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

MICHAEL WOOD
N-29058
BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of:  
MICHAEL WOOD, 
License No. N-29058, 

Case No. 04-072

__________ Respondent.__________

FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND FINAL ORDER

A disciplinary complaint was filed against Respondent Michael Wood (hereinafter “Respondent”) August 25, 2004. Subsequently, in correspondence received on September 8, 2004, Respondent requested a hearing to contest the allegations contained in the complaint. On November 11, 2004, Respondent appeared and testified before the Idaho Board of Nursing (hereinafter “Board”) during its regularly scheduled meeting. Board Chairman Randall Hudspeth, RN, NP, CNS, resided. Board members Daniel Bauer, RN, Karen Ellis, RN, Analyn Frasure, LPN, Jill Howell, RN, Shirlie Meyer, RN, and Susan Odom, PhD, RN, participated in the hearing. Consumer member of the Board, Sheri Florence, participated. Board member Ridon Clemm, LPN, recused herself from participation in the hearing and took no part in discussion or decision.

Having listened to the testimony, and reviewed the complaint and other documents filed in this matter, the Board enters the following Findings of Fact, Conclusions of Law, and Final Order.

FINDINGS OF FACT

1. Respondent herein is licensed to engage in the practice of nursing by the Idaho State Board of Nursing. Respondent holds nursing license number N-29058.

2. On February 27, 2004, Respondent, engaged in discussions about a female patient who had been admitted to EIRMC’s ICU from the emergency
department. The discussions concerned the patient's breast size and speculation about whether she had undergone breast augmentation.

3. Later that day, Respondent and co-workers went into the patient's room, lifted the arm of her gown, and looked for scars.

4. Respondent admitted to his involvement in the foregoing conduct and expressed sincere regret for his actions. Respondent's comments to the Board indicated that he had seriously considered the ethical ramifications of his actions and the potential impact on the patient. He apologized to the Board and expressed remorse for violating the patient's privacy and trust, acknowledging that the behavior was inappropriate regardless of whether the patient was sedated or not.

CONCLUSIONS OF LAW

1. The facts as stated above fall within the regulatory jurisdiction of the Board as set forth in title 54, chapter 14, Idaho Code.

2. The Board has power to revoke, suspend, or amend any license issued pursuant to the act if the licensee has engaged in behavior that constitutes grounds for discipline. Idaho Code § 54-1413(1) and IDAPA 23.01.01.101.01.

3. Violating the Nursing Practice Act or rules and standards of practice and conduct as adopted by the Board is behavior that constitutes grounds for discipline. Idaho Code § 54-1413 (1)(g).

4. Failing to respect patients' privacy is a violation of the standards of conduct and as such is grounds for imposition of an order of discipline. IDAPA 23.01.01.101.04.g.
5. Abusing patient trust is a violation of the standards of conduct and as such is grounds for imposition of an order of discipline. IDAPA 23.01.01.101.05.h.

6. Respondent's acts, as set forth above, and his failure to act in accord with the standards of practice and conduct and adhere to the laws and rules governing his continued practice of nursing constitute violations of Idaho Code § 54-1413(1)(a) and IDAPA 23.01.01.101.01, 23.01.01.101.04.g and 23.01.01.101.05.h, thereby authorizing the Board to impose sanctions against Respondent pursuant to Idaho Code §§ 54-1413(3)(a) and 67-5242(4).

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and good cause being shown, it is hereby ordered, and this does ORDER that Respondent be officially reprimanded for his conduct and that this ORDER be a reportable disciplinary event for all purposes.

DATED this 26 day of December 2004.

IDAHO STATE BOARD OF NURSING

By: [Signature]
RANDALL HUDSPETH, NP, CNS
Chairman

NOTICE OF APPEAL RIGHTS

This is a Final Order of the agency. Any party may file a motion for reconsideration of this Final Order within fourteen (14) days of the service date of this Order. The agency 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:

i. a hearing was held,

ii. the final agency action was taken,

iii. the party seeking review of the order resides or operates its principal place of business in Idaho, or

iv. 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 30TH day of December 2004, I caused to be served a true and correct copy of the foregoing FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER, via certified U.S. Mail, postage prepaid, return receipt requested, and addressed to:

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

Kay Christensen
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

Michael Wood
2018 West 19980 North
St. George, UT 84770

[Signature]
SANDRA EVANS, M.A.Ed., R.N.
Executive Director
Board of Nursing
**Sender:**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse, so that we can return the card to you.
- Attach this card to the back of the mail piece, or on the front if space permits.

1. **Article Addressed to:**

   MICHAEL WOOD  
   2018 WEST 19980 NORTH  
   ST GEORGE UT 84770

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**Complete This Section on Delivery**

- **A.** Received by (Please Print Clearly): 
- **B.** Date of Delivery: 7-6
- **C.** Signature: 
  - [Signature]
  - [Address]
- [Agent]
- [Address]
- **D.** Is delivery address different from item 1?  
  - [Yes]
  - [No]

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**3. Service Type**

- [ ] Certified Mail
- [ ] Express Mail
- [ ] Registered
- [ ] Return Receipt for Merchandise
- [ ] Insured Mail
- [ ] C.O.D.

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**4. Restricted Delivery? (Extra Fee)**

- [ ] Yes

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**U.S. Postal Service**

**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

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- **OFFICIAL USE**

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**PS Form 3811, July 1999**

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**Domestic Return Receipt**

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**Return Receipt Fee (Endorsement Required)**

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**Restricted Delivery Fee (Endorsement Required)**

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**MICHAEL WOOD**  
2018 WEST 19980 NORTH  
ST GEORGE UT 84770

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**PS Form 3803, May 2020**  
See Reverse for Instructions
BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of: MICHAEL WOOD License No. N-29058, Respondent. ) ) ) ) ) ) ) Case No. 04-072 COMPLAINT

To: Michael Wood 2018 West 1980 North St. George, UT 84770

STATEMENT OF CHARGES

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

2. Michael Wood (hereinafter “Respondent”) is licensed to engage in the practice of nursing by the Idaho State Board of Nursing under License No. N-29058.

3. On or about July 20, 2004 the Board received a Report of Violation of the Nursing Practice Act from Eastern Idaho Regional Medical Center, Respondent’s former employer, setting forth an incident that occurred at that facility on February 27, 2004. On February 27, 2004 a female patient was admitted to EIRMC’s ICU from its’ Emergency Department. Respondent precipitated and participated in several discussions about the patient’s breast size and speculation on whether she had undergone breast augmentation. Respondent decided to go look at the patient’s breasts for augmentation scars and enlisted several co-workers to go with him. Respondent and the co-workers then went into the patient’s room lifted her gown and looked for scars. Although the patient was paralyzed and intubated she was no longer sedated and was fully aware of what had occurred.
4.

On July 27, 2004 Board staff contacted Respondent about the above incident. Respondent did not deny the incident took place as set forth above. Respondent stated he believed the incident had not harmed the patient but he understood why she would be upset about it.

5.

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

a) For violations of Idaho Code Section 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;

b) For violations of IDAPA 23.01.01.101.04.g- Respecting patient’s privacy;

c) For violations of IDAPA 23.01.01.101.05.c- The nurse shall be responsible and accountable for his nursing judgments, actions and competence; and,

d) For violations of IDAPA 23.01.01.101.05.h- The nurse must not abuse the patient’s trust. The nurse shall respect the dignity of the profession and maintain appropriate professional boundaries with respect to patients. The nurse must be aware of the potential imbalance of power in professional relationships with patients, based upon their need for care, assistance...and to ensure that all aspects of the relationship focus exclusively upon the needs of the patient.

6.

Pursuant to Idaho Code Section 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 Michael Wood 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 August, 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 AUGUST, 2004, I caused to be served a true and correct copy of the foregoing COMPLAINT addressed as follows:

Michael Wood
2018 West 1980 North
St. George, UT 84770

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

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
☐ Facsimile: ____________________________
☒ Statehouse Mail

Sandra Evans, M.A.Ed., R.N.
Executive Director
Board of Nursing
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<th>COMPLETE THIS SECTION ON DELIVERY</th>
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<tr>
<td>Print your name and address on the reverse so that we can return the card to you.</td>
<td>B. Date of Delivery 8-30-64</td>
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<td>Attach this card to the back of the mail piece or on the front if space permits.</td>
<td>C. Signature X Katia Wood</td>
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<td>□ Addressee</td>
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</table>

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M2021

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

MICHAEL WOOD
2018 W 1980 N
ST GEORGE UT 84770

PS Form 3803, May 2000 See Reverse for Instructions