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

KYLE WOOD
N-30542

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:  

KYLE WOOD  
License No. N-30542  
Respondent.  

Case No. 04-055  
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER  

Having reviewed the documents filed in this matter, the Idaho State Board of Nursing (hereinafter the “Board”) enters the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. Kyle Wood (hereinafter “Respondent”) is licensed by the Idaho State Board of Nursing under License No. N-30542 to engage in the practice of nursing in the State of Idaho.

2. On or about April 19, 2004 the Board received a Report of Violation of the Nursing Practice Act that Respondent was suspected of diversion by his former employer. He signed a Voluntary Surrender of License form on April 19, 2004 and submitted it and his license to the Board. See Exhibit A attached hereto.

3. Respondent underwent a twenty-eight (28) day in-patient treatment program in Arizona for addiction to narcotic medication. On May 20, 2004 Respondent signed a monitoring contract with the Program for Recovering Nurses (PRN). Due to various reasons, such as working for a part-time employer who did not do random testing, being out-of-state to visit an ill family member and relocation to another state, Respondent was never actively involved in PRN. Then on December 9, 2004 Respondent submitted to random urine analysis which came back as positive for Benzodiazepines. When contacted about the positive result Respondent stated he had not taken any medication for which he did not have a prescription. There are no Benzodiazepine prescriptions for Respondent. On January 7, 2005 the Board received a letter from PRN advising it that Respondent was non-complaint with his contract. See Exhibit B attached hereto.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER - 1
4. On January 21, 2005 Respondent’s case was reviewed by the Board’s PRN Committee. The Committee recommended that the matter be referred to the Board for the imposition of discipline. On January 27, 2005, Respondent was advised his case would be heard by the Board at the February 3-4, 2005 meeting to consider revocation or suspension of his license, N-30542. See Exhibit C attached hereto.

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, N-30542 is conditioned upon him complying with all the laws, rules and regulations. Respondent’s actions and failure to act as set forth above are in violation of Idaho Code §§ 54-1413(1)(e) and IDAPA 23.01.01.100.05, and .06 and IDAPA 23.01.01.101.03.e, and .04.e and IDAPA 23.01.132 and hence constitutes grounds for discipline.

3. Respondent’s acts as set forth above constitute violations of Idaho Code § 54-1413, 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 shown, it is hereby ordered that License No. N-30542 issued to Kyle Wood, is:

× Revoked

_____ Suspended _____ days/year(s) _____ indefinitely

Based upon voluntary surrender, and is subject to subsequent review pursuant to Idaho Code § 54-1413(4).

It is further ordered that, should Respondent request reinstatement of licensure in the future, that he present the following information to the Board with his application for reinstatement:

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER - 2
1. Evidence of abstinence from the use of non-medically prescribed drugs and alcohol;

2. Documentation that he is rehabilitated and competent to practice nursing by submitting:
   a. A comprehensive drug/alcohol evaluation completed by a qualified health care provider at the time of application for reinstatement.
   b. A detailed summary of employment since licensure revocation or suspension; and
   c. Documentation of activities engaged in to address drug/alcohol issues, to include documentation of an active recovery program.
   d. Evidence of financial compliance with NCPS and the PRN program.

   The board reserves the right to assess investigative costs and attorney’s fees incurred in this matter as a condition of reinstatement.

   This order is effective immediately.

DATED this 3rd day of February, 2005.

IDAHO STATE BOARD OF NURSING

By

Randall Hudspeth, N.P., C.N.S.
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 ___th 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:
____ Statehouse Mail

Kyle Wood
5405 Batesville Pike
N. Little Rock, AR 72120

____ U.S. Mail, postage prepaid
___ 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
RULE 132.04.
VOLUNTARY SURRENDER OF LICENSE

I, Kyle O. Wood, by affixing my signature hereto, acknowledge that:

1. I admit that I have engaged in the following conduct: Inappropriate handling of narcotic medication. - Violate Hosp. Policy.

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 §54-1413(2)(a).

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 hereby voluntarily surrender license number N-30542 and will immediately discontinue the practice of nursing in Idaho.

8. As required by Board of Nursing Rule 132, IDAPA 23.01.01.132.04, I agree to enter treatment immediately, to participate in a monitoring program and to resume the practice of nursing only at such time as a conditional limited license has been issued to me.

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

DATED: 4/19/04

Kyle Wood
Signature of Licensee
5854 S. Hollyhock Way
Address
Boise, ID 83716
City, State, Zip

Brenda A. Foley
Signature of Witness

EXHIBIT A
January 7, 2005

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

RE: Kyle Wood

Dear Ms. Evans,

This letter is being sent to notify you that Mr. Kyle Wood, a Board of Nursing referral, is currently not in compliance with his PRN contract due to 1) a positive UA test on December 9, 2004 (positive for Benzodiazepines; Oxazepam and Temazepam), 2) failure to attend Intensive Outpatient Treatment, and 3) failure to meet with a psychiatrist and therapist. When questioned about his positive UA test results Mr. Wood stated that he has not taken any medications that were not prescribed to him and doesn’t know why he tested positive. He said that he was unable to have the sample tested again due to cost. When questioned why he has not started treatment in Arkansas, Mr. Wood stated that he is financially unable to follow through with these requirements at this time.

Mr. Wood’s current contract with PRN was signed on May 20, 2004. Mr. Wood’s contract requirements include the following: 1) Attend Intensive Outpatient Treatment 2) 90/90 12-Step meetings then 3 per week, 3) Random UA/drug testing, 4) Meet with sponsor weekly face-to-face to work the steps, 5) Meet with a psychiatrist (rate to be determined by psychiatrist), and 6) Meet with a therapist (rate to be determined by therapist).

Mr. Wood currently owes PRN $45.00.

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.

Sincerely,

Nicole Stivers
Compliance Monitor

cc: Kyle Wood

An Alternative to Disciplinary Action program offered by the Idaho Board of Nursing.
Kyle Wood  
5405 Batesville Pike  
N. Little Rock, AR 72120  

Dear Mr. Wood:

Following a review of your file and related materials by the members of the Program for Recovering Nurses Advisory Committee on January 21, 2005, action was taken to refer your file to the Board of Nursing members for disciplinary action.

Your file will be placed on the agenda for the February 3-4, 2005, meeting of the Board of Nursing members. If you wish to meet with the Board or submit a statement, please contact this office no later than February 1st. Otherwise, the Board will take action to revoke or suspend your professional nurse license based on voluntary surrender.

Please contact this office if you have questions concerning this information.

Sincerely,

SANDRA EVANS, MAEd, RN  
Executive Director

SE:Inc

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.
TO: SANDRA EVANS, MAEd, RN  
Executive Director  
Idaho Board of Nursing  

FROM: Karen Ellis, RN, Chair  
Program for Recovering Nurses  

DATE: January 21, 2005  

The file of Kyle Wood was reviewed at the Advisory Committee meeting on January 21, 2005, and found to be in non-compliance of recommendations because of the following:

Failed to comply with all terms and conditions of the Contract for Monitoring

The Committee made the following recommendation(s):

Refer to Board for disciplinary action.

File reviewed by Executive Director:

Signature ___________________________  
1-21-05 Date

Action Recommended to Board: ___________________________