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

DANIEL ZIMNY
N-37975

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. 12-006
DANIEL ZIMNY, )
License No. N-37975, ) FINDINGS OF FACT,
) CONCLUSIONS OF LAW AND
Respondent. ) FINAL ORDER

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-37975, to engage in the practice of nursing in the State of Idaho.

2. On or about January 12, 2012, the Board was informed that Respondent’s license to practice nursing in California had been revoked following his conviction for driving under the influence, a misdemeanor. During an interview, Respondent reported that he is currently enrolled in California’s alternative discipline program for issues related to substance abuse. Respondent indicated his willingness to voluntarily surrender his Idaho license and to have the monitoring program in California send reports on Respondent’s progress to Idaho.

3. On or about May 25, 2012, the Board received a letter from Respondent which stated that he “voluntarily and wholly” surrendered his Idaho license and did not intend to return to Idaho to practice nursing.

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-37975 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)(i) and Board Rule 100.10 (the Board may restrict, limit, revoke or suspend a license if a nurse has had a license suspended or revoked in another jurisdiction).

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-37975 issued to Daniel Zimny 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 for a two (2) year period after entry of this Order or a _____ year period after entry of this Order, whichever period is greater. 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. Evidence of completion of California’s alternative recovery program and compliance with or completion of monitoring in that state;

   b. Evidence of abstinence from the use of non-medically prescribed drugs and alcohol;

   c. Documentation that he is rehabilitated and competent to practice nursing by submitting:
i. A recent, within 6 months, comprehensive drug/alcohol evaluation completed by a qualified Board approved evaluator at the time of application for reinstatement.

ii. A detailed summary of employment since licensure revocation or suspension; and

iii. Documentation of activities engaged in to address drug/alcohol issues, to include at least 2 years of documented sobriety with an active recovery program.

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 18th 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 _____ day of July, 2012, I caused to be served a true and correct copy of the foregoing by the following method to:

Daniel Zimny
6600 Oak Lakes Lane
Citrus Heights, CA 95621

☐ 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, MAEd, RN
Executive Director
Board of Nursing
Daniel Zimny
6600 Oakes Lakes Lane
Citrus Heights, CA 95621

Dear Mr. Zimny:

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-37975 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 for a period of two (2) years from the date of this order.

Sincerely,

SANDRA EVANS, MAEd, RN
Executive Director

SE:llc
enclosure
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Sent To:
DANIEL ZIMNY
6600 OAK LAKES LANE
CITRUS HEIGHTS, CA 95621