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

PEARL DOLLY WEBER
N-20329

Idaho Board of Nursing – PO Box 83720 – Boise, Idaho 83720-0061 – (208) 334-3110
Pearl Dolly Weber  
4658 N Yorgason Way  
Boise, ID 83703

Dear Ms. Weber:

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 a non-practicing status. Conditions of the Stipulation and Consent Order are indicated in Section C.

The Order became effective May 4, 2012.

Sincerely,

SANDRA EVANS, MAEd, RN  
Executive Director

SE:dja  
Enclosures
BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of: )

PEARL DOLLY WEBER, RN, ) Case No. BON 09-013
License No. N-20329, ) STIPULATION AND

Respondent. ) 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 Pearl Dolly Weber, R.N. ("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. Respondent holds Idaho nursing license N-20329. Respondent’s license is subject to the provisions of title 54, chapter 14, Idaho Code and the Board’s rules set forth at IDAPA 23.01.01, et seq.

B. STIPULATED FACTS

B.1. On or about February 25, 2009, Board Staff received a Report Form for Violation of the Nursing Practice Act ("Report") from Hillcrest Retirement and Assisted Living in Boise, Idaho ("Hillcrest"), Respondent’s former employer. The Report alleged as follows:

a. On or about February 2, 2009, Respondent relabeled a bubble pack of medication containing hydrocodone/APAP 5/325, which belonged to Patient A, with the name of Patient B. More specifically, the Report alleged that Respondent
wrote the name of patient B on a blank label and then affixed the label to the bubble pack of medication over the label containing the name of patient A; and

b. Thereafter, Respondent had medication technicians dispense Patient A’s medication to Patient B.

B.2. On or about September 24, 2010, Respondent admitted to Board Staff that she relabeled Patient A’s bubble pack of medication and had it dispensed to Patient B stating it was facility policy to save unused medications and administer them to other patients. Respondent reported she was doing what she was instructed to do and following facility policy when she relabeled Patient A’s medication and had it administered to Patient B.

B.3. On or about February 24, 2011, Respondent entered into a non-disciplinary agreement with Board Staff (“Agreement”), which provided that Respondent’s nursing practice would be closely monitoring and/or restricted by Board Staff in lieu of proceeding with formal discipline.

B.4. On or about November 16, 2011, Respondent began experiencing significant loss of vision and chose to retire from the practice of nursing.

B.5. The facts set forth in paragraphs B.1. and B.2., constitute sufficient grounds for disciplining Respondent’s Idaho nursing license. 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 Board Rule 100.08 (a nurse shall not violate the Board’s laws, rules or standards of conduct and practice);

b. Board Rule 100.09 (a nurse shall not engaged in conduct of a character likely to deceive, defraud, or endanger patients or the public shall); and

c. Board Rule 101.05.c (a nurse shall be responsible and accountable for her nursing judgments, actions and competence).

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STIPULATION AND CONSENT ORDER - 2
B.6. 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. Pursuant to Board Rule 132.02, Respondent’s Idaho nursing license shall be restricted to a non-practicing status, which shall prohibit Respondent from engaging in the active practice of nursing.

C.2. Respondent’s license may be reinstated to a full, unrestricted status by the Board following receipt and evaluation of satisfactory evidence confirming that the Respondent’s physical health status no longer prevents her from engaging in the active practice of nursing.

C.3. Respondent’s Agreement with Board Staff shall be stayed indefinitely pending the reinstatement of Respondent’s license to a full, unrestricted status. Upon any such reinstatement, Respondent shall resume Board monitored practice consistent with the terms and conditions of the Agreement.

C.4. All costs associated with Respondent’s compliance with the terms and conditions of this Stipulation are the sole responsibility of Respondent.

C.5. 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. 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.5. 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

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.5 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, Pearl Dolly Weber, 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. 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 ___ day of __________, 2012.

[Signature]
Pearl Dolly Weber
Respondent

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

DATED this ___ day of __________, 2012.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

[Signature]
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 __th day of ___, 2012. IT IS SO ORDERED.

IDAHO STATE BOARD OF NURSING

By _____________________________
Susan Ødom, Ph.D., R.N.
Chair

CERTIFICATE OF SERVICE

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

Pearl Weber
4658 N. Yorgason Way
Boise, ID 83703

☑ U.S. Mail
☐ Hand Delivery
☑ 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
☐ Hand Delivery
☐ Certified Mail, Return Receipt Requested
☐ Facsimile:
☑ Email: andy.snook@ag.idaho.gov
     leslie.gottsch@ag.idaho.gov

Linda Coley
Management Assistant
Idaho Board of Nursing