be reported to the Health Integrity and Protection Databank (45 CFR Part 61), the National Practitioner Databank (45 CFR Part 60) and elsewhere as required by law. It is a public document and will be placed on the Department of Health’s website and otherwise disseminated as
required by the Public Records Act (Chap. 42.56 RCW) and the Uniform Disciplinary Act RCW 18.130.110.

1.9 If the Commission rejects this Agreed Order, Respondent waives any objection to the participation at hearing of any Commission members who heard the Agreed Order presentation.

2. FINDINGS OF FACT

Respondent and the Commission acknowledge that the evidence is sufficient to justify the following findings:

2.1 On March 22, 1991, the state of Washington issued Respondent a credential to practice as a registered nurse. Respondent's credential is currently active.

2.2 During all times relevant to the allegations below, Respondent was employed at a hospital in the state of Washington.

2.3 On or about May 4, 2007, Respondent either failed to administer hydromorphone, failed to document administration of hydromorphone, or failed to document wastage of hydromorphone for Patient A.

2.4 On or about May 13, 2007, Respondent either failed to administer hydromorphone, failed to document administration of hydromorphone, or failed to document wastage of hydromorphone for Patient B.

2.5 On or about May 16, 2007, Respondent either failed to administer hydromorphone, failed to document administration of hydromorphone, or failed to document wastage of hydromorphone on Patient C.

2.6 On or about May 18, 2007, Respondent either failed to administer hydromorphone, failed to document administration of hydromorphone, or failed to document wastage of hydromorphone on Patient D.

2.7 On or about May 24, 2007, Respondent either failed to administer hydromorphone, failed to document administration of hydromorphone, or failed to document wastage of hydromorphone on Patient E.

2.8 On or about May 16, 2007, Respondent either failed to administer hydromorphone, failed to document administration of hydromorphone, or failed to document wastage of hydromorphone on Patient F.
3. CONCLUSIONS OF LAW

The Commission and Respondent agree to the entry of the following Conclusions of Law:

3.1 The Commission has jurisdiction over Respondent and over the subject matter of this proceeding.

3.2 Respondent has committed unprofessional conduct in violation of RCW 18.130.180(4) and (7), and WAC 246-840-710(2)(c), (d), and (e).

3.3 The above violations provide grounds for imposing sanctions under RCW 18.130.160.

4. COMPLIANCE WITH SANCTION RULES

4.1 The disciplinary authority applies WAC 246-16-800, et seq., to determine appropriate sanctions. WAC 246-16-800(2)(c) requires the disciplinary authority to impose terms based on a specific sanction schedule unless "the schedule does not adequately address the facts in a case." Respondent's alleged conduct falls in Tier A of the "Practice Below Standard of Care" schedule, WAC 246-16-810.

4.2 The sanction range associated with that tier does adequately address the alleged facts of this case. The disciplinary authority has identified factors that justify a sanction that falls in the middle of the above identified tier.

5. AGREED ORDER

Based on the Findings of Fact and Conclusions of Law, the Commission and Respondent agree to entry of the following Agreed Order:

5.1 Respondent's credential to practice as a registered nurse in the state of Washington shall be placed on PROBATION for at least twenty-four (24) months commencing on the effective date of this Agreed Order. During the course of probation, Respondent shall follow all of the following terms and conditions.

5.2 Respondent shall present both portions of her credential to the Commission to be stamped "probation" within ten (10) days of receipt of this Agreed Order. Respondent shall also ensure that all subsequent credentials received during the term of this Agreed Order are stamped "probation" and shall immediately return any credential to the Commission that is not stamped "probation".
5.3 Respondent shall reimburse costs to the Commission in the amount of seven hundred fifty dollars ($750.00) which must be received by the Commission within twelve (12) months of the effective date of this Agreed Order. The reimbursement shall be paid by certified or cashier's check or money order, made payable to the Department of Health and mailed to the Department of Health, Nursing Care Quality Assurance Commission at P.O. Box 1099, Olympia, Washington 98507-1099. Credit or Debit cards can also be used for payment at the front counter of the Department of Health building at 310 Israel Road SE, Tumwater, Washington 98501, during regular business hours.

5.4 Respondent shall notify the Commission of current and future employment in the health care field by submitting a job description directly to the Commission within ten (10) days of receipt of this Agreed Order or change in employment.

5.5 Respondent shall cause her nurse supervisor to submit performance evaluation reports directly to the Commission on forms provided by the Commission. The first report shall be due forty-five (45) days from the effective date of this Agreed Order. One (1) month from the first report, Respondent shall submit the second report. One (1) month from the second report, Respondent shall submit the third report. Subsequent reports shall be submitted every three (3) months thereafter, for the duration of this Agreed Order.

5.6 If Respondent is not employed as a registered nurse, Respondent shall submit quarterly declarations, under penalty of perjury, on forms provided by the Commission stating dates of unemployment in lieu of the quarterly employer reports required above.

5.7 During the period of probation, Respondent shall be employed as a registered nurse in the state of Washington only upon compliance with the following terms and conditions:

A. Respondent shall not accept employment in the health care field without prior approval from the Commission.

B. Respondent shall not work where she is the only registered nurse for a minimum of twenty-four (24) months.

C. Respondent shall not be employed to provide clinical practice or to administer controlled substances by a nurses' registry, home health,
temporary agency, or community based care setting (adult family home, boarding home, etc.).

D. Respondent shall be employed as a registered nurse only in a setting in which indirect supervision is provided pursuant to WAC 246-840-010(22)(c) - indirect supervision, and shall not function as a supervisor, head nurse, or charge nurse.

5.8 Within four (4) months of the effective date of this Agreed Order, Respondent shall provide evidence to the Commission that she has successfully completed twenty-four (24) hours of course-work, pre-approved by the Commission or its designee, in the area of documentation. The course-work must be taken at an accredited educational institution or through a program otherwise approved by the Commission. Respondent shall provide the Commission with proof of completion of such course-work within thirty (30) days of such completion.

5.9 Within six (6) months of the effective start date of employment in a clinical setting, Respondent shall provide evidence to the Commission that Respondent has successfully completed at least forty (40) hours of supervised clinical practice regarding documentation of narcotic administration and narcotic wastage.

5.10 Respondent is responsible for all costs of complying with this Agreed Order.

5.11 Respondent shall inform the Commission and the Adjudicative Clerk Office, in writing, of changes in Respondent's residential and/or business address within thirty (30) days of the change.

5.12 The effective date of this Agreed Order is the date the Adjudicative Clerk Office places the signed Agreed Order into the U.S. mail. If required, Respondent shall not submit any fees or compliance documents until after the effective date of this Agreed Order.

6. FAILURE TO COMPLY

Protection of the public requires practice under the terms and conditions imposed in this order. Failure to comply with the terms and conditions of this order may result in suspension of the credential after a show cause hearing. If Respondent fails to comply with the terms and conditions of this order, the Commission may hold a hearing to require Respondent to show cause why the credential should not be suspended. Alternatively,
the Commission may bring additional charges of unprofessional conduct under RCW 18.130.180(9). In either case, Respondent will be afforded notice and an opportunity for a hearing on the issue of non-compliance.

7. ACCEPTANCE

I, MELODY L. WEAVER, have read, understand and agree to this Agreed Order. This Agreed Order may be presented to the Commission without my appearance. I understand that I will receive a signed copy if the Commission accepts this Agreed Order.

MELODY L. WEAVER
RESPONDENT

MELODY L. WEAVER
RESPONDENT

08-27-10
DATE

L. DALLAS COONEY, WSBA #32836
ATTORNEY FOR RESPONDENT

8/22/10
DATE
8. ORDER

The Commission accepts and enters this Stipulated Findings of Fact, Conclusions of Law and Agreed Order.

DATED: August 27, 2010.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NURSING CARE QUALITY ASSURANCE
COMMISSION

PRESENTED BY:

MICHAEL ELLSWORTH, WSBA #39531
DEPARTMENT OF HEALTH STAFF ATTORNEY

August 27, 2010

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<tr>
<td>MELODY WEAVER</td>
<td>3921 S SHERMAN</td>
<td>SPOKANE, WA. 99203</td>
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