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

Vickey Zuckschwerdt

Idaho Board of Nursing – PO Box 83720 – Boise, Idaho 83720-0061 – (208) 334-3110
July 26, 2010

Vickey Zuckscherwrdt
112 North Poplar
Nampa ID 83651

Dear Ms. Zuckscherwrdt:

During their meeting on July 22-23, 2010, the Board of Nursing members took action to accept the Stipulation and Consent Order in which your professional nurse license, N-17286 and Nurse Practitioner license, NP-326A were suspended indefinitely. During the period of suspension, you may not practice nursing in the State of Idaho. Enclosed is a copy of the Final Order which became effective July 23, 2010.

You may not seek reinstatement of your license until you have satisfied the Requirements for Reinstatement as indicated in the Order, Section C. a. Requirements for Reinstatement.

Sincerely,

SANDRA EVANS, MAEd, RN
Executive Director

SF:the
enclosure

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.
BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the Licenses of:  

VICKY I. ZUCKSCHWERDT,  
License Nos. N-17286 and NP-326A,  
Respondent.  

Case No. BON 09-007  
STIPULATION AND  
CONSENT ORDER  

WHEREAS, information has been received by the Idaho State Board of Nursing (the "Board") that constitutes sufficient grounds for the initiation of a show cause proceeding against Vicky I. Zuckschwerdt ("Respondent"); and

WHEREAS, the parties wish to expeditiously settle the matter in lieu of proceeding to a show cause hearing before the Board; now, therefore,

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms:

A. Stipulated Facts and Law

A.1. The Board regulates the practice of nursing in the State of Idaho in accordance with title 54, chapter 14, Idaho Code.

A.2. The Board has issued License Nos. N-17286 and NP-326A to Respondent. Respondent’s licenses expired on August 31, 2009, and Respondent has not renewed her licenses. Respondent’s licenses and renewal rights are subject to the provisions of title 54, chapter 14, Idaho Code and the Board’s rules at IDAPA 23.01.01, et seq.

A.3. On or about July 24, 2009, the Board accepted a Stipulation and Consent Order (hereinafter "July Stipulation"), which was signed by both parties. In the July Stipulation, Respondent agreed to pay the Board’s fees and costs within one hundred twenty (120) days after the entry of the Board’s Order, complete two National Council of State Boards of Nursing (NCSBN) online education courses, submit a paper regarding “Defining the Reasons and the Importance of a Bona Fide APPN/Patient Relationship When Prescribing and Dispensing” and instruct her physician to submit an evaluation of
Respondent’s current medical condition and prescriptions within thirty (30) days of the entry of the Board’s Order and quarterly reports thereafter.

A.4. On December 21, 2009, an Order to Show Cause was filed against Respondent for failing to comply with the terms of the July Stipulation, specifically:

a. Respondent failed to have her physician submit an evaluation of Respondent’s current medical condition and prescriptions within thirty (30) days of the entry of the Board’s Order.

b. Respondent failed to pay the Board’s fees and costs within one hundred twenty (120) days of the entry of the Board’s Order.

A.5. On December 21, 2009, Respondent had complied with the following terms of the July Stipulation:

a. Respondent completed the NCSBN online education courses: “Professional Accountability and Legal Liability for Nurses” and “Documentation: A Critical Aspect of Client Care.”

A.6. After the Order to Show Cause was filed, Respondent complied with the following terms of the July Stipulation on or about March 23, 2010:

a. Respondent paid the Board’s fees and costs, and

b. Respondent submitted a scholarly paper addressing “Defining the Reasons and the Importance of a Bona Fide APPN/Patient Relationship When Prescribing and Dispensing.”

A.7. Respondent’s failure to comply with the requirements of the July Stipulation places Respondent in default of the July Stipulation and in violation of Idaho Code § 54-1413.

A.8. Respondent, in lieu of proceeding with a formal show cause action, hereby agrees that the Board may enter a final order against her license as set forth in Section C below.

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STIPULATION AND CONSENT ORDER - 2
B. Waiver of Procedural Rights

I, Vicky I. Zuckschwerdt, by affixing my signature hereto, acknowledge that:

B.1. I have read, understand and admit the allegations pending before the Board as stated in Section A, above, and I agree that the Board has jurisdiction to proceed in this matter.

B.2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to testify myself; the right to reconsideration of the Board’s orders; the right to judicial review of the Board’s orders; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of nursing in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this Stipulation as a resolution of the pending allegations.

B.3. I understand that in signing this Stipulation I am enabling the Board to impose disciplinary action upon my license without further process.

C. Stipulated Discipline

C.1. License: Respondent’s licenses are suspended indefinitely. Respondent agrees to not seek reinstatement of her licenses until she has satisfied the Requirements for Reinstatement listed below. Respondent agrees that upon reinstatement, she may be issued a Limited License as stated below.

   a. Requirements for Reinstatement: In addition to the reinstatement requirements set forth in Board Rule 61, Respondent must submit the following information with any request for renewal or reinstatement:

      i. Health Care Providers: Respondent must provide Board Staff with a written list of her attending health care providers (including without limitation any therapists, counselors, or other mental health care providers);

      ii. Health Care Provider’s Evaluation: Respondent’s health care providers (“provider”) must submit to the Board the provider’s evaluation describing
Respondent's current medical condition(s) and listing her prescriptions, including the
dose/frequency and rationale for the medications prescribed. This evaluation shall be
submitted on a form provided by the Board. The provider shall also identify any concerns
that he/she may have about Respondent's ability to safely practice nursing and what
restrictions, if any, should be placed upon Respondent's practice. When requesting such
evaluations, Respondent shall provide the provider with, and request that the provider
review, the Idaho Board of Nursing Position on Safety to Practice. A copy of the Idaho
Board of Nursing Position on Safety to Practice is attached as Exhibit A.;

iii. **Self-Evaluation**: Respondent must prepare and submit a
written self-evaluation on a form provided by the Board. Respondent's self-evaluation
must address her ability to practice nursing safely as provided in the Idaho Board of
Nursing Position on Safety to Practice.

iv. **July Stipulation**: Respondent must submit proof of
compliance with all terms and/or conditions of the July Stipulation; and

v. **Other Information**: Respondent shall submit any additional
documents or information requested by the Board in order to evaluate Respondent's
safety to practice.

b. **Limited License**: Should Respondent reinstate her license,
Respondent may be issued a Limited License with Non-Practicing Status or Restricted
Status.

i. **Non-Practicing Status**: If the Board determines that
Respondent is prevented from practicing nursing due to her health status, a Limited
License with Non-Practicing Status may be issued to Respondent pursuant to Board Rule
132.02. As set forth in Board Rule 132.02(b), this license "does not entitle [Respondent] to
engage in the active practice of nursing." The non-practicing status may be lifted upon
a showing to the satisfaction of the Board that Respondent is no longer prevented from
safely practicing nursing due to her health status. See Board Rule 132.02(c).
ii. **Restricted Status:** If the Board determines that Respondent’s ability to practice nursing is restricted due to the health status of Respondent, a Limited License with Restricted Status may be issued to Respondent pursuant to Board Rule 132.03. Any conditions placed upon Respondent’s license shall incorporate the Idaho Board of Nursing Position on Safety to Practice in accordance with Board Rule 132.03(c). The restricted status may be lifted upon a showing to the satisfaction of the Board that Respondent’s health status no longer restricts her ability to safely practicing nursing. See Board Rule 132.03(d).

c. **Single-State License:** If a Limited License is issued to Respondent, her license shall be a single-state license 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.

C.2. The violation of any of the terms of this Stipulation by Respondent will warrant further Board action. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this Stipulation.

**D. Presentation of Stipulation to Board**

D.1. The Board’s prosecutor shall present this Stipulation to the Board with a recommendation for approval.

D.2. The Board may accept, modify with Respondent’s approval, or reject this Stipulation. If the Board rejects the Stipulation, an administrative Complaint may be filed with the Board. Respondent waives any right Respondent may have to challenge the Board’s impartiality to hear the allegations in the administrative Complaint based on the fact that the Board has considered and rejected this Stipulation. Respondent does not waive any other rights regarding challenges to Board members.

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STIPULATION AND CONSENT ORDER - 5
D.3. If the Board rejects this Stipulation then, except for Respondent’s waiver set forth in Paragraph D.2., this Stipulation shall be regarded as null and void, and admissions in this Stipulation and negotiations preceding the signing of this Stipulation will not be admissible at any subsequent disciplinary hearing.

D.4. Except for Paragraph D.2. which becomes effective when Respondent signs this Stipulation, this Stipulation shall not become effective until it has been approved by a majority of the Board and a Board member signs the attached Order.

E. Violation of Stipulation and Consent Order

E.1. If Respondent violates this Stipulation and Consent Order, the violation shall be considered grounds for additional discipline and the Board may impose additional discipline pursuant to the following procedure:

a. The Board’s staff shall schedule a hearing before the Board to assess whether Respondent has violated this Stipulation and Consent Order. The staff shall also serve notice of the hearing and charges to Respondent and to Respondent’s attorney, if any. Within fourteen (14) days after the notice of the hearing and charges is served, Respondent may submit a response to the allegations. If Respondent does not submit a timely response to the Board, the alleged violations will be deemed admitted.

b. At the hearing, the Board and Respondent may submit evidence and present oral argument based upon the record in support of their positions. Unless otherwise ordered by the Board, the evidentiary record before the Board shall be limited to evidence relevant to whether Respondent has violated this Stipulation and Consent Order. At the hearing the facts and substantive matters related to the violations described in Section A shall not be at issue.

c. At the hearing, the Board may impose additional discipline, which may include the suspension or revocation of Respondent’s license, the imposition of fines, the recovery of costs and attorney fees incurred by the Board and/or other conditions or limitations upon Respondent’s practice.
E.2. This Stipulation and Consent Order is the resolution of a contested case and is a public record.

E.3. This Stipulation contains the entire agreement between the parties, and Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.

I have read the above Stipulation fully and have had the opportunity to discuss it with legal counsel. I understand that by its terms I am waiving certain rights accorded me under Idaho law. I understand that the Board may either approve this Stipulation as proposed, approve it subject to specified changes, or reject it. I understand that, if approved as proposed, the Board will issue an Order on this Stipulation according to the aforementioned terms, and I hereby agree to the above Stipulation for settlement. I understand that if the Board approves this Stipulation subject to changes, and the changes are acceptable to me, the Stipulation will take effect and an order modifying the terms of the Stipulation will be issued. If the changes are unacceptable to me or the Board rejects this Stipulation, it will be of no effect.

DATED this 12th day of July 2010.

Vicky I. Zuckschwerdt
Respondent

Approved as to form.

DATED this 20th day of July, 2010.

R. Wade Curtis
Of Attorneys for Respondent
I recommend that the Board enter an Order based upon this Stipulation.

DATED this 20th day of July, 2010.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By [Signature]
Karin Magnelli
Deputy Attorney General

ORDER

Pursuant to Idaho Code §§ 54-1404 and 54-1413, the foregoing is adopted as the decision of the Board of Nursing in this matter and shall be effective on the 5th day of July, 2010. IT IS SO ORDERED.

IDAHO STATE BOARD OF NURSING

By [Signature]
Susan Odom, Ph.D., R.N.
Chair
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of January, 2010, I caused to be served a true and correct copy of the foregoing by the following method to:

Vickey L. Zuckscherdt
112 North Poplar
Nampa ID 83651

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☒ Certified U.S. Mail, return receipt
☐ Overnight Mail
☐ Facsimile:
☐ Statehouse Mail

R. Wade Curtis
BELNAP, CURTIS & WILLIAMS, PLLC
PO Box 7685
Boise, ID 83707-1685

☒ U.S. Mail, postage prepaid
☐ Certified U.S. Mail, return receipt
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile:
☐ Statehouse Mail

Karin Magnelli
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

☐ U.S. Mail, postage prepaid
☐ Certified U.S. Mail, return receipt
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☐ Overnight Mail
☐ Facsimile:
☒ Statehouse Mail

Linda Coley,
Management Assistant
Board of Nursing