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

BRAD L. WEST
N-31445

Idaho Board of Nursing – PO Box 83720 – Boise, Idaho 83720-0061 – (208) 334-3110
BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of:  
BRAD L. WEST,  
License No. N-31445,  
Respondent.  
FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND  
FINAL ORDER  

Case No. 12-069

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

FINDINGS OF FACT

1. ("Respondent") has been licensed by the Board, under License No. N-31445, to engage in the practice of nursing in the State of Idaho.

2. On or about February 23, 2012, Respondent was charged with felony sexual battery of a minor. The conduct occurred on multiple occasions, over the course of 3-4 years. Respondent plead guilty to an amended lesser charge of misdemeanor battery, was sentenced to two years of supervised probation with no unapproved contact with minors and ordered to undergo sex offender treatment.

3. On or about June 11, 2012, Respondent informed the Board that he was moving to Utah to live with relatives while he undergoes sex offender treatment. After discussing the consequences of a voluntary surrender of Respondent’s license, and conditions for potential reinstatement in the future. Respondent voluntarily surrendered his license on June 24, 2012. Voluntary surrender form is attached as Exhibit A.

CONCLUSIONS OF LAW

1. As a licensed nurse in the State of Idaho, Respondent is subject to the jurisdiction of the Board and the provisions of title 54, chapter 14, Idaho Code.

2. Respondent’s continued licensure under Idaho License No. N-31445 is contingent upon his compliance with the laws and rules of the Board.

3. Respondent voluntarily surrendered his license to practice nursing in Idaho.

4. Pursuant to Idaho Code § 54-1413(3)(a), Respondent’s voluntary surrender
of his license empowers the Board, without a hearing, to revoke or suspend Respondent’s license and/or impose such conditions, limitations, or restrictions on his license as the Board in its discretion may deem appropriate.

5. A sufficient basis for discipline exists due to Respondent having violated the following statutes and/or Board Rules:

a. Idaho Code § 54-1413(1)(c) and Board Rule 100.04 (a nurse shall not be convicted of a felony or of any offense involving moral turpitude);

b. 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);

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).

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-31445 issued to Brad L. West 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 until he has completed court-ordered sex offender treatment, has been released from probation and can demonstrate that he is safe to practice. At such time as Respondent requests reinstatement of licensure, he shall comply with the requirements of Idaho Code § 54-1413(3) and IDAPA 23.01.01.61. This will include, but is not limited to, providing the following information to the Board:
a. A completed application with payment of fees;
b. A recent (within 6 months) psycho-sexual evaluation (PSI) by a State
certified PSI evaluator. Any prior PSI evaluations must have been provided
to the evaluator in their entirety, prior to the current evaluation, including
all findings, recommendations and therapy notes;
c. Results from a polygraph test submitted to validate the findings and history
outlined in the PSI evaluation;
d. Medical provider statements of current medical status and a list of any
medication use or prescriptions;
e. Outline of employment since license surrender;
f. Evidence of counseling, twelve-step, or other recovery efforts; and

g. Evidence of release from court ordered probation.

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 12th day of July, 2012.

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.
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of July, 2012, I caused to be served a true and correct copy of the foregoing by the following method to:

Brad L. West  
12461 S. 700 East  
Draper, UT 84020

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

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

☐ U.S. Mail  
☐ Hand Delivery  
☐ Certified Mail, Return Receipt Requested  
☐ Overnight Mail  
☐ Facsimile:  
☒ Email: shasta.k-hadley@ag.idaho.gov  
          colleen.funk@ag.idaho.gov

Sandra Evans, Executive Director  
Board of Nursing
EXHIBIT A
IDAHO STATE BOARD OF NURSING

VOLUNTARY SURRENDER OF NURSING LICENSE
Idaho Code § 54-1413(3)(a)

1. BRAD WEST, hereby voluntarily surrender my license to practice nursing, License No. N-31445, to the Idaho State Board of Nursing (the "Board") and will immediately discontinue practicing as a nurse in the State of Idaho. By affixing my signature hereto, I acknowledge that:

1. 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 and the laws and rules governing the practice of nursing, Title 54, Chapter 14, Idaho Code.

2. I have been advised of, and I understand the nature of the allegations against me pertaining to court ordered probation and treatment for sexual misconduct. I admit that these allegations are true.

3. I understand that I have the following rights, among others: the right to representation by legal 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, to cross-examine the witnesses against me, and the right to request reconsideration or to appeal this matter to district court. I waive all such rights afforded to me without further process as a resolution of any claims or allegations which might otherwise be brought against me by the Board in this matter.

4. 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.

5. I understand that upon acceptance by the Board of the voluntary surrender of my license to practice as a nurse, the Board of Nursing will enter an order pursuant to Idaho Code §54-1413 revoking, suspending or otherwise disciplining my license to practice nursing. The Board’s Order may include a civil penalty and/or the imposition of costs and investigative fees incurred by the Board in its investigation and prosecution of any claims or allegations against me. I hereby consent to the imposition of such discipline.

6. In surrendering my license to practice nursing for imposition of discipline by the Board, I admit that 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 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.

9. 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.

10. I will request reinstatement of my license only at such time that I have completed sex offender treatment, probation and can demonstrate that I am safe to practice. If I obtain an early release from court ordered probation, I can petition the Board for consideration of reinstatement, however any decision regarding the conditions for reinstatement is a discretionary decision for the Board.

The following will need to be provided to the Board at the time of request for reinstatement following discipline:
- Complete application with payment of fees.
- A current, within the past 6 months, psycho-sexual evaluation (PSI) by a State certified PSI evaluator, submitted in its entirety. Any prior PSI evaluations must be provided in their entirety to the current evaluator prior to the current evaluation, including all findings, recommendations and therapy notes.
A polygraph test will be required and must be submitted to validate the findings and history outlined in the PSI evaluation.

- Medical provider statements of current medical status including a list of medication use/prescribed.
- Outline of employment since licensure surrender.
- Evidence of counseling, twelve-step, or other recovery efforts.
- Evidence of release of probation.

10. 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.

Name of Licensee: Brad West
License No.: N-31445
Address: 17461 So. 700 East, Draper, Utah 84020
Signature of Licensee: Brad West
Date: 6/24/2012

Signature of Witness: Jan Smith
Date: 6-24-12
Board of Nursing—State of Idaho

To: Box 83720
Boise, Idaho 83720-0061

re: Janet Edmondson

cc:

1201 So. 700 East
Draper, Utah 84020
Brad L. West
%Keith and Jan Short
12461 S 700 E
Draper, UT 84020

Dear Mr. West:

During their meeting on July 19-20, 2012, 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-31445 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 July 20, 2012. Please be advised that you may not apply for reinstatement until you have completed court-ordered sex offender treatment, have been released from probation and can demonstrate that you are safe to practice.

Sincerely,

SANDRA EVANS, MAEd, RN
Executive Director

SE:lhc
enclosure
BRAD L. WEST
%KEITH AND JAN SHORT
12461 S 700 E
DRAPE, UTAH 84020