



COMMONWEALTH of VIRGINIA

Dianne L. Reynolds-Cane, M.D.  
Director

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May 11, 2012

Jodi Anne Sanderson  
2422 Lake View Drive  
Fergus Falls, MN 56537

CERTIFIED MAIL

**DUPLICATE COPY  
VIA FIRST CLASS MAIL**

DATE 5/11/12

RE: License No.: 0001-164590

Dear Ms. Sanderson:

Pursuant to Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), you are hereby given notice that your license to practice nursing in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered May 11, 2012. You are hereby advised that, pursuant to Section 54.1-2409.1 of the Code, any person who practices a profession or occupation after having their license or certificate to do so suspended shall be guilty of a felony. Please return your license to Jay P. Douglas, Executive Director of the Virginia Board of Nursing, at the above address, immediately upon receipt of this letter.

Section 54.1-2409 of the Code further provides that you may apply to the Board of Nursing ("Board") for reinstatement of your license, and shall be entitled to a hearing not later than the next regular meeting of the Board after the expiration of sixty days from the receipt of such reinstatement application. You have the following rights, among others: to be represented by legal counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. The reinstatement of your license shall require the affirmative vote of three-fourths of the members present of the Board of Nursing.

Should you wish to petition the Board of Nursing for reinstatement of your license, contact Jay P. Douglas, Executive Director, at the above address or (804) 367-4599.

Sincerely,

Dianne L. Reynolds-Cane, M.D., Director  
Department of Health Professions

Enclosures  
Case # 144639

**VIRGINIA:**

**BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS**

**IN RE: JODI ANNE SANDERSON, R.N.  
License No.: 0001-164590**

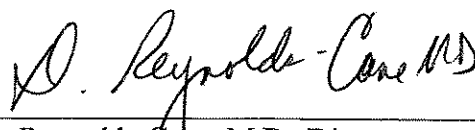
**ORDER**

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, Dianne L. Reynolds-Cane, M.D., Director of the Virginia Department of Health Professions, received and acted upon evidence that the license of Jodi Anne Sanderson, R.N., to practice nursing in the State of Minnesota was suspended by a Final Order dated April 11, 2012. A certified copy of the Final Order (with attachment) is attached to this Order and is marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the privilege of Jodi Anne Sanderson, R.N., to renew her license to practice nursing in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the license of Jodi Anne Sanderson, R.N., will be recorded as suspended and no longer current. Should Ms. Sanderson seek reinstatement of her license pursuant to Section 54.1-2409 of the Code, she shall be responsible for any fees that may be required for the reinstatement and renewal of her license prior to issuance of her license to resume practice.

Pursuant to Sections 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection and copying upon request.



\_\_\_\_\_  
Dianne L. Reynolds-Cane, M.D., Director  
Department of Health Professions

ENTERED: 5-11-12



# COMMONWEALTH of VIRGINIA

Dianne L. Reynolds-Cane, M.D.  
Director

## *Department of Health Professions*

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### **CERTIFICATION OF DUPLICATE RECORDS**

I, Dianne L. Reynolds-Cane, M.D., Director of the Department of Health Professions, hereby certify that the attached Final Order (with attachment) dated April 11, 2012, regarding Jodi Anne Sanderson, R.N., is a true copy of the records received from the State of Minnesota Board of Nursing.

*D. Reynolds-Cane MD*

Date: \_\_\_\_\_

*5-11-12*

Dianne L. Reynolds-Cane, M.D.

**BEFORE THE MINNESOTA  
BOARD OF NURSING**

In the Matter of  
Jodi A. Sanderson  
R.N. License No. 192198-4  
L.P.N. License No. 52716-9

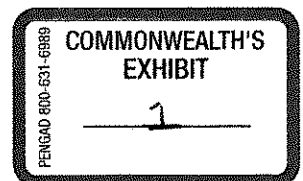
**FINDINGS OF FACT,  
CONCLUSIONS,  
AND FINAL ORDER**

The above-entitled matter came on for hearing at a regularly scheduled meeting of the Minnesota Board of Nursing ("Board") on April 5, 2012, convened at 2829 University Avenue S.E., Fourth Floor, Conference Room A, Minneapolis, Minnesota 55414. The Board conducted a hearing pursuant to the procedure set forth in paragraph 12.a. of the Stipulation and Consent Order ("2010 Consent Order") issued by the Board to Jodi A. Sanderson, R.N., L.P.N. ("Respondent"), on October 14, 2010. At the hearing, the Board Review Panel presented affidavit evidence of Respondent's violations of the 2010 Consent Order. Respondent did not appear. Benjamin R. Garbe, Assistant Attorney General, appeared on behalf of the Board Review Panel. Board members David Brewer, Christine Norton, and Deborah Haagenon did not participate in deliberations and did not vote in the matter. Mary J. Squires, Nursing Regulations Analyst for the Board, did not participate in the deliberations. Karen B. Andrews, Assistant Attorney General, was present as legal advisor to the Board.

**FINDINGS OF FACT**

The Board has reviewed the record of this proceeding and hereby issues the following Findings of Fact:

1. The Board is authorized pursuant to Minnesota Statutes sections 148.171 to 148.285 to license, regulate, and discipline persons who apply for, petition, or hold licenses as



registered and licensed practical nurses and is further authorized pursuant to Minnesota Statutes sections 214.10 and 214.103 to review complaints against nurses, to refer such complaints to the Attorney General's Office, and to initiate appropriate disciplinary action.

2. On August 2, 2007, the Board issued a Stipulation and Consent Order ("2007 Consent Order"), to which Respondent agreed, suspending Respondent's license to practice practical nursing and denying her application for licensure as a registered nurse. The bases of the 2007 Consent Order included Respondent's mental health, chemical dependency, and disciplinary order in the State of Virginia.

3. On February 6, 2009, the Board issued an Order to Reinstate, rescinding the 2007 Consent Order, reinstating Respondent's license as a licensed practical nurse, suspending her license but staying the suspension so long as Respondent complied with various conditions, including successful participation in the Health Professionals Services Program ("HPSP") and abstention from mood-altering chemicals, including alcohol.

4. On June 25, 2009, the Board received information indicating Respondent had complied with the conditions of her Virginia order.

5. On August 6, 2009, the Board issued a Stipulation and Consent Order ("2009 Consent Order"), to which Respondent agreed, rescinding the 2009 Order to Reinstate, granting Respondent a professional nursing license, and suspending Respondent's licenses to practice nursing but staying the suspension so long as Respondent complied with various conditions.

6. On October 14, 2010, the Board issued the 2010 Consent Order, to which Respondent agreed, rescinding the 2009 Consent Order and suspending Respondent's licenses to practice nursing but staying the suspension so long as Respondent complied with the conditions for the stay. The bases of the 2010 Consent Order included Respondent's discharge from the

HPSP for noncompliance due to her positive and problem drug screens and chemical dependency.

7. Paragraph 8.b. of the 2010 Consent Order requires Respondent to successfully participate in the HPSP for a minimum of 24 months and comply with all terms of the HPSP Participation Agreement.

8. Paragraph 8.h. of the 2010 Consent Order requires Respondent to abstain from all non-prescribed mood-altering chemicals, including alcohol, while the 2010 Consent Order is in effect.

9. Respondent agreed to and signed the 2010 Consent Order. In paragraph 12 of the 2010 Consent Order, Respondent expressly acknowledged and agreed to several procedures the Board Review Panel may use to resolve alleged noncompliance with or violation of the 2010 Consent Order. The 2010 Consent Order remained in full force and effect at the time the conduct described in paragraph 11 below occurred.

10. Respondent expressly acknowledged and agreed in paragraph 12.a. of the 2010 Consent Order that in the event the Board received evidence Respondent violated the terms of the 2010 Consent Order, she would be notified of such allegations in writing and, following the opportunity to contest the allegations, the Board may impose additional disciplinary action against Respondent's licenses.

11. The Board received information Respondent violated the terms of the 2010 Consent Order and engaged in acts or omissions which would be a violation of Minnesota Statutes section 148.261 as follows:

a. On October 26, 2010, Respondent completed an intake interview with the HPSP. On November 10, 2010, the HPSP received Respondent's signed enrollment form and Participation Agreement and Monitoring Plan, which included the following requirements:

1) Paragraph I.F.1. of the Monitoring Plan required Respondent to abstain from the use of all controlled substances, including alcohol, unless prescribed by her primary health care provider.

2) Paragraph I.F.2. of the Monitoring Plan required Respondent to immediately report to the HPSP any use of non-prescribed controlled substances or mood-altering chemicals, including alcohol.

b. On February 3, 2011, Respondent reported to the HPSP she was diagnosed with pelvic inflammatory disease ("PID") on February 1, 2011. She was prescribed Percocet by her primary care provider.

c. On March 11, 2011, Respondent reported to the HPSP she was seen in the emergency department on March 9, 2011, for PID. She received intravenous Dilaudid in the emergency department and was prescribed Vicodin.

d. On September 8, 2011, Respondent reported to the HPSP she was seen at Urgent Care on September 7, 2011, for sciatica nerve pain. She was prescribed Vicodin.

e. On October 12, 2011, Respondent reported to the HPSP she was seen in the emergency department for a sciatica flare-up. She was prescribed Vicodin.

f. On November 1, 2011, Respondent reported to the HPSP she refilled her Vicodin prescription on October 31, 2011.

g. On November 29, 2011, Respondent notified the HPSP that as of December 12, 2011, she would be working full-time in Ramsey County.

h. On December 28, 2011, Respondent's supervisor reported to the HPSP Respondent did not show up for work on December 27, 2011, and had not responded to voice mails and text messages. The HPSP called Respondent and left her a message requesting a toxicology screen.

i. On December 28, 2011, Respondent called the HPSP and admitted she had relapsed over Christmas weekend. She stated she initially obtained Percocet on the street and then began using heroin. Respondent was discharged from the HPSP for noncompliance.

j. On January 6, 2012, the Board received information that Respondent was currently receiving chemical dependency treatment.

12. On February 17, 2012, Respondent was served with a Notice of Removal of Stay of Suspension, Imposition of Suspension, and Hearing ("Notice") and Order of Removal of Stay of Suspension by first-class mail at her last known address on file with the Board. The Notice informed Respondent of the alleged violations and of the date, time, and place of the hearing. The Notice also informed Respondent she was required to submit a response to the allegations in the Notice within ten days after the Notice was mailed. The Notice also scheduled a conference with the Board Review Panel on March 13, 2012. Respondent failed to submit a response or attend the conference.

13. The Board Review Panel had probable cause to remove the stay of suspension.

### **CONCLUSIONS**

Based upon the foregoing Findings of Fact, the Board makes the following Conclusions:

1. The Board has jurisdiction in this matter pursuant to Minnesota Statutes sections 148.261, 148.262, subdivision 1, 214.10, and 214.103.



2. The Board Review Panel gave proper notice of the alleged violations to Respondent, pursuant to paragraph 12.a. of the 2010 Consent Order.

3. Under paragraph 12.a. of the 2010 Consent Order, the allegations contained in the Notice are deemed admitted because of Respondent's failure to submit a written response.

4. As a result of Respondent's failure to respond to the Notice, the Board Review Panel has met its burden of proof.

5. The Board Review Panel has proved by a preponderance of the evidence that Respondent has violated Minnesota Statutes section 148.261, subdivision 1(9) and (18), and the 2010 Consent Order.

6. As a result of the violations set forth above and pursuant to the terms of the 2010 Consent Order, the Board has the authority to impose additional disciplinary action against Respondent's licenses to practice professional and practical nursing.

#### **ORDER**

Based on the foregoing Findings of Fact and Conclusions, the Board issues the following Order:

1. NOW, THEREFORE, IT IS HEREBY ORDERED that the 2010 Consent Order issued to Respondent on October 14, 2010, is hereby **RESCINDED** and shall have no future force or effect.

2. IT IS FURTHER ORDERED that the licenses of Respondent as a registered and practical nurse in the State of Minnesota are **SUSPENDED** immediately for an indefinite period of time.

3. IT IS FURTHER ORDERED that during the period of suspension Respondent shall not engage in any conduct that constitutes the practice of professional or practical nursing

as defined in Minnesota Statutes section 148.171, subdivisions 14 and 15, and shall not imply to any person by words or conduct that Respondent is authorized to practice nursing in the State of Minnesota.

4. IT IS FURTHER ORDERED that Respondent surrender to the Board her registration certificates. Respondent shall personally deliver or mail the certificates to the Minnesota Board of Nursing, c/o Shirley A. Brekken, Executive Director, Suite 200, 2829 University Avenue S.E., Minneapolis, Minnesota 55414, within ten days of the date of this Order.

5. IT IS FURTHER ORDERED that Respondent may petition the Board to have the suspended status removed from her licenses at such time as she is willing to respond to the Findings of Fact set forth above and following 24 months from the date of this Order. Her licenses may be reinstated, if at all, as the evidence dictates and based upon the need to protect the public. The burden of proof shall be upon Respondent to demonstrate by a preponderance of the evidence that she is capable of conducting herself in a fit and competent manner in the practice of professional or practical nursing, is successfully participating in a program of chemical dependency rehabilitation, and has been sober and free from mood-altering chemicals during the 24 months immediately preceding her petition. At the time of Respondent's petition, Respondent shall meet with a Board Review Panel to review her response to the Findings of Fact and provide documentation of 24 months of uninterrupted sobriety. In petitioning for removal of the suspension, Respondent shall comply with or provide the Board with, at a minimum, the following:

- a. A response to each separate fact contained in the Findings of Fact.

b. Evidence of compliance with the provisions of this Order. As part of the proof of compliance, Respondent shall submit the following in support of her petition:

1) Reports from two adult persons, at least one of whom is not related to Respondent, who can attest to Respondent's sobriety. Each report shall provide and address:

a) Respondent's active participation in a chemical dependency rehabilitation program;

b) Respondent's sobriety, including the date she last used mood-altering chemicals, including alcohol; and

c) Any other information the reporter believes would assist the Board in its ultimate review of this matter.

2) A report from Respondent's employment supervisor(s), if any, during the 24 months preceding the petition. This report shall provide and address:

a) Respondent's attendance and reliability;

b) Respondent's ability to carry out assigned functions;

c) Respondent's ability to handle stress;

d) Respondent's sobriety; and

e) Any other information the supervisor believes would assist the Board in its ultimate review of this matter.

3) A report from Respondent herself. This report shall provide and address:

a) Respondent's sobriety, including the date she last used mood-altering chemicals, including alcohol, and the circumstances surrounding any use while this Order is in effect;

b) Respondent's treatment and weekly participation in a chemical dependency support group such as Alcoholics Anonymous during the 24 months preceding the petition. Evidence of participation shall include, but need not be limited to, attendance sheets (on a form provided by the Board) which have been signed or initialed and dated by a participant who has attended the weekly meeting;

c) Respondent's ability to handle stress;

d) Respondent's employment, if any;

e) Respondent's future plans for nursing and the steps she has taken to prepare herself to return to nursing practice;

f) Evidence Respondent has maintained the knowledge, skills, and ability to practice professional or practical nursing safely; and

g) Any other information Respondent believes would assist the Board in its ultimate review of this matter.

4) A report from any and all physicians and dentists and any other health professional who has prescribed mood-altering chemicals to Respondent during her petition. This report shall provide and address:

a) The name, dosage, frequency, and purpose of the mood-altering chemicals prescribed to Respondent;

b) Confirmation the prescribing health professional has been informed of Respondent's chemical dependency history; and

c) Any other information the reporter believes would assist the Board in its ultimate review of this matter.

5) A report from any mental health treatment professional whom Respondent consults during her petition. This report shall provide and address:

a) Verification the mental health treatment professional has reviewed the 2007, 2009, and 2010 Consent Orders, and this Order;

b) Identification of a plan of treatment, including any medications, devised for Respondent;

c) A statement of the involvement between Respondent and the mental health treatment professional, including the number and frequency of meetings;

d) Respondent's progress with therapy and compliance with the treatment plan;

e) The mental health treatment professional's conclusion as to the need for continuing therapy and Respondent's discontinuance of therapy; and

f) Any other information the mental health treatment professional believes would assist the Board in its ultimate review of this matter.

6) A report from any health care provider whom Respondent consults for physical health, mental health, or chemical dependency treatment during her petition. Each report shall provide and address:

a) Verification the physician has reviewed the 2007, 2009, and 2010 Consent Orders, and this Order;

b) Identification of diagnoses and any plans of treatment, including medications, devised for Respondent;

c) Respondent's progress with therapy and compliance with the treatment plan;

d) A statement regarding Respondent's mental health status;  
e) A statement regarding Respondent's sobriety;  
f) Recommendations for additional treatment, therapy, or monitoring; and

g) Any other information the physician believes would assist the Board in its ultimate review of this matter.

7) A report from any pain management specialist whom Respondent consults during her petition. The reports shall be submitted to the Board at the time Respondent petitions for reinstatement of her licenses. Each report shall provide and address:

a) Verification the pain management specialist has reviewed the 2007, 2009, and 2010 Consent Orders, and this Order;

b) Identification of diagnoses and any plans of treatment, including medications, devised for Respondent;

c) A statement of the involvement between Respondent and the pain management specialist, including the number and frequency of meetings;

d) Respondent's progress with therapy and compliance with the treatment plan;

e) A statement regarding Respondent's mental health status;

f) A statement regarding Respondent's sobriety;

g) Recommendations for additional treatment, therapy, or monitoring; and

h) Any other information the pain management specialist believes would assist the Board in its ultimate review of this matter.

8) Within 60 days prior to petitioning, Respondent shall undergo a chemical dependency evaluation performed by a chemical dependency treatment professional. Respondent shall submit, or cause to be submitted, the credentials of the chemical dependency evaluator for review and preapproval by Board staff for purposes of this evaluation. Respondent is responsible for the costs of the evaluation. The results of the evaluation shall be sent directly to the Board and must include a statement verifying the evaluator has reviewed the 2007, 2009, and 2010 Consent Orders, and this Order prior to the evaluation.

9) Respondent shall comply with any recommendations for additional evaluation and treatment made by the chemical dependency evaluator.

10) Within 60 days prior to petitioning for reinstatement, if requested by the Board, Respondent must undergo a mental health evaluation performed by a psychiatrist or a licensed psychologist. Respondent shall submit, or cause to be submitted, the credentials of the evaluator for review and preapproval by Board staff for purposes of this evaluation. Respondent is responsible for the cost of the evaluation. The results shall be sent directly to the Board and shall provide and address:

a) Verification the evaluator has reviewed a copy of the 2007, 2009, and 2010 Consent Orders, and this Order;

b) Diagnosis and any recommended treatment plan;

c) Respondent's ability to handle stress;

d) Recommendations for additional evaluation or treatment;

and

e) Any other information the evaluator believes would assist the Board in its ultimate review of this matter.

11) Respondent shall comply with any recommendations for additional evaluation and treatment made by the mental health evaluator.

12) Within 60 days prior to petitioning for reinstatement, if requested, Respondent shall undergo a pain management evaluation with a physician specializing in the treatment of chronic pain. Respondent shall submit, or cause to be submitted, the credentials of the evaluator for review and preapproval by Board staff for purposes of this evaluation. The results of the evaluation shall be sent directly to the Board and must include a statement verifying the evaluator has reviewed the 2007, 2009, and 2010 Consent Orders, and this Order and any evaluation and/or treatment records deemed pertinent by the Board or the evaluator prior to the evaluation. The evaluation must include diagnoses and a recommended treatment plan, recommended medication plan, and any further evaluations or treatment recommended by the evaluator.

13) Respondent shall comply promptly with any recommendations for additional evaluation and treatment made by the pain management evaluator.

14) During the petitioning process, the Board may direct Respondent, without prior notice, to submit to laboratory hair, blood, and urine screenings to determine the presence or absence of alcohol or drugs. Respondent shall arrange with her employer for release from work for purposes of fulfilling the requirements of the laboratory screening. The Board may contact Respondent by telephone, letter, or through personal contact by an agent to direct her to submit to the tests within two hours after she is contacted by the Board. The hair, blood, and urine screens shall be: (1) observed in their drawing; (2) handled through legal chain-of-custody methods; and (3) paid for by Respondent. The results of the screens shall be reported directly to the Board. The biological fluid testing shall take place at Hennepin County Medical



Center, 701 Park Avenue South, Minneapolis, Minnesota 55415. If Respondent is farther than 30 miles from Hennepin County Medical Center and the blood and urine testing is to be completed through the mail, the drug screening tests used must be those obtained from Hennepin County Medical Center. All blood and urine tests processed through the mail must be directed to the attention of the toxicology supervisor at Hennepin County Medical Center.

15) At any time while this Order is in effect and at the request of the Board, Respondent shall complete and sign health records waivers and chemical dependency waivers supplied by the Board to allow representatives of the Board to discuss Respondent's case with and to obtain written evaluations and reports and copies of all of Respondent's health, mental health, and chemical dependency records from her physician, therapist, chemical dependency counselor, or others from whom Respondent has sought or obtained support or assistance.

16) Any additional information relevant to Respondent's petition reasonably requested by the Board Review Panel.

6. IT IS FURTHER ORDERED that Respondent shall meet all reregistration requirements in effect at the time of her petition, including but not limited to completing the appropriate application, paying the requisite fees, and completing any necessary continuing education requirements.

7. IT IS FURTHER ORDERED that Respondent's violation of this Order shall constitute violation of a Board order for purposes of Minnesota Statutes section 148.261, subdivision 1(18), and provide grounds for further disciplinary action.

**BEFORE THE MINNESOTA**

**BOARD OF NURSING**

In the Matter of  
Jodi A. Sanderson  
R.N. License No. 192198-4  
L.P.N. License No. 52716-9

**STIPULATION AND  
CONSENT ORDER**

**STIPULATION**

Jodi A. Sanderson, R.N. L.P.N. ("Licensee"), and the Minnesota Board of Nursing Review Panel ("Review Panel") agree the above-referenced matter may be resolved without trial of any issue or fact as follows:

**I.**

**JURISDICTION**

1. The Minnesota Board of Nursing ("Board") is authorized pursuant to Minnesota Statutes sections 148.171 to 148.285 to license and regulate registered and licensed practical nurses and to take disciplinary action as appropriate.

2. Licensee holds licenses from the Board to practice professional and practical nursing in the State of Minnesota and is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Consent Order.

**II.**

**CONFERENCE**

3. On August 31, 2010, Licensee and her attorney, Susan Schaffer, Attorney-at-Law, 2136 Ford Parkway, #177, St. Paul, Minnesota 55114, appeared before the Review Panel, composed of Deborah Haagenson, Board member, and Mary Squires, Regulations Analyst for the Board, to discuss allegations made in a Notice of Removal of Stay of Suspension, Imposition of Suspension, and Hearing, dated August 17, 2010. Anne L. Ringquist, Nursing Practice Specialist for the Board also attended the conference.

4. Careen Martin, Assistant Attorney General, represents the Review Panel in this matter.

### III.

#### FACTS

5. The parties agree this Stipulation and Consent Order is based upon the following facts:

a. On August 2, 2007, the Board issued a Stipulation and Consent Order ("2007 Order") suspending Respondent's license to practice practical nursing and denying her application for licensure as a registered nurse. The bases of the 2007 Order included Licensee's mental health, chemical dependence, and disciplinary order in Virginia.

b. On February 6, 2009, the Board issued an Order to Reinstate, rescinding the 2007 Order, reinstating Licensee's license as a licensed practical nurse, suspending the license, but staying the suspension so long as Licensee complied with various conditions, including successful participation in the Health Professionals Services Program ("HPSP") and abstention from mood-altering chemicals, including alcohol.

c. On February 17, 2009, Licensee completed an HPSP intake interview. Licensee acknowledged diagnoses of cocaine dependence, opioid abuse, and sedative/hypnotic/anxiolytics dependence, all in sustained full remission.

d. On March 3, 2009, the HPSP received Licensee's signed Participation Agreement.

e. On June 25, 2009, the Board received information indicating Licensee had complied with the conditions of her Virginia order.

f. On August 6, 2009, the Board issued a Stipulation and Consent Order ("2009 Order") granting Licensee a professional nursing license, suspending Licensee's licenses to practice nursing but staying the suspension on condition of Licensee's compliance with various terms, including the following:

1) Paragraph 9.a. required Licensee to successfully participate in the HPSP.

2) Paragraph 9.g. required Licensee to abstain from non-prescribed controlled substances and other abusable chemicals, including alcohol, while the 2009 Order is in effect.

g. On September 28, 2009, Licensee missed a required toxicology drug screen.

h. On April 6, 2010, Licensee submitted a toxicology drug screen that was considered suspicious for being diluted based on the urine creatinine and specific gravity. Licensee told the HPSP case manager she had been consuming large amounts of water due to an illness she contracted while traveling outside the country. Licensee's screens were increased to nine per quarter.

i. On May 3, 2010, Licensee submitted a toxicology drug screen that was confirmed positive for benzodiazepines, including nordiazepam, oxazepam, and temazepam.

j. On May 10, 2010, the HPSP contacted Licensee regarding the May 3, 2010 positive screen. Licensee said she had been administered Valium and Dilaudid during an emergency department visit on April 14, 2010. Licensee had not reported this on the chain of custody form for the May 3, 2010 screen, but her medical records confirmed this occurred. The HPSP requested a medical officer opinion to determine whether the administration of these medications on April 14, 2010 would account for the May 3, 2010 positive screen.

k. On May 14, 2010, Licensee submitted a toxicology screen; however, she failed to sign the chain of custody form, which caused the specimen to be invalid.

l. On May 26, 2010, the HPSP received the requested medical report, which included the statement, "Valium is metabolized to temazepam, oxazepam, and nordiazepam. Since all four drugs and/or metabolites have half lives less than 37 hours, it would be very unlikely that 19 days after she received Valium, that [sic] her urine would still be positive."

m. On May 26, 2010, Licensee's toxicology drug screen submitted on April 19, 2010 was tested for benzodiazepines. This sample, taken between when Licensee received Valium and the May 3, 2010 positive screen, was negative for benzodiazepines. Licensee stated this showed the Valium was out of her system at that time. When asked by her HPSP case manager how Valium could be found in her body again afterwards, Licensee could not provide an explanation. Licensee asserted she did not knowingly consume benzodiazepines. On May 26, 2010, Licensee was discharged from the HPSP for non-compliance.

n. In a written response and during the conference with the Review Panel, Licensee stated she missed the September 28, 2009 toxicology screen because she was having surgery on October 5, 2009, and she forgot to call the toxicology line due to stress about her upcoming surgery. Licensee stated she completed a screen the following day and the result was negative. Licensee said her failure to sign the chain of custody form on May 14, 2010, was an oversight. She denied she consumed Valium or any other controlled substance subsequent to being treated in the emergency department on April 14, 2010, but was unable to explain why the April 19, 2010 toxicology screen was negative for benzodiazepines and the May 3, 2010 screen was positive. Licensee stated she had a surgery in October 2009 and she has been pain-free since that time, with no need for controlled substances. Licensee stated she continues to see her treating professionals after her discharge from the HPSP, attends Alcoholics Anonymous or Narcotics Anonymous twice weekly, and has two sponsors. Licensee submitted letters from RN supervisors at her current employments at two detoxification centers.

o. The Review Panel requested Licensee obtain a toxicology drug screen immediately following the conference. On September 14, 2010, the Board received the results of the August 31, 2010 toxicology screen. The results were negative.

**IV.**

**LAWS**

6. Licensee acknowledges the conduct described in section III. above constitutes a violation of Minnesota Statutes section 148.261, subdivision 1(18), and justifies the disciplinary action described in section V. below.

**V.**

**DISCIPLINARY ACTION**

The parties agree the Board may take the following disciplinary action and require compliance with the following terms:

7. The Board hereby **RESCINDS** the 2009 Order, which shall have no future force or effect.

**A. Stayed Suspension**

8. The Board hereby **SUSPENDS** Licensee's licenses to practice professional and practical nursing. The suspension is **STAYED** so long as Licensee complies with the following requirements and upon the condition that Licensee participates in the Health Professionals Services Program ("HPSP") as follows:

a. Contact With the HPSP. Licensee shall contact the HPSP at (651) 643-2120 to initiate enrollment in the program within 14 days of the date of this Stipulation and Consent Order.

b. Participation Agreement. Licensee shall enter into a Participation Agreement with the HPSP within 60 days of the date of this Stipulation and Consent Order. Licensee shall successfully participate in monitoring by the HPSP for a minimum of 24 months from the date of her signed Participation Agreement. Licensee must comply with all terms of the Participation Agreement. At a minimum, the Participation Agreement must include the following terms:

1) At all times while this Stipulation and Consent Order is in effect, Licensee shall completely abstain from any and all mood-altering chemicals, including alcohol,

unless expressly prescribed in writing by a physician, dentist, or other health care professional who is providing care and treatment to Licensee. Within three days of when the prescriber prescribes controlled substances to Licensee, Licensee must inform the HPSP in writing of the prescription and the condition being treated.

2) Licensee shall obtain all prescriptions and/or approval for use of medications from providers authorized by the HPSP.

3) Licensee shall keep a daily log of all prescribed and over-the-counter medications she takes and include the log in her quarterly reports.

c. Chemical Dependency Evaluation. If requested by the Board at any time while this Stipulation and Consent Order is in effect, Licensee shall undergo a chemical dependency evaluation within 60 days of the request. The evaluation must be performed by a chemical dependency treatment professional. Licensee shall submit, or cause to be submitted, the credentials of the chemical dependency evaluator for review and preapproval by Board staff for purposes of this evaluation. Licensee is responsible for the costs of the evaluation. The results of the evaluation shall be sent directly to the Board and must include a statement verifying the evaluator has reviewed this Stipulation and Consent Order, the 2009 Order, the 2007 Order, and any evaluation and/or treatment records deemed pertinent by the Board or the evaluator prior to the evaluation.

d. Compliance With Evaluator's Recommendations. Licensee shall comply promptly with any recommendations for additional evaluation and treatment made by the chemical dependency evaluator.

e. Mental Health Evaluation. If requested by the Board at any time while this Stipulation and Consent Order is in effect, Licensee must undergo a mental health evaluation within 60 days of the request. The evaluation must be performed by a psychiatrist or a licensed psychologist. Licensee shall submit, or cause to be submitted, the credentials of the evaluator for review and pre-approval by Board staff for purposes of this evaluation. Licensee is responsible

for the cost of the evaluation. The results shall be sent directly to the Board and shall provide and address:

f. **Verification** the evaluator has reviewed a copy of this Stipulation and Consent Order, the 2009 Order, the 2007 Order, and any evaluation and/or treatment records deemed pertinent by the Board or the evaluator prior to the evaluation;

- 1) **Diagnosis and any recommended treatment plan;**
- 2) **Licensee's ability to handle stress;**
- 3) **Recommendations for additional evaluation or treatment; and**
- 4) **Any other information the evaluator believes would assist the Board in its ultimate review of this matter.**

g. **Compliance With Evaluator's Recommendations.** Licensee shall comply promptly with any recommendations for additional evaluation and treatment made by the mental health evaluator.

h. **Abstention From Mood-Altering Chemicals.** At all times while this Stipulation and Consent Order is effect, Licensee shall completely abstain from all mood-altering chemicals, including alcohol, unless expressly prescribed in writing by a physician, dentist, or other authorized health care professional who is providing care and treatment to Licensee. Within three days of when a physician, dentist, or other authorized health care professional prescribes controlled substances to Licensee, Licensee must inform the Board in writing of the prescription and the condition being treated.

i. **Waivers.** If requested by the Board at any time while this Stipulation and Consent Order is in effect, Licensee shall complete and sign health records waivers and chemical dependency treatment records waivers supplied by the Board to allow representatives of the Board to discuss Licensee's case with and to obtain written evaluations and reports and copies of all of Licensee's health, mental health, or chemical dependency records from her physician, mental health professional/therapist, chemical dependency counselor, or others from whom Licensee has sought or obtained treatment, support, or assistance.



### **C. Removal of Stayed Suspension**

9. The stayed suspension of Licensee's licenses may be administratively removed after 24 months from the date of Licensee's Participation Agreement and upon written notification to Licensee by the Board of the removal of the stayed suspension.

## **VI.**

### **CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS**

10. It is Licensee's responsibility to ensure all payments, reports, evaluations, and documentation required to be filed with the Board pursuant to this Stipulation and Consent Order or the HPSP pursuant to Licensee's Participation Agreement are timely filed by those preparing the report, evaluation, or documentation. Failure to file payments, reports, evaluations, and documentation on or before their due date is a violation of this Stipulation and Consent Order.

#### **A. Noncompliance With Requirements for Stayed Suspension**

11. If the Review Panel has probable cause to believe Licensee has failed to comply with or has violated any of the requirements for staying the suspension as outlined in paragraph 8 and above or has failed to comply with the Participation Agreement, or is subject to a positive chemical screen, the Review Panel may remove the stayed suspension pursuant to the procedures outlined in paragraph 12 below, with the following additions and exceptions:

a. If the HPSP discharges Licensee from the program for any reason other than Licensee's successful completion of the terms of the Participation Agreement, there will be a presumption of a preponderance of the evidence that Licensee has failed to comply with the requirement(s) for staying the suspension.

b. The removal of the stayed suspension shall take effect upon service of an Order of Removal of Stayed Suspension ("Order of Removal"). Licensee agrees that the Review Panel is authorized to issue an Order of Removal, which shall remain in effect and shall have the full force and effect of an order of the Board until the Board makes a final determination pursuant to the procedures outlined in paragraph 12 below. The Order of Removal shall confirm the Review Panel has probable cause to believe Licensee has failed to comply with or has

violated one or more of the requirements for staying the suspension of Licensee's licenses. Licensee further agrees an Order of Removal issued pursuant to this paragraph shall be deemed a public document under the Minnesota Government Data Practices Act. Licensee waives any right to a conference or hearing before removal of the stayed suspension.

c. The Review Panel shall schedule the hearing pursuant to paragraph 12.a. below to be held within 60 days of the notice.

#### B. Noncompliance With Stipulation and Consent Order

12. If Licensee fails to comply with or violates this Stipulation and Consent Order the Review Panel may, in its discretion, seek additional discipline either by initiating a contested case proceeding pursuant to Minnesota Statutes chapter 14 or by bringing the matter directly to the Board pursuant to the following procedure:

a. The Review Panel shall schedule a hearing before the Board. At least 20 days before the hearing, the Review Panel shall mail Licensee a notice of the violation(s) alleged by the Review Panel. In addition, the notice shall designate the time and place of the hearing. Within ten days after the notice is mailed, Licensee shall submit a written response to the allegations. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

b. The Review Panel, in its discretion, may schedule a conference with Licensee prior to the hearing before the Board to discuss the allegations and to attempt to resolve the allegations through agreement.

c. Prior to the hearing before the Board, the Review Panel and Licensee may submit affidavits and written argument in support of their positions. At the hearing, the Review Panel and Licensee may present oral argument. Argument shall not refer to matters outside the record. The evidentiary record shall be limited to the affidavits submitted prior to the hearing and this Stipulation and Consent Order. Unless stated otherwise in this Stipulation and Consent Order, the Review Panel shall have the burden of proving by a preponderance of the evidence that a violation has occurred. If Licensee has failed to submit a timely response to the

allegations, Licensee may not contest the allegations, but may present argument concerning the appropriateness of additional discipline. Licensee waives a hearing before an administrative law judge, discovery, cross-examination of adverse witnesses, and other procedures governing hearings pursuant to Minnesota Statutes chapter 14.

d. Licensee's correction of a violation prior to the conference, hearing, or meeting of the Board may be taken into account by the Board but shall not limit the Board's authority to impose discipline for the violation. A decision by the Review Panel not to seek discipline when it first learns of a violation will not waive the Review Panel's right to later seek discipline for that violation, either alone or in combination with other violations, at any time while Licensee's licenses are suspended or the suspension is stayed.

e. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board will dismiss the allegations. If a violation is proved, the Board may impose additional discipline, including additional requirements for the stayed suspension, removal of the stayed suspension, an additional period of suspension, or revocation of Licensee's licenses.

f. Nothing herein shall limit the Review Panel's or the Board's right to temporarily suspend Licensee's licenses pursuant to Minnesota Statutes section 148.262, subdivision 3, based on a violation of this Stipulation and Consent Order or based on conduct of Licensee not specifically referred to herein. Similarly, nothing herein shall limit the Review Panel's or the Board's right to automatically suspend Licensee's licenses pursuant to Minnesota Statutes section 148.262, subdivision 2.

## VII.

### ADDITIONAL INFORMATION

13. In the event Licensee should leave Minnesota to reside or to practice outside of the state, Licensee shall give the Board written notification of the new location, as well as dates of departure and return. Periods of residency and practice outside of Minnesota will not apply to the reduction of any period of Licensee's suspension or stayed suspension in Minnesota unless

Licensee demonstrates that the practice in another state conforms completely with this Stipulation and Consent Order. If Licensee leaves the state, the terms of this order continue to apply unless waived in writing.

14. Within ten days of execution of this Stipulation and Consent Order, Licensee shall provide the Board with the addresses and telephone numbers of Licensee's residence and all agencies or facilities and locations at which Licensee has become employed or performs volunteer nursing. Licensee shall inform the Board within ten days if <he/she> becomes employed at any additional agencies or facilities or moves and shall provide the new or additional address and telephone number.

15. Within ten days of execution of this Stipulation and Consent Order, Licensee shall provide the Board with the names of all states in which Licensee is licensed to practice professional or practical nursing or has applied for licensure as a professional or practical nurse.

16. Licensee waives the contested case hearing and all other procedures before the Board to which Licensee may be entitled under the Minnesota and United States constitutions, statutes, or rules.

17. Licensee waives any claims against the Board, the Minnesota Attorney General, the State of Minnesota, and their agents, employees, and representatives related to the investigation of the conduct herein, or the negotiation or execution of this Stipulation and Consent Order, which may otherwise be available to Licensee.

18. This Stipulation and Consent Order, the files, records, and proceedings associated with this matter shall constitute the entire record and may be reviewed by the Board in its consideration of this matter.

19. Either party may seek enforcement of this Stipulation and Consent Order in any appropriate civil court.

20. Licensee has read, understands, and agrees to this Stipulation and Consent Order and has voluntarily signed the Stipulation and Consent Order. Licensee is aware this Stipulation and Consent Order must be approved by the Board before it goes into effect. The Board may

either approve the Stipulation and Consent Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Licensee, the Stipulation and Consent Order will take effect and the order as modified will be issued. If the changes are unacceptable to Licensee or the Board rejects the Stipulation and Consent Order, it will be of no effect except as specified in the following paragraph.

21. Licensee agrees that if the Board rejects this Stipulation and Consent Order or a lesser remedy than indicated in this settlement, and this case comes again before the Board, Licensee will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and Consent Order or of any records relating to it.

22. This Stipulation and Consent Order shall not limit the Board's authority to proceed against Licensee by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of Licensee which constitutes grounds for disciplinary action and which is not directly related to the specific facts and circumstances set forth in this document.

## VIII.

### DATA PRACTICES NOTICES

23. This Stipulation and Consent Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5. Data regarding this action will be provided to data banks as required by Federal law or consistent with Board policy. While this Stipulation and Consent Order is in effect, information obtained by the Board pursuant to this Order is considered active investigative data on a licensed health professional, and as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4.

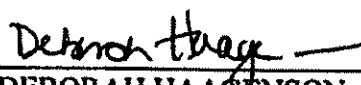
24. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation.

CONSENT:

BOARD OF NURSING

REVIEW PANEL

  
\_\_\_\_\_  
JODI A. SANDERSON, R.N., L.P.N.  
Licensee

  
\_\_\_\_\_  
DEBORAH HAAGENSON  
Board Member


Dated: Sept 22, 2010

Dated: 10-14, 2010

**ORDER**

Upon consideration of the Stipulation, the Board hereby **RESCINDS** the 2009 Order and **SUSPENDS** Licensee's licenses. The Board **STAYS** the suspension upon Licensee's compliance with the requirements outlined in the Stipulation and the condition that Licensee participates in the Health Professionals Services Program and adopts all other terms of the Stipulation on this 14<sup>th</sup> day of October, 2010.

MINNESOTA BOARD  
OF NURSING

  
\_\_\_\_\_  
SHIRLEY A. BREKKEN  
Executive Director



**BEFORE THE MINNESOTA**

**BOARD OF NURSING**

In the Matter of  
Jodi A. Sanderson, L.P.N.  
License No. 52716-9  
Applicant for Registered Nurse  
Licensure by Endorsement

**STIPULATION AND  
CONSENT ORDER**

**STIPULATION**

Jodi A. Sanderson, L.P.N. ("Licensee/Applicant"), and the Minnesota Board of Nursing Review Panel ("Review Panel") agree the above-referenced matter may be resolved without trial of any issue or fact as follows:

**I.**

**JURISDICTION**

1. The Minnesota Board of Nursing ("Board") is authorized pursuant to Minnesota Statutes sections 148.171 to 148.285 to license and regulate professional and licensed practical nurses and to take disciplinary action as appropriate.

2. Licensee/Applicant holds a license from the Board to practice practical nursing in the State of Minnesota, has applied for licensure as a registered nurse by endorsement, and is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Consent Order.

**II.**

**CONFERENCE**

3. On January 7, 2009, Licensee/Applicant appeared before the Review Panel, composed of Kimberly Keilholtz, Board member, and Anne L. Ringquist, Nursing Practice Specialist for the Board, to discuss Licensee/Applicant's petition for reinstatement of her license to practice practical nursing, and granting of her registered nurse licensure by endorsement. Also

present at the conference was Mary Squires, Nursing Regulations Analyst for the Board. On February 6, 2009, the Board issued an Order to Reinstate ("2009 Order") reinstating Licensee's license to practice practical nursing, suspending the license, and staying the suspension. However, the Board did not grant Licensee/Applicant licensure to practice professional nursing.

4. Licensee/Applicant was advised by the Board's representatives that she may choose to be represented by legal counsel in this matter. Although Licensee/Applicant appeared before the Review Panel without an attorney, she indicated she was represented by Rolf Nycklemoe, Esq., of Nycklemoe, Ellig and Nycklemoe, Fergus Falls. Careen Martin, Assistant Attorney General, represented the Review Panel at the conference.

### III.

#### FACTS

5. The parties agree this Stipulation and Consent Order is based upon the following facts:

a. On August 2, 2007, the Board issued Licensee/Applicant a Stipulation and Consent Order ("2007 Order") suspending Licensee/Applicant's license to practice practical nursing and denying her application for licensure as a registered nurse. The bases for the 2007 Order were Licensee/Applicant's unmanaged mental health and chemical dependence, and disciplinary action in another state.

b. On January 7, 2009, Licensee/Applicant met with a Review Panel to discuss her petition for reinstatement of her license and her request for registered nurse licensure by endorsement. Licensee/Applicant demonstrated satisfaction of the requirements for reinstatement of her license to practice practical nursing, and on February 6, 2009, the Board issued Licensee/Applicant an Order to Reinstate, reinstating Licensee's license to practice practical nursing, suspending the license, and staying the suspension. However, Licensee/Applicant was not in compliance with the terms of her disciplinary order related to her license to practice professional nursing in Virginia, and the Board did not grant Licensee/Applicant registered nurse licensure by endorsement.



c. On June 25, 2009, the Board received information from the Virginia Board of Nursing indicating Licensee/Applicant is now in compliance with the disciplinary order.

**IV.**

**LAWS**

6. Licensee/Applicant acknowledges the conduct described in section III. above constitutes a violation of Minnesota Statutes section 148.261, subdivision 1 (4) and (9) and justifies the disciplinary action described in section V. below.

**V.**

**DISCIPLINARY ACTION**

The parties agree the Board may take the following disciplinary action and require compliance with the following terms:

7. The Board hereby **RESCINDS** the 2009 Order which shall have no future force or effect.

8. The Board hereby **GRANTS** Licensee/Applicant a license to practice professional nursing in the State of Minnesota upon Licensee/Applicant's successful completion of all applicable requirements for licensure.

**A. Stayed Suspension**

9. The Board hereby **SUSPENDS** Licensee/Applicant's licenses to practice professional and practical nursing. The suspension is **STAYED** upon compliance with the following terms:

a. Contact With the Health Professionals Services Program. Within 14 days of the date of this Order, Licensee/Applicant shall contact the Health Professionals Services Program ("HPSP") at (651) 643-2120 to alert the HPSP of this Order and to continue her participation in the program. Licensee/Applicant shall successfully participate in monitoring by the HPSP for a minimum of 36 months from the date of her signed participation agreement.

b. Licensee/Applicant must comply with all terms of the Participation Agreement. At a minimum, the Participation Agreement must include the following terms:

1) At all times while this Stipulation and Consent Order is in effect, Licensee/Applicant shall completely abstain from any and all mood-altering chemicals, including alcohol, unless expressly prescribed in writing by a physician, dentist, or other health care professional who is providing care and treatment to Licensee/Applicant. Within three days of when the prescriber prescribes controlled substances to Licensee/Applicant, Licensee/Applicant must inform the HPSP in writing of the prescription and the condition being treated.

2) Licensee/Applicant shall obtain all prescriptions and/or approval for use of medications from providers authorized by the HPSP.

3) Licensee/Applicant shall keep a daily log of all prescribed and over-the-counter medications she takes and include the log in her quarterly reports.

c. Chemical Dependency Evaluation. If requested by the Board or the HPSP at any time while this order is in effect, Licensee/Applicant shall undergo a chemical dependency evaluation performed by a chemical dependency treatment professional within 60 days of the request. Licensee/Applicant shall submit, or cause to be submitted, the credentials of the chemical dependency evaluator for review and preapproval by Board staff for purposes of this evaluation. Licensee/Applicant is responsible for the costs of the evaluation. The results of the evaluation shall be sent directly to the Board and must include a statement verifying the evaluator has reviewed this Stipulation and Consent Order and the 2007 Order prior to the evaluation.

d. Compliance With Evaluator's Recommendations. Licensee/Applicant shall promptly comply with any recommendations for additional evaluation and treatment made by the chemical dependency evaluator.

e. Mental Health Evaluation. If requested by the Board or the HPSP at any time while this order is in effect, Licensee/Applicant must undergo a mental health evaluation performed by a psychiatrist or a licensed psychologist within 60 days of the request. Licensee/Applicant shall submit, or cause to be submitted, the credentials of the evaluator for review and pre-approval by Board staff for purposes of this evaluation. Licensee/Applicant is

responsible for the cost of the evaluation. The results shall be sent directly to the Board and shall provide and address:

- 1) Verification the evaluator has reviewed a copy of this Stipulation and Consent Order and the 2007 Order;
- 2) Diagnosis and any recommended treatment plan;
- 4) Licensee/Applicant's ability to handle stress;
- 5) Recommendations for additional evaluation or treatment; and
- 6) Any other information the evaluator believes would assist the Board in its ultimate review of this matter.

f. Compliance With Evaluator's Recommendations. Licensee/Applicant shall promptly comply with any recommendations for additional evaluation and treatment made by the mental health evaluator.

g. Abstention From Mood-Altering Chemicals. At all times while this Stipulation and Consent Order is in effect, Licensee/Applicant shall completely abstain from all mood-altering chemicals, including alcohol, unless expressly prescribed in writing by a physician, dentist, or other authorized health care professional who is providing care and treatment to Licensee/Applicant. Within three days of when a physician, dentist, or other authorized health care professional prescribes controlled substances for Licensee/Applicant, Licensee/Applicant must inform the HPSP in writing of the prescription and the condition being treated.

h. Waivers. If requested by the Board at any time while this Stipulation and Consent Order is in effect, Licensee/Applicant shall complete and sign health records waivers and chemical dependency treatment records waivers supplied by the Board to allow representatives of the Board to discuss Licensee/Applicant's case with and to obtain written evaluations and reports and copies of all of Licensee/Applicant's health, mental health, or chemical dependency records from her physician, mental health professional/therapist, chemical

dependency counselor, or others from whom Licensee/Applicant has sought or obtained treatment, support, or assistance.

i. Additional Information. Licensee/Applicant shall provide any additional relevant information reasonably requested by the Board.

j. If Licensee/Applicant has not been employed as a licensed practical or registered nurse within 12 months from the date of this Order, Licensee/Applicant may be required to meet with a Review Panel to review her plans for nursing and amend the present Order accordingly.

10. Licensee/Applicant shall notify each present and future nursing supervisor of this Stipulation and Consent Order within ten days of the date of the order or commencing employment. Licensee/Applicant shall provide the supervisor with a copy of the entire signed Stipulation and Consent Order and the 2007 Order.

#### C. Removal of Stayed Suspension

11. The stayed suspension of Licensee/Applicant's license shall be administratively removed upon the HPSP's written notification to the Board of Licensee/Applicant's successful completion of the terms of the Participation Agreement and upon written notification to Licensee/Applicant by the Board of the removal of the stayed suspension.

### VI.

#### CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

12. It is Licensee/Applicant's responsibility to ensure all payments, reports, evaluations, and documentation required to be filed with the Board pursuant to this Stipulation and Consent Order, or the HPSP pursuant to Licensee/Applicant's Participation Agreement, are timely filed by those preparing the report, evaluation, or documentation. Failure to file payments, reports, evaluations, and documentation on or before their due date is a violation of this Stipulation and Consent Order.

A. Noncompliance With Requirements for Stayed Suspension

13. If the Review Panel has probable cause to believe Licensee/Applicant has failed to comply with or has violated any of the requirements for staying the suspension as outlined in paragraph 9 above or has failed to comply with the Participation Agreement, or is subject to a positive chemical screen, the Review Panel may remove the stayed suspension pursuant to the procedures outlined in paragraph 14 below, with the following additions and exceptions:

a. If the HPSP discharges Licensee/Applicant from the program for any reason other than Licensee/Applicant's successful completion of the terms of the Participation Agreement, there will be a presumption of a preponderance of the evidence that Licensee/Applicant has failed to comply with the requirement(s) for staying the suspension.

b. The removal of the stayed suspension shall take effect upon service of an Order of Removal of Stayed Suspension ("Order of Removal"). Licensee/Applicant agrees that the Review Panel is authorized to issue an Order of Removal, which shall remain in effect and shall have the full force and effect of an order of the Board until the Board makes a final determination pursuant to the procedures outlined in paragraph 14 below. The Order of Removal shall confirm the Review Panel has probable cause to believe Licensee/Applicant has failed to comply with or has violated one or more of the requirements for staying the suspension of Licensee/Applicant's license. Licensee/Applicant further agrees an Order of Removal issued pursuant to this paragraph shall be deemed a public document under the Minnesota Government Data Practices Act. Licensee/Applicant waives any right to a conference or hearing before removal of the stayed suspension.

c. The Review Panel shall schedule the hearing pursuant to paragraph 14.a. below to be held within 60 days of the notice.

## B. Noncompliance With Stipulation and Consent Order

14. If Licensee/Applicant fails to comply with or violates this Stipulation and Consent Order the Review Panel may, in its discretion, seek additional discipline either by initiating a contested case proceeding pursuant to Minnesota Statutes chapter 14 or by bringing the matter directly to the Board pursuant to the following procedure:

a. The Review Panel shall schedule a hearing before the Board. At least 20 days before the hearing, the Review Panel shall mail Licensee/Applicant a notice of the violation(s) alleged by the Review Panel. In addition, the notice shall designate the time and place of the hearing. Within ten days after the notice is mailed, Licensee/Applicant shall submit a written response to the allegations. If Licensee/Applicant does not submit a timely response to the Board, the allegations may be deemed admitted.

b. The Review Panel, in its discretion, may schedule a conference with Licensee/Applicant prior to the hearing before the Board to discuss the allegations and to attempt to resolve the allegations through agreement.

c. Prior to the hearing before the Board, the Review Panel and Licensee/Applicant may submit affidavits and written argument in support of their positions. At the hearing, the Review Panel and Licensee/Applicant may present oral argument. Argument shall not refer to matters outside the record. The evidentiary record shall be limited to the affidavits submitted prior to the hearing and this Stipulation and Consent Order. Unless stated otherwise in this Stipulation and Consent Order, the Review Panel shall have the burden of proving by a preponderance of the evidence that a violation has occurred. If Licensee/Applicant has failed to submit a timely response to the allegations, Licensee/Applicant may not contest the allegations, but may present argument concerning the appropriateness of additional discipline. Licensee/Applicant waives a hearing before an administrative law judge, discovery, cross-examination of adverse witnesses, and other procedures governing hearings pursuant to Minnesota Statutes chapter 14.

d. Licensee/Applicant's correction of a violation prior to the conference, hearing, or meeting of the Board may be taken into account by the Board but shall not limit the Board's authority to impose discipline for the violation. A decision by the Review Panel not to seek discipline when it first learns of a violation will not waive the Review Panel's right to later seek discipline for that violation, either alone or in combination with other violations, at any time while Licensee/Applicant's license is suspended or the suspension is stayed.

e. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board will dismiss the allegations. If a violation is proved, the Board may impose additional discipline, including additional requirements for the stayed suspension, removal of the stayed suspension, an additional period of suspension, or revocation of Licensee/Applicant's license.

f. Nothing herein shall limit the Review Panel's or the Board's right to temporarily suspend Licensee/Applicant's license pursuant to Minnesota Statutes section 148.262, subdivision 3, based on a violation of this Stipulation and Consent Order or based on conduct of Licensee/Applicant not specifically referred to herein. Similarly, nothing herein shall limit the Review Panel's or the Board's right to automatically suspend Licensee/Applicant's license pursuant to Minnesota Statutes section 148.262, subdivision 2.

## VII.

### ADDITIONAL INFORMATION

15. In the event Licensee/Applicant should leave Minnesota to reside or to practice outside of the state, Licensee/Applicant shall give the Board written notification of the new location, as well as dates of departure and return. Periods of residency and practice outside of Minnesota will not apply to the reduction of any period of Licensee/Applicant's suspension or stayed suspension in Minnesota unless Licensee/Applicant demonstrates that the practice in another state conforms completely with this Stipulation and Consent Order. If Licensee/Applicant leaves the state, the terms of this order continue to apply unless waived in writing.

16. Within ten days of execution of this Stipulation and Consent Order, Licensee/Applicant shall provide the Board with the addresses and telephone numbers of Licensee/Applicant's residence and all agencies or facilities and locations at which Licensee/Applicant has become employed or performs volunteer nursing. Licensee/Applicant shall inform the Board within ten days if she becomes employed at any additional agencies or facilities or moves and shall provide the new or additional address and telephone number.

17. Within ten days of execution of this Stipulation and Consent Order, Licensee/Applicant shall provide the Board with the names of all states in which Licensee/Applicant is licensed to practice professional or practical nursing or has applied for licensure as a professional or practical nurse.

18. Licensee/Applicant waives the contested case hearing and all other procedures before the Board to which Licensee/Applicant may be entitled under the Minnesota and United States constitutions, statutes, or rules.

19. Licensee/Applicant waives any claims against the Board, the Minnesota Attorney General, the State of Minnesota, and their agents, employees, and representatives related to the investigation of the conduct herein, or the negotiation or execution of this Stipulation and Consent Order, which may otherwise be available to Licensee/Applicant.

20. This Stipulation and Consent Order, the files, records, and proceedings associated with this matter shall constitute the entire record and may be reviewed by the Board in its consideration of this matter.

21. Either party may seek enforcement of this Stipulation and Consent Order in any appropriate civil court.

22. Licensee/Applicant has read, understands, and agrees to this Stipulation and Consent Order and has voluntarily signed the Stipulation and Consent Order. Licensee/Applicant is aware this Stipulation and Consent Order must be approved by the Board before it goes into effect. The Board may either approve the Stipulation and Consent Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Licensee/Applicant, the



Stipulation and Consent Order will take effect and the order as modified will be issued. If the changes are unacceptable to Licensee/Applicant or the Board rejects the Stipulation and Consent Order, it will be of no effect except as specified in the following paragraph.

23. Licensee/Applicant agrees that if the Board rejects this Stipulation and Consent Order or a lesser remedy than indicated in this settlement, and this case comes again before the Board, Licensee/Applicant will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and Consent Order or of any records relating to it.

24. This Stipulation and Consent Order shall not limit the Board's authority to proceed against Licensee/Applicant by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of Licensee/Applicant which constitutes grounds for disciplinary action and which is not directly related to the specific facts and circumstances set forth in this document.

### VIII.


#### DATA PRACTICES NOTICES

25. This Stipulation and Consent Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5. Data regarding this action will be provided to data banks as required by Federal law or consistent with Board policy. While this Stipulation and Consent Order is in effect, information obtained by the Board pursuant to this Order is considered active investigative data on a licensed health professional, and as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4.

26. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation.

CONSENT:

BOARD OF NURSING  
REVIEW PANEL

  
\_\_\_\_\_  
JODI A. SANDERSON, L.P.N.  
Licensee/Applicant

  
\_\_\_\_\_  
KIMBERLY KEILHOLTZ  
Board Member


Dated: 7-18-09, 2009

Dated: Aug 6, 2009

ORDER

Upon consideration of the Stipulation, the Board hereby **RESCINDS** the 2009 Order, **GRANTS** Licensee/Applicant licensure as a professional nurse in the State of Minnesota and **SUSPENDS** Licensee/Applicant's license. The Board **STAYS** the suspension upon the condition that Licensee/Applicant participates in the Health Professionals Services Program and adopts all other terms of the Stipulation on this 6<sup>th</sup> day of August, 2009.

MINNESOTA BOARD  
OF NURSING

  
\_\_\_\_\_  
SHIRLEY A. BREKKEN  
Executive Director



**BEFORE THE MINNESOTA**

**BOARD OF NURSING**

In the Matter of  
Jodi A. Sanderson, L.P.N.  
License No. 52716-9

**ORDER TO REINSTATE**

The Minnesota Board of Nursing ("Board") convened on February 5, 2009, to review and consider the evidence submitted by Jodi A. Sanderson, L.P.N. ("Licensee") in support of her petition for reinstatement as a licensed practical nurse in the State of Minnesota. Based on the evidence presented, the Board issues the following ORDER:

1. IT IS HEREBY ORDERED that the Stipulation and Consent Order issued to Licensee on August 2, 2007 ("2007 Order") denying her application for registered nurse licensure and suspending her license as a licensed practical nurse, is hereby **RESCINDED** and shall have no further force and effect except as incorporated and restated herein.

2. IT IS FURTHER ORDERED that the license of the Licensee as a practical nurse in the State of Minnesota is **REINSTATED**.

3. IT IS FURTHER ORDERED that the Board hereby **SUSPENDS** Licensee's license to practice practical nursing. The suspension is **STAYED** upon compliance with the following terms:

a. Licensee shall successfully participate in monitoring by the Health Professionals Services Program ("HPSP") for a minimum of 36 months. Licensee is required to contact the HPSP at 612-643-2120 to initiate enrollment in the program within 14 days of the date of this Order. Licensee is further required to sign a participation agreement with the HPSP no later than 60 days from the date of this Order.

b. Licensee must comply with all terms set forth in the Participation Agreement. At a minimum, the Participation Agreement must include the following terms:

1) At all times while this Order is in effect, Licensee shall completely abstain from all mood-altering chemicals, including alcohol, unless expressly prescribed in writing by a physician, dentist, or other authorized health care professional who is providing care and treatment to Licensee. Within three days of when the prescriber prescribes controlled substances to Licensee, Licensee must inform the HPSP in writing of the prescription and the condition being treated.

2) Licensee shall obtain all prescriptions and/or approval for use of medications from providers authorized by the HPSP.

3) Licensee shall keep a daily log of all prescribed and over-the-counter medications she takes and include the log in her quarterly reports.

c. Chemical Dependency Evaluation. If requested by the Board or the HPSP at any time while this order is in effect, Licensee shall undergo a chemical dependency evaluation performed by a chemical dependency treatment professional within 60 days of the request. Licensee shall submit, or cause to be submitted, the credentials of the chemical dependency evaluator for review and preapproval by Board staff for purposes of this evaluation. Licensee is responsible for the costs of the evaluation. The results of the evaluation shall be sent directly to the Board and must include a statement verifying the evaluator has reviewed this Order and the 2007 Order prior to the evaluation.

d. Compliance With Evaluator's Recommendations. Licensee shall comply with any recommendations for additional evaluation and treatment made by the chemical dependency evaluator.

e. Mental Health Evaluation. If requested by the Board or the HPSP at any time while this order is in effect, Licensee shall undergo a mental health evaluation performed by a psychiatrist or a licensed psychologist within 60 days of the request. Licensee shall submit, or cause to be submitted, the credentials of the evaluator for review and pre-approval by Board staff for purposes of this evaluation. Licensee is responsible for the cost of the evaluation. The results shall be sent directly to the Board and shall provide and address:

- 1) Verification the evaluator has reviewed a copy of this Order and the 2007 Order;
- 2) Diagnosis and any recommended treatment plan;
- 3) Licensee's ability to handle stress;
- 4) Recommendations for additional evaluation or treatment; and
- 5) Any other information the evaluator believes would assist the Board in its ultimate review of this matter.

f. Compliance With Evaluator's Recommendations. Licensee shall comply with any recommendations for additional evaluation and treatment made by the mental health evaluator.

g. Abstention from Mood-Altering Chemicals. At all times while this Order is in effect, Licensee shall completely abstain from all mood-altering chemicals, including alcohol, unless expressly prescribed in writing by a physician, dentist, or other authorized health care professional who is providing care and treatment to Licensee. Within three days of when the prescriber prescribes controlled substances to Licensee, Licensee must inform the HPSP in writing of the prescription and the condition being treated.

h. Waivers. At any time while this Order is in effect and at the request of the Board, Licensee shall complete and sign health records waivers and chemical dependency treatment records waivers supplied by the Board to allow representatives of the Board to discuss Licensee's case with and to obtain written evaluations and reports and copies of all of Licensee's health, mental health, or chemical dependency records from her physician, mental health professional/therapist, chemical dependency counselor, or others from whom Licensee has sought or obtained treatment, support, or assistance.

4. IT IS FURTHER ORDERED that if Licensee has not been employed as a licensed practical nurse within 12 months from the date of this Order, Licensee shall be required to meet with a Review Panel to review her plans for nursing and amend the present Order accordingly. Licensee may be requested to meet with a Review Panel if she re-applies for licensure as a registered nurse.

5. IT IS FURTHER ORDERED that Licensee shall meet all reregistration requirements in effect at the time of reinstatement, including but not limited to completing the appropriate application, payment of requisite fees, and completion of any necessary continuing education requirements.

6. IT IS FURTHER ORDERED that Licensee shall notify each present and future nursing supervisor of this Order and the 2007 Order within ten days of the date of this order or commencing employment. Licensee shall provide the supervisor with an entire signed copy of each order.

7. IT IS FURTHER ORDERED that the stayed suspension on Licensee's license shall be administratively removed after a minimum of 36 months from the date of this order, upon the HPSP's written notification to the Board of Licensee's successful completion of the

terms of the Participation Agreement, and upon written notification to Licensee by the Board of the removal of the stayed suspension.

8. IT IS FURTHER ORDERED that Licensee's violation of this Order shall be considered a violation of Minnesota Statutes section 148.261 and shall constitute grounds for further disciplinary action.

9. IT IS FURTHER ORDERED that if the Review Panel has probable cause to believe Licensee has failed to comply with or has violated any of the requirements for staying the suspension as outlined in paragraph 3 above or has failed to comply with the Participation Agreement, or is subject to a positive chemical screen, the Review Panel may, as stipulated by Licensee in a Stipulation and Agreement dated January 23, 2009, ("2009 Stipulation"), remove the stayed suspension pursuant to the procedures outlined in paragraph 10 below, with the following additions and exceptions:

a. If the HPSP discharges Licensee from the program for any reason other than Licensee's successful completion of the terms of the Participation Agreement, there will be a presumption of a preponderance of the evidence that Licensee has failed to comply with the requirements for staying the suspension.

b. The removal of the stayed suspension shall take effect upon service of an Order of Removal of Stayed Suspension ("Order of Removal"). Licensee agreed that the Review Panel is authorized to issue an Order of Removal, which shall remain in effect and shall have the full force and effect of an order of the Board until the Board makes a final determination pursuant to the procedures outlined in paragraph 10 below. The Order of Removal shall confirm the Review Panel has probable cause to believe Licensee has failed to comply with or has violated one or more of the requirements for staying the suspension of Licensee's license.

Licensee further agreed an Order of Removal issued pursuant to this paragraph shall be deemed a public document under the Minnesota Government Data Practices Act. Licensee waived any right to a conference or hearing before removal of the stayed suspension.

c. The Review Panel shall schedule the hearing pursuant to paragraph 10.a. below to be held within 60 days of the notice.

10. IT IS FURTHER ORDERED that if Licensee violates or fails to comply with the terms of the order, Minnesota Statutes section 148.171 to 148.265, Minnesota Rules chapters 6301 to 6340, or the Participation Agreement, the Review Panel may, in its discretion, seek additional discipline either by initiating a contested case proceeding pursuant to Minnesota Statutes chapter 14 or by bringing the matter directly to the Board pursuant to the following procedure:

a. The Review Panel shall schedule a hearing before the Board. At least 20 days prior to the hearing, the Review Panel shall mail Licensee a notice of the violation(s) alleged by the Review Panel. In addition, the notice shall designate the time and place of the hearing. Within ten days after the notice is mailed, Licensee shall submit a written response to the allegations. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted;

b. The Review Panel, in its discretion, may schedule a conference with Licensee prior to the hearing before the Board to discuss the allegations and attempt to resolve the allegations through agreement;

c. Prior to the hearing before the Board, the Review Panel and Licensee may submit affidavits and written argument in support of their positions. At the hearing, the Review Panel and Licensee may present oral argument. Argument shall not refer to matters outside the



record. The evidentiary record shall be limited to the affidavits submitted prior to the hearing and this Order. The Review Panel shall have the burden of proving by a preponderance of the evidence that a violation has occurred. If Licensee has failed to submit a timely response to the allegations, Licensee may not contest the allegations, but may present argument concerning the appropriateness of additional discipline. Licensee waives a hearing before an administrative law judge, discovery, cross-examination of adverse witnesses, and other procedures governing hearings pursuant to Minnesota Statutes chapter 14;

d. Licensee's correction of a violation prior to the conference, hearing, or meeting of the Board may be taken into account by the Board but shall not limit the Board's authority to impose discipline for the violation. A decision by the Review Panel not to seek discipline when it first learns of a violation will not waive the Review Panel's right to later seek discipline for that violation, either alone or in combination with other violations, at any time while this Order is in effect;

e. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board will dismiss the allegations. If a violation is proved, the Board may impose additional discipline, including additional conditions or limitations on Licensee's practice, suspension, or revocation of Licensee's license;

f. Nothing herein shall limit the Review Panel's or the Board's right to temporarily suspend Licensee's license pursuant to Minnesota Statutes section 148.262, subdivision 3, based on a violation of this order or based on conduct of Licensee not specifically referred to herein. Similarly, nothing herein shall limit the Review Panel's or the Board's right to automatically suspend Licensee's license pursuant to Minnesota Statutes section 148.262, subdivision 2.

11. IT IS FURTHER ORDERED that this Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5 (2008). Data regarding this action will be provided to data banks as required by Federal law or consistent with Board policy. While this Order is in effect, information obtained by the Board pursuant to this Order is considered active investigative data on a licensed health professional, and as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4 (2008).

Dated: Feb. 6, 2009

MINNESOTA BOARD OF NURSING

*for* Shirley A. Brekken  
SHIRLEY A. BREKKEN  
Executive Director

AG: #2370862-v1

**BEFORE THE MINNESOTA  
BOARD OF NURSING**

In the Matter of  
Jodi A. Sanderson, L.P.N.  
License No. 52716-9  
Applicant for Registered Nurse  
Licensure by Endorsement

**STIPULATION AND  
CONSENT ORDER**

**STIPULATION**

Jodi A. Sanderson, L.P.N. ("Licensee/Applicant"), and the Minnesota Board of Nursing Review Panel ("Review Panel") agree the above-referenced matter may be resolved without trial of any issue or fact as follows:

**I.**

**JURISDICTION**

1. The Minnesota Board of Nursing ("Board") is authorized pursuant to Minnesota Statutes sections 148.171 to 148.285 (2006) to license and regulate professional and licensed practical nurses and to take disciplinary action as appropriate.

2. Licensee/Applicant holds a license from the Board to practice practical nursing in the State of Minnesota and has applied for licensure as a registered nurse by endorsement and is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Consent Order.

**II.**

**CONFERENCE**

3. On June 27, 2007, Licensee/Applicant appeared before the Review Panel, composed of Kim Keilholtz, Board member, and Anne L. Ringquist, to discuss allegations

contained in a Notice of Conference dated April 11, 2007. Stephen B. Masten, Assistant Attorney General, represented the Review Panel at the conference.

4. Licensee/Applicant was advised by the Board's representatives that she may choose to be represented by legal counsel in this matter. Licensee/Applicant knowingly waived legal representation.

### III.

#### FACTS

5. The parties agree this Stipulation and Consent Order is based upon the following facts:

a. On Licensee/Applicant's Application for Registered Nurse Licensure By Endorsement, received by the Board on August 2, 2006, Licensee/Applicant answered "yes" to Question 4: "In the last five years, have you ever misused or abused alcohol, other drugs or chemicals or been considered chemically dependent?" and "no" to question 6: "Are you under investigation or are you the subject of any pending or past disciplinary action by a nurse licensing agency or have you ever been refused a nursing license by any other state or country?"

b. By letter dated August 9, 2006, the Board requested additional information regarding Licensee/Applicant's chemical use and chemical dependency treatment. In Licensee/Applicant's written response, Licensee/Applicant stated she sought inpatient chemical dependency treatment at Washington Hospital Center ("WHC"), Washington, D.C., to be weaned from Xanax, which was initially prescribed by Licensee/Applicant's orthopedist after Licensee/Applicant fractured her foot and subsequently by Licensee/Applicant's primary care physician for depression. Licensee/Applicant took more Xanax than prescribed to treat insomnia and voluntarily sought treatment at WHC. In a subsequent written response Licensee/Applicant

stated she was impaired while at work in Virginia due to taking Xanax and Percocet. Licensee/Applicant was placed on a medical leave of absence, and reported to the Virginia Board of Nursing. Subsequently Licensee/Applicant's employment was terminated for failure to comply with her employer's requirements to maintain employment.

c. With Licensee/Applicant's permission, the Board obtained a copy of her treatment records that showed the following:

1) On March 10, 2006, Licensee/Applicant was seen in a psychiatric consultation due to worsening depression. Licensee/Applicant's diagnosis was major depression, recurrent, severe, without any psychotic features. Licensee/Applicant's psychiatrist discontinued Licensee/Applicant's Prozac and started her on Effexor RX to be gradually increased to 150 mg two times per day and Klonopin 0.5 mg one or two tablets at bedtime. Because of concerns related to Licensee/Applicant's use of Xanax, Licensee/Applicant was to take 0.25 mg only as needed.

2) On March 16, 2006, Licensee/Applicant's nursing supervisor called the clinic and obtained a 1:00 p.m. psychotherapy appointment for Licensee/Applicant because Licensee/Applicant seemed impaired. Licensee/Applicant told her supervisor she had taken prescription medication while on duty.

3) On March 21, 2006, Licensee/Applicant was admitted to WHC. A WHC progress note dated March 22, 2006, indicated Licensee/Applicant told staff she used cocaine two days prior to her admission. The discharge summary stated Licensee/Applicant reported to work with slurred speech after taking too much Klonopin and Xanax. Licensee/Applicant reported she was using a lot of Xanax and Klonopin to help her sleep.

Treatment recommendations included consulting Licensee/Applicant's psychiatrist and attending an intensive outpatient substance dependence program.

4) On March 28, 2006, a substance abuse evaluation indicated Licensee/Applicant was on a medical leave of absence from work following a six-day hospitalization after she attempted to obtain an early prescription refill at Woodbridge Center for benzodiazepines. Licensee/Applicant was reluctant to commit to chemical dependency treatment until she heard from the Virginia Board.

5) A March 29, 2006, psychiatric progress note indicated Licensee/Applicant's diagnoses included depression, recurrent, severe, and substance abuse.

d. On May 17, 2007, the Minnesota Board received a copy of the Order dated April 12, 2007, issued to Licensee/Applicant by the Virginia Board of Nursing, Richmond, Virginia, placing Licensee/Applicant's license to practice professional nursing in Virginia on probation with certain terms and conditions. The Order is effective until Licensee/Applicant completes two years of employment as a professional nurse. The Findings of Fact in the Order stated Licensee/Applicant has a mental health diagnosis and a chemical dependency condition. The Facts did not include information regarding Licensee/Applicant's use of cocaine.

e. On June 21, 2007, Licensee/Applicant submitted to the Board a copy of her Discharge Summary from Park Avenue Center, Minneapolis, Minnesota. The summary indicates Licensee/Applicant entered the Women's Stimulant Program on April 10, 2007, and on April 11, 2007, used cocaine while in the program residence. She was discharged from treatment but approved to return on April 16, 2007. Licensee/Applicant completed the program on May 14, 2007, with diagnoses of cocaine and alcohol dependence and recommendations to attend a halfway house program, remain abstinent, and attend support group meetings.

f. During Licensee/Applicant's conference with the Review Panel and in her written response, Licensee/Applicant stated she had used cocaine in 2005 and 2006, and that she used cocaine about three times a week after moving to Minnesota and in March 2006 became concerned and entered treatment at Park Avenue. Licensee/Applicant admitted her relapse at Park Avenue. She will complete the aftercare program on July 23, 2007. Licensee/Applicant denied diverting drugs from her employment in Virginia and stated she did not enter chemical dependency treatment while in Virginia because she believed she had depression and was not chemically dependent. Licensee stated she last used alcohol and cocaine in April 2007.

g. Subsequent to the conference, with Licensee/Applicant's permission, the Board obtained additional records which include the following information:

1) On November 1, 2006, Licensee/Applicant sought treatment at Boynton Health Service, Minneapolis, Minnesota, for a severe migraine headache, dysmenorrhea and menorrhagia. Licensee/Applicant stated Percocet was the only drug that worked for the first three days of her menses. Licensee/Applicant reported three emergency room visits since her return to Minnesota during the summer for treatment of migraine headaches. Percocet was prescribed for Licensee/Applicant and she was to follow up with the physician. Licensee/Applicant was seen in an office visit on January 8, 2007, for treatment of a migraine and stated she usually gets Demerol or Dilaudid and a one month supply of Percocet. It was noted Licensee/Applicant had not followed up with the physician.

2) On February 7, 2007, Licensee/Applicant underwent a Mental Health/Chemical dependency evaluation at University Medical Center, Fairview, Minneapolis, Minnesota. Licensee/Applicant reported she struggled with depression since junior high school. In February 2006, Licensee/Applicant requested a prescription for Xanax from her primary care

physician and began abusing it. Licensee/Applicant took approximately 6 mg per day. Licensee/Applicant reported she abused Xanax for approximately three weeks during February to March 2006. A therapist note dated December 14, 2006, indicates Licensee/Applicant continued to see depression as her major prior problem and not a chemical addiction. In contrast to what Licensee/Applicant told the Review Panel, Licensee/Applicant stated during a psychiatric and chemical dependency evaluation dated February 8, 2007, she had used cocaine twice approximately two years ago. Licensee/Applicant stated Percocet was initially prescribed for her in 2003 for severe menstrual cramps which she took only as prescribed. Licensee/Applicant's diagnoses included major depressive disorder recurrent; history of adjustment disorder with depressed mood and benzodiazepine dependence in partial sustained remission. Recommendations included attending an outpatient chemical dependency treatment program at Edina Women's Health. Licensee/Applicant did not enter the program.

#### **IV.**

#### **LAWS**

6. Licensee/Applicant acknowledges the conduct described in section III. above constitutes a violation of Minnesota Statutes section 148.261, subdivision 1(1), (2), (4), and (9) (2006), and justifies the disciplinary action described in section V. below.

#### **V.**

#### **DISCIPLINARY ACTION**

The parties agree the Board may take the following disciplinary action and require compliance with the following terms:



A. Denial of Application / Suspension of License

7. The Board hereby **DENIES** Licensee/Applicant's application for licensure as a registered nurse and **SUSPENDS** Licensee/Applicant's license as a licensed practical nurse. Licensee/Applicant shall not engage in any act which constitutes the practice of nursing as defined by Minnesota Statutes section 148.171 (2006) and shall not imply by words or conduct that she is currently licensed to practice nursing in Minnesota.

B. Reapplication for Licensure

8. Licensee/Applicant may reapply for licensure as a registered nurse following 12 months from the date of the order and evidence of a minimum of 12 months of documented, uninterrupted sobriety. At the time of reapplication, the burden of proof shall be upon Licensee/Applicant to demonstrate by a preponderance of the evidence that she is capable of practicing professional nursing with reasonable skill and safety. Licensee/Applicant shall meet all requirements for licensure in effect at the time of her application, including submission of a new application and payment of any fees and submission of all reports and evaluations required for petition.

C. Suspension

9. The Board **SUSPENDS** Licensee/Applicant's license to practice practical nursing. Licensee/Applicant shall not engage in any act which constitutes the practice of nursing as defined by Minnesota Statutes section 148.171 (2006) and shall not imply by words or conduct that she is authorized to practice nursing in Minnesota.

10. Licensee/Applicant shall surrender to the board her nursing registration certificate. Licensee/Applicant shall personally deliver or mail the certificate to the Minnesota

Board of Nursing, c/o Shirley A. Brekken, Executive Director, 2829 University Avenue S.E., Suite 200, Minneapolis, Minnesota 55414, within ten days of the date of this Order:

D. Removal of Suspension

11. Licensee/Applicant may petition for removal of the suspended status from her license following a minimum of 12 months from the date of this Order and evidence of a minimum of 12 months of documented, uninterrupted sobriety. The burden of proof shall be upon Licensee/Applicant to demonstrate by a preponderance of the evidence that she is capable of practicing practical nursing in a fit and competent manner. At the time of Licensee/Applicant's petition and/or reapplication, Licensee/Applicant shall meet with a Review and comply with, at a minimum, the following:

a. Reports Verifying Sobriety. Licensee shall cause to be submitted to the Board reports from two adult persons, at least one of whom is not related to Licensee by blood or marriage, who can attest to Licensee's sobriety. These reports shall be submitted at the time Licensee petitions for reinstatement of her license. Each report shall provide and address:

1) Licensee's regular participation in a chemical dependency support group such as Alcoholics Anonymous ("AA") or other structured chemical dependency rehabilitation program;

2) Licensee's sobriety, including the date she last used mood-altering chemicals, including alcohol; and

3) Any other information the reporter believes would assist the Board in its ultimate review of this matter.

b. Self-Report. Licensee/Applicant shall submit to the Board a report from Licensee/ Applicant herself. The report shall provide and address:

- 1) The type of employment in which Licensee/Applicant has been involved;
- 2) Verification of the status of Licensee/Applicant's license in Virginia, and any other jurisdiction in which she obtains a license to practice as a nurse;
- 3) Report of any previous, current, and pending criminal charges and evidence of compliance with the requirements of sentencing;
- 4) Licensee/Applicant's future plans in nursing and the steps she has taken to prepare herself to return to nursing practice; and
- 5) Any other information Licensee/Applicant believes would assist the Board in its ultimate review of this matter.

c. Report From Employment Supervisor. Licensee/Applicant shall cause to be submitted to the Board a report from Licensee/Applicant's employment supervisor. The report shall provide and address:

- 1) Licensee/Applicant's ability to perform assigned tasks;
- 2) Licensee/Applicant's attendance and reliability;
- 3) Licensee/Applicant's ability to handle stress;
- 4) Licensee/Applicant's work schedule; and
- 5) Any other information the employer believes would assist the Board in its ultimate review of this matter.

d. Report of Prescribed Mood-Altering Chemicals. Licensee/Applicant shall cause to be submitted a report from any and all physicians, dentists, and other authorized health care professionals who have prescribed mood-altering chemicals for Licensee/Applicant during the period this Order is in effect. Each report shall provide and address:

1) The name, dosage, frequency, and purpose of the mood-altering chemicals for Licensee/Applicant; and

2) Any other information the reporter believes would assist the Board in its ultimate review of this matter.

e. Report From Physician or Treatment Provider. Licensee/Applicant shall cause to be submitted to the Board a report from any physician/treatment provider whom Licensee/Applicant consults for physical health, mental health, or chemical dependency treatment while this Order is in effect. Each report shall provide and address:

1) Verification the physician/treatment provider has reviewed this Stipulation and Consent Order;

2) Identification of diagnoses and any plans of treatment, including medications, devised for Licensee/Applicant;

3) Licensee/Applicant's progress with therapy and compliance with the treatment plan;

4) Recommendations for additional treatment, therapy, or monitoring; and

5) Any other information the physician/treatment provider believes would assist the Board in its ultimate review of this matter.

f. Report from Virginia Nursing Board. Licensee/Applicant shall submit a report from the Board of Nursing of the Commonwealth of Virginia regarding her compliance and/or completion of probation.

g. Chemical Dependency Evaluation. If requested by the Board, Licensee/Applicant shall undergo a chemical dependency evaluation performed by a chemical

dependency treatment professional 60 days prior to the time of petition or reapplication. Licensee/Applicant shall submit, or cause to be submitted, the credentials of the chemical dependency evaluator for review and preapproval by Board staff for purposes of this evaluation. Licensee/Applicant is responsible for the costs of the evaluation. The results of the evaluation shall be sent directly to the Board and must include a statement verifying the evaluator has reviewed this Order and any evaluation or treatment records deemed pertinent by the Board or the evaluator prior to the evaluation. Licensee/Applicant shall comply with any recommendations for additional evaluation and treatment made by the chemical dependency evaluator.

h. Mental Health Evaluation. If requested by the Board, Licensee/Applicant shall undergo a mental health evaluation performed by a psychiatrist or a licensed psychologist 60 days prior to the time of petition or reapplication. Licensee/Applicant shall submit, or cause to be submitted, the credentials of the evaluator for review and preapproval by Board staff for purposes of this evaluation. Licensee/Applicant is responsible for the cost of the evaluation. The results shall be sent directly to the Board and shall provide and address:

- 1) Verification the evaluator has reviewed a copy of this Stipulation and Consent Order and any evaluation and/or treatment records deemed pertinent by the Board or the evaluator;
- 2) Diagnosis and any recommended treatment plan;
- 3) Licensee/Applicant's ability to handle stress;
- 4) Recommendations for additional evaluation or treatment; and
- 5) Any other information the evaluator believes would assist the Board in its ultimate review of this matter.

i. Compliance With Evaluator's Recommendations. Licensee shall comply with any recommendations for additional evaluation and treatment made by the mental health evaluator.

j. Pain Management Evaluation. Within 60 days of petitioning or reapplication, if requested by the Board, Licensee/Applicant shall undergo a pain management evaluation performed by a physician specializing in the treatment of chronic pain. Licensee/Applicant submit, or cause to be submitted, the credentials of the evaluator for review and preapproval by Board staff for purposes of this evaluation. Licensee/Applicant is responsible for the cost of the evaluation. The results of the evaluation shall be sent directly to the Board and must include a statement verifying the evaluator has reviewed this Stipulation and Consent Order and any evaluation and/or treatment records deemed pertinent by the Board or the evaluator prior to the evaluation. The evaluation must include diagnoses and recommended treatment plan, recommended medication plan, and any further evaluations of treatment recommended by the evaluator.

k. Random Alcohol and Drug Screens. During the time of petition or reapplication, the Board may direct Licensee/Applicant, without prior notice, to submit to laboratory hair, blood, and urine screenings to determine the presence or absence of alcohol or drugs. Licensee/Applicant shall arrange with her employer for release from work for purposes of fulfilling the requirements of the laboratory screening. The Board may contact Licensee/Applicant by telephone, letter, or through personal contact by an agent to direct her to submit to the tests within two hours after she is contacted by the Board. The hair, blood, and urine screens shall be: (1) observed in their drawing; (2) handled through legal chain-of-custody methods; and (3) paid for by Licensee/Applicant. The results of the screens shall be reported

directly to the Board. The biological fluid testing shall take place at Hennepin County Medical Center, 701 Park Avenue South, Minneapolis, Minnesota 55415. If Licensee/Applicant is farther than 30 miles from Hennepin County Medical Center and the blood and urine testing is to be completed through the mail, the drug screening tests used must be those obtained from Hennepin County Medical Center. All blood and urine tests processed through the mail must be directed to the attention of the toxicology supervisor at Hennepin County Medical Center.

l. Waivers. At any time while this Stipulation and Consent Order is in effect and at the request of the Board, Licensee/Applicant shall complete and sign health records waivers and chemical dependency treatment records waivers supplied by the Board to allow representatives of the Board to discuss Licensee/Applicant's case with and to obtain written evaluations and reports and copies of all of Licensee/Applicant's health, mental health, or chemical dependency records from her physician, mental health professional/therapist, chemical dependency counselor, or others from whom Licensee/Applicant has sought or obtained treatment, support, or assistance.

m. Additional Information. Licensee shall provide any additional information relevant to her petition reasonably requested by the Review Panel.

n. Reregistration/Application Requirements. Licensee/Applicant shall meet all reregistration/application requirements in effect at the time of her petition to remove the suspended status from her license or reapplication for licensure, including but not limited to completing the appropriate application, paying the requisite fees, and completing any necessary continuing education requirements.

12. The Board may, at any regularly scheduled meeting following Licensee/Applicant's petition for reinstatement or application for licensure pursuant to paragraph 11 above, take any of the following actions:

a. Issue a license and/or nursing registration certificate to Licensee/Applicant;

b. Issue a license and/or nursing registration certificate to Licensee/Applicant with limitations upon the scope of Licensee/Appellant's practice and/or with conditions for her practice; or

c. Continue the denial of Licensee/Applicant's reapplication for licensure and suspension of Licensee/Applicant's license upon her failure to meet the burden of proof.

## VI.

### CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

13. It is Licensee/Applicant's responsibility to ensure all reports, evaluations, and documentation required to be filed with the Board pursuant to this Stipulation and Consent Order are timely filed by those making or preparing the report, evaluation, or documentation. Failure to make or file reports on or before their due date is a violation of this Stipulation and Consent Order. The information contained in the reports, evaluations, and documentation is confidential and shall be submitted to the Board by United States Mail, courier, or personal delivery only.

14. If Licensee/Applicant fails to comply with or violates this Stipulation and Consent Order, Minnesota Statutes sections 148.171 to 148.285 (2006), or Minnesota Rules chapters 6301 to 6340 (2005), the Review Panel may, in its discretion, seek additional discipline either by initiating a contested case proceeding pursuant to Minnesota Statutes chapter 14 (2006) or by bringing the matter directly to the Board pursuant to the following procedure:



a. The Review Panel shall schedule a hearing before the Board. At least 20 days before the hearing, the Review Panel shall mail Licensee/Applicant a notice of the violation(s) alleged by the Review Panel. In addition, the notice shall designate the time and place of the hearing. Within ten days after the notice is mailed, Licensee/Applicant shall submit a written response to the allegations. If Licensee/Applicant does not submit a timely response to the Board, the allegations may be deemed admitted.

b. The Review Panel, in its discretion, may schedule a conference with Licensee/Applicant prior to the hearing before the Board to discuss the allegations and to attempt to resolve the allegations through agreement.

c. Prior to the hearing before the Board, the Review Panel and Licensee/Applicant may submit affidavits and written argument in support of their positions. At the hearing, the Review Panel and Licensee/Applicant may present oral argument. Argument shall not refer to matters outside the record. The evidentiary record shall be limited to the affidavits submitted prior to the hearing and this Stipulation and Consent Order. The Review Panel shall have the burden of proving by a preponderance of the evidence that a violation has occurred. If Licensee/Applicant has failed to submit a timely response to the allegations, Licensee/Applicant may not contest the allegations, but may present argument concerning the appropriateness of additional discipline. Licensee/Applicant waives a hearing before an administrative law judge, discovery, cross-examination of adverse witnesses, and other procedures governing hearings pursuant to Minnesota Statutes chapter 14.

d. Licensee/Applicant's correction of a violation before the conference, hearing, or meeting of the Board may be taken into account by the Board but shall not limit the Board's authority to impose discipline for the violation. A decision by the Review Panel not to

seek discipline when it first learns of a violation shall not waive the Review Panel's right to later seek discipline for that violation, either alone or in combination with other violations, at any time while Licensee/Applicant's license is in a suspended status.

e. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board shall dismiss the allegations. If a violation is proved, the Board may impose additional discipline, including additional conditions or limitations on Licensee/Applicant's practice, an additional period of suspension, additional conditions of reinstatement, or revocation of Licensee/Applicant's license.

f. Nothing herein shall limit the Review Panel's or the Board's right to temporarily suspend Licensee/Applicant's license pursuant to Minnesota Statutes section 148.262, subdivision 3, based on a violation of this Stipulation and Consent Order or based on conduct of Licensee/Applicant not specifically referred to herein. Similarly, nothing herein shall limit the Review Panel's or the Board's right to automatically suspend Licensee/Applicant's license pursuant to Minnesota Statutes section 148.262, subdivision 2.

## VII.

### ADDITIONAL INFORMATION

15. Within ten days of execution of this Stipulation and Consent Order, Licensee/Applicant shall provide the Board with the names of all states in which Licensee/Applicant is licensed to practice professional or practical nursing or has applied for licensure as a professional or practical nurse.

16. Licensee/Applicant waives the contested case hearing and all other procedures before the Board to which Licensee/Applicant may be entitled under the Minnesota and United States constitutions, statutes, or rules.

17. Licensee/Applicant waives any claims against the Board, the Minnesota Attorney General, the State of Minnesota, and their agents, employees, and representatives related to the investigation of the conduct herein, or the negotiation or execution of this Stipulation and Consent Order, which may otherwise be available to Licensee/Applicant.

18. This Stipulation and Consent Order, the files, records, and proceedings associated with this matter shall constitute the entire record and may be reviewed by the Board in its consideration of this matter.

19. Either party may seek enforcement of this Stipulation and Consent Order in any appropriate civil court.

20. Licensee/Applicant has read, understands, and agrees to this Stipulation and Consent Order and has voluntarily signed the Stipulation and Consent Order. Licensee/Applicant is aware this Stipulation and Consent Order must be approved by the Board before it goes into effect. The Board may either approve the Stipulation and Consent Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Licensee/Applicant, the Stipulation and Consent Order will take effect and the order as modified will be issued. If the changes are unacceptable to Licensee/Applicant or the Board rejects the Stipulation and Consent Order, it will be of no effect except as specified in the following paragraph.

21. Licensee/Applicant agrees that if the Board rejects this Stipulation and Consent Order or a lesser remedy than indicated in this settlement, and this case comes again before the Board, Licensee/Applicant will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and Consent Order or of any records relating to it.

22. This Stipulation and Consent Order shall not limit the Board's authority to proceed against Licensee/Applicant by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of Licensee/Applicant which constitutes grounds for disciplinary action and which is not directly related to the specific facts and circumstances set forth in this document.

## VIII.

### DATA PRACTICES NOTICES

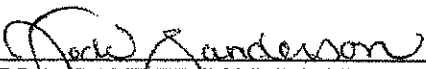
23. This Stipulation and Consent Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5 (2006). Data regarding this action will be provided to data banks as required by Federal law or consistent with Board policy. While this Stipulation and Consent Order is in effect, information obtained by the Board pursuant to this Order is considered active investigative data on a licensed health professional, and as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4 (2006).

24. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation.

CONSENT:

BOARD OF NURSING

REVIEW PANEL

  
\_\_\_\_\_  
JODI A. SANDERSON, L.P.N.  
Licensee/Applicant

Dated: 7/24, 2007

  
\_\_\_\_\_  
KIMBERLY KEILHOLTZ  
Board Member

Dated: 8-2, 2007

**ORDER**

Upon consideration of the Stipulation, the Board **DENIES** Licensee/Applicant's application for licensure as a registered nurse, places Licensee/Applicant's practical nurse license in a **SUSPENDED** status and adopts all of the terms described above on this 2nd day of August, 2007.

MINNESOTA BOARD  
OF NURSING

  
\_\_\_\_\_  
SHIRLEY A. BREKKEN  
Executive Director