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

FRANCES WIDENER
PN-4781

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: ) Case No. 04-088
FRANCE WIDENER ) FINDINGS OF FACT,
License No. PN-4781 ) CONCLUSIONS OF LAW
Respondent. ) AND DEFAULT ORDER

Having reviewed the pleadings on file in this matter and the evidence submitted at the Default hearing, and after due deliberation, the Idaho State Board of Nursing (hereinafter the “Board”) enters the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. Frances Widener (hereinafter Respondent) has been licensed by the Idaho State Board of Nursing under license No. PN-4781 to engage in the practice of nursing in the State of Idaho.

2. On or about July 22, 2004, the Board received a Report of Violation of the Nursing Practice Act from the Board of Pharmacy, setting forth an incident that occurred at the Wal-Mart Pharmacy in Meridian, Idaho wherein Respondent was phoning in prescription for herself that were not prescribed by a physician. Respondent had attempted to have prescriptions filled at another pharmacy earlier that same day. Respondent was arrested by the local police.

3. On August 13, 2004, a Board staff member attempted to contact Respondent at her last address of record in Boulder City, Nevada. The letter was returned to the Board by the United States Postal Service on August 23, 2004, with the notation that the forwarding address had lapsed. The Board’s staff then sent a letter to Respondent requesting that she contact them about the report of violation. Respondent signed for the letter on September 4, 2004. To date Respondent has not contacted the Board.

4. In September the Board learned that Respondent had been charged with two felony counts related to her attempts to obtain prescription drugs without a valid
prescription. She was charged with one count of prescription fraud and one count of insurance fraud.

5. On October 25, 2004 the Board filed a formal Complaint against Respondent. The Complaint was sent to Respondent at her last known address in Meridian, Idaho. The Complaint has not been returned as undeliverable. Respondent’s answer was due no later than November 18, 2004. Respondent has not answered or otherwise defended against the Complaint.

6. On January 21, 2005 Respondent was sent a Notice of Intent to Take Default and further advised of the meeting on February 3, 2005. She did not appear at the meeting.

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 licensure, PN-4781 is conditioned upon her complying with all the laws, rules and regulations of the Idaho State Board of Nursing. Respondent’s actions as set forth above are in violation of:
   a. Idaho Code Section 54-1413(1)(e) and IDAPA 23.01.01.100.06 - Habitually uses alcoholic beverages or narcotic, hypnotic, or hallucinogenic drugs;
   b. Idaho Code Section 54-1413(1)(g) and IDAPA 23.01.01.100.08 -Violates the provisions of this act or rules and standards of conduct and practice; and
   c. Idaho Code Section 54-1413(1)(h) and IDAPA 23.01.01.100.09- Conduct to Deceive, Defraud or Endanger-.09.a by violating the standards of conduct and practice adopted by the board.
   d. IDAPA 23.01.01.101.04.c- The nurse shall not obtain, possess, furnish or administer prescription drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER - 2
3. Respondent has failed to answer the Complaint filed against her by the Board or otherwise defend herself and default is authorized to be entered against her pursuant to Idaho Code Section 67-5242(4).

4. Respondent’s acts as set forth above constitute violations of the laws and rules governing the practice of nursing in this state, thereby authorizing the Board to impose sanctions against Respondent pursuant to Idaho Code § 54-1413(3)(a) and Idaho Code Section 67-5242(4).

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and good cause being show, it is hereby ordered that License No. PN-4781 issued to Frances Widener, is hereby X Revoked ______ Suspended indefinitely, effective immediately.

DATED this 3 day of February, 2005.

IDAHO STATE BOARD OF NURSING

By

[Signature]

Randall Hudspeth, NP, CNS
Chairman

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 service date 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 __8th__ day of __February__, 2005, I caused to be served a true and correct copy of the foregoing FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL ORDER addressed as follows:

Cheri L. Bush  
Deputy Attorney General  
P.O. Box 83720  
Boise, ID 83720-0010  

___ U.S. Mail, postage prepaid  
___ Certified U.S. Mail, return receipt  
___ Hand Delivery  
___ Overnight Mail  
___ Facsimile:__________________________  
X  Statehouse Mail

Frances Widener  
3764 E. Presidential Drive  
Meridian, ID 83642

X  U.S. Mail, postage prepaid  
X  Certified U.S. Mail, return receipt  
___ Hand Delivery  
___ Overnight Mail  
___ Facsimile:__________________________  
___ Statehouse Mail

Sandra Evans, M.A.Ed., R.N.  
Executive Director  
Board of Nursing
**Idaho Board of Nursing**

**MOTION**

The Mission of the Idaho Board of Nursing is to regulate nursing practice and education for the purpose of safeguarding the public health, safety and welfare.

<table>
<thead>
<tr>
<th>Agenda Item:</th>
<th>B2F</th>
<th>Meeting Date: 2/3/05</th>
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**MOTION:**

Revoking license AN-4781 based on default.

Signed:

 Frances Widener

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**Action on Motion:**

- Passed ✔
- Defeated
- Withdrawn
- Opposed

**Motion Submitted by:**

[Signature]

**Action Taken:**

Date:
BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of:

FRANCES WIDENER,
License No. PN-4781,

Respondent.

) ) Case No. 04-88
) ) NOTICE OF INTENT
) ) TO TAKE DEFAULT
) )

The Idaho State Board of Nursing (hereinafter the “Board”) received information from the Idaho Board of Pharmacy that Frances Widener (hereinafter “Respondent”) had attempted to obtain controlled substances by fraud. Respondent was telephoning in prescription medication for herself that had not been prescribed by a physician. Board staff attempted to contact Respondent at her last known address in Boulder City, Nevada. The staff attempted to contact Respondent at a Meridian, Idaho, address that it had obtained. The letter was signed for by Respondent, but she never contacted the Board. Respondent’s actions of attempting to obtain controlled substances by fraud are in violation of Idaho Code § 54-1413 (1)(e), (g), and (h) and IDAPA 23.01.01.100.06, .08, and .09, 23.01.01.101.01 and 04.e.

On October 25, 2004, the Board filed a formal Complaint against Respondent. The Complaint was sent to Respondent at her last address of record. The United States Post Office has not returned the Complaint marked as “undeliverable.” The Complaint advised Respondent that if she did not timely answer the Complaint or otherwise defend, default would be sought against her. Respondent’s Answer was due no later than November 18, 2004. Default is appropriate pursuant to Idaho Code § 67-5242.

THIS IS NOTICE OF THE INTENT TO TAKE DEFAULT AGAINST RESPONDENT AT THE NEXT REGULARLY SCHEDULED BOARD MEETING ON FEBRUARY 3, 2005. THIS IS TO FURTHER ADVISE RESPONDENT THE

NOTICE OF INTENT TO TAKE DEFAULT - 1
DEFAULT SOUGHT WILL BE INDEFINITE SUSPENSION OR REVOCATION OF LICENSE PN-4781.

Respondent should contact the Board in writing via:

Vicky Goetsche, MBA, RN
Associate Director
P.O. Box 83720
Boise, ID 83720-0061
Fax (208) 334-3262

Respondent must also send a copy of any written contact to:

Cheri L. Bush, D.A.G.
Office of the Attorney General, Civil Litigation
P.O. Box 83720
Boise, ID 83720-0010
Fax: (208) 334-2830

DATED this 21st day of January, 2005.

IDAHO STATE BOARD OF NURSING

By
Sandra Evans, MAEd, RN
Executive Director

NOTICE OF INTENT TO TAKE DEFAULT - 2
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of January, 2005, I caused to be served a true and correct copy of the foregoing NOTICE OF INTENT TO TAKE DEFAULT addressed as follows:

Cheri L. Bush
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

[Box marked for Statehouse Mail]

Frances Widener
3764 E. Presidential Drive
Meridian, ID 83642

[Box marked for Statehouse Mail]

Sandra Evans, MAEd, RN
Executive Director
Board of Nursing

[Stamp and certification mark]
BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of:
FRANCES WIDENER,
License No. PN-4781,
Respondent.

Case No. 04-088
COMPLAINT

To: Frances Widener
3764 E. Presidential Drive
Meridian, ID 83642

STATEMENT OF CHARGES

1. The Idaho State Board of Nursing (hereinafter the "Board") is empowered by Idaho Code § 54-1404 to regulate the practice of nursing in the State of Idaho.

2. Frances Widener (hereinafter "Respondent") is licensed to engage in the practice of nursing by the Idaho State Board of Nursing under License No. PN-4781.

3. On or about July 22, 2004, the Board received a Report of Violation of the Nursing Practice Act from the Idaho Board of Pharmacy, setting forth an incident that occurred at the Wal-Mart Pharmacy in Meridian, Idaho, wherein Respondent was phoning in prescriptions for herself that were not prescribed by a physician. Respondent had attempted to have the prescription filled at another pharmacy earlier that same day. Respondent was arrested by the local police.

4. On August 13, 2004, a Board staff member attempted to contact Respondent at her last address of record in Boulder City, Nevada. The letter was returned to the Board by the United States Postal Service on August 23, 2004, with the notation that the
forwarding address had lapsed. The Board’s staff then sent a letter requesting that Respondent contact them about the report of violation. Respondent signed for the letter on September 4, 2004. To date she has not contacted the Board.

5.

On September 1, 2004, the Board learned that on the preceding day Respondent had been charged with two felony counts: one count of Obtaining a Prescription by Fraud and one count of Insurance Fraud.

6.

Respondent’s conduct as set forth above if proven constitutes grounds for discipline as follows:

a. For violations of Idaho Code § 54-1413 (1)(e) and IDAPA 23.01.01.100.06—Habitually uses alcoholic beverages or narcotic, hypnotic or hallucinogenic drugs;

b. For violations of Idaho Code § 54-1413 (1)(g) and IDAPA 23.01.01.100.08 and 23.01.01.101.01—Violates the law, or rules and standards of conduct and practice as may be adopted by the board;

c. For violations of Idaho Code § 54-1413 (1)(h) and IDAPA 23.01.01.100.09—Conduct to deceive, defraud or endanger patients or the public; and
d. For violations of IDAPA 23.01.01.101.04.e—The nurse shall not obtain, possess, furnish or administer prescription drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs.

7.

Pursuant to Idaho Code § 54-1413, the Board is authorized to enter an order suspending, revoking or otherwise disciplining Respondent’s license for Respondent’s violations of Idaho Code and the Board’s duly promulgated rules, as set forth above.

WHEREFORE, the Idaho State Board of Nursing prays for the following action:
1. That a hearing commence at a designated time to allow evidence on the allegations contained in the Complaint to be presented before the Board or the Board’s designated hearing officer;

2. That subsequent to taking evidence, the waiver of a hearing, or the failure of the Respondent to file an Answer to this administrative Complaint, that the Board, or its designated hearing officer, shall issue findings of fact and conclusions of law finding the violations of law alleged herein and the Board shall determine whether the license of Respondent Frances M. Widener should be suspended, revoked or otherwise disciplined pursuant to the statutory and regulatory authority of the Board of Nursing; and

3. For such other and further relief as the Board deems just and proper in the circumstances.

DATED this 25th day of October, 2004.

IDAHO STATE BOARD OF NURSING

By Sandra Evans, M.A.Ed., R.N.
Executive Director

NOTIFICATION OF PROCEDURAL RIGHTS

Pursuant to the provisions of the Administrative Procedure Act codified at title 67, chapter 52, Idaho Code, and the Idaho Rules of the Administrative Procedure of the Attorney General, promulgated at IDAPA 04.11.01, if you wish to contest the charges set forth in this Complaint, you must: (1) file with the Idaho State Board of Nursing a verified Answer to the allegations contained herein within twenty-one (21) days after you are served with this Complaint and (2) request an evidentiary hearing on the charges. You are further notified that if you fail to answer and/or request a hearing, the Board may enter a default against you and be granted the relief sought in this Complaint. Upon receipt of your Answer and request for hearing, the matter will be reviewed and a hearing scheduled. You will then be notified of the date, time and place of the hearing, the name
of the hearing officer appointed by the Board (if any) and further notification of your procedural rights and responsibilities.

You also have the right to be represented by legal counsel, at your own expense, during this administrative proceeding.

Copies of the Administrative Procedure Act and the Idaho Rules of the Administrative Procedure of the Attorney General may be obtained at the Idaho State Law Library.

All original official documents must be filed with the Board at the following address:

Idaho State Board of Nursing  
280 N. Eighth Street, Suite 210  
P.O. Box 83720  
Boise, ID 83720-0061  
telephone: (208) 334-3110  
facsimile: (208) 334-3262

A copy of the Answer and every pleading, motion or subsequent document filed with the Board must also be served upon legal counsel for the Board at the following address:

Cheri L. Bush  
Deputy Attorney General  
Civil Litigation Division  
P.O. Box 83720  
Boise, ID 83720-0010
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of October, 2004, I caused to be served a true and correct copy of the foregoing COMPLAINT addressed as follows:

Cheri L. Bush
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

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

Frances Widener
3764 E. Presidential Drive
Meridian, ID 83642

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

______________________________
Sandra Evans, M.A.Ed., R.N.
Executive Director
Board of Nursing