IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBER 145741	§	COMMITTEE
	§	
ISSUED TO	§	OF THE TEXAS
	§	
EVA MARIE YON	§	BOARD OF NURSING

I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Executive Director of the Board

ORDER OF THE BOARD

TO: Eva Marie Yon
General Delivery
Fruita, Colorado 81521-9999

During open meeting held in Austin, Texas, on November 9, 2010, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice vocational nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the

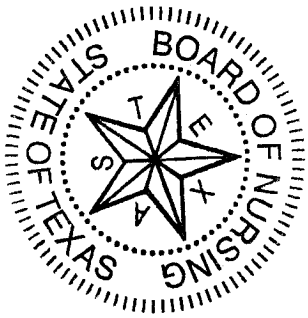
proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 145741, previously issued to EVA MARIE YON, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice vocational nursing in the State of Texas.

Entered this 9th day of November, 2010.



TEXAS BOARD OF NURSING

BY: _____

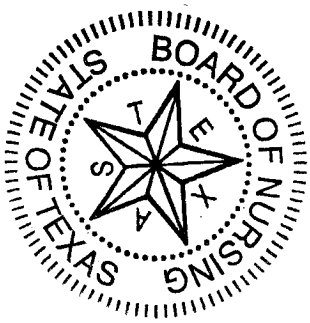
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Re: Permanent Certificate Number 145741
Issued to Eva Marie Yon
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of November, 2010, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Eva Marie Yon
General Delivery
Fruita, Colorado 81521-9999



BY: Katherine A. Thomas

KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent License	§	**BEFORE THE TEXAS**
Number 145741, Issued to	§	
EVA MARIE YON, Respondent	§	**BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, EVA MARIE YON, is a Vocational Nurse holding license number 145741, which is in delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about March 9, 2010, while holding a vocational nurse license (delinquent) issued by the State of Texas, Respondent was issued a Final Agency Order by the State Board of Nursing, State of Colorado, Case No. NB 2009-0069, wherein her license to practice practical nursing, 36668, in the State of Colorado was Revoked. A copy of the March 9, 2010 Final Agency Order is attached and incorporated, by reference, as part of this Charge.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars ($1200.00).

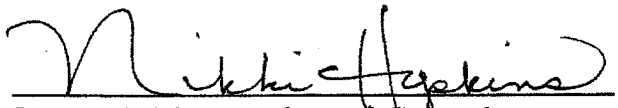
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Final Agency Order by the State Board of Nursing, State of Colorado, Case No. NB 2009-0069 dated March 9, 2010.

Filed this 29th day of June, 2010.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300
Jena Renee Koslan Abel, Assistant General Counsel
State Bar No. 24036103
Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924
Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847
Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269
John F. Legris, Assistant General Counsel
State Bar No. 00785533
TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-8101 or (512)305-7401

Attachments: Final Agency Order by the State Board of Nursing, State of Colorado, Case No. NB 2009-0069 dated March 9, 2010.

0999/D

BEFORE THE STATE BOARD OF NURSING

STATE OF COLORADO

Case No. NB 2009-0069

FINAL AGENCY ORDER

IN THE MATTER OF DISCIPLINARY PROCEEDINGS REGARDING THE LICENSE TO PRACTICE AS A PRACTICAL NURSE IN THE STATE OF COLORADO OF EVA MARIE GORDON, L.P.N., LICENSE NO. 36668,

Respondent.

The State Board of Nursing (the "Board"), pursuant to and after formal proceedings before a duly qualified Administrative Law Judge ("ALJ") in accordance with the provisions of the Nurse Practice Act, sections 12-38-101 to 12-38-301, C.R.S. and the Administrative Procedure Act, sections 24-4-101 to 24-4-108, C.R.S. and having reviewed the ALJ's Initial Decision, hereby enters the following findings and order:

1. Eva Marie Gordon, L.P.N., ("Respondent") was served with a Notice of Duty to Answer, Notice to Set, Notice of Hearing, Notice of Charges, and Option to Engage in Alternative Dispute Resolution on September 15, 2009, to all known addresses on file with the Board.

2. A disciplinary hearing by default was held pursuant to section 12-38-108, 12-38-116.5, 12-38-117, 24-4-104 and 24-4-105, C.R.S., before ALJ Judith F. Schulman.

3. The Initial Decision was rendered on January 14, 2010, and transmitted to the Board. The Initial Decision is incorporated herein by reference.

4. The Initial Decision was served on the Respondent and the Board's counsel on February 3, 2010.

5. Exceptions to the Initial Decision were due on or before March 5, 2010.

6. As of March 9, 2010, no exceptions were filed by either party with the Board office.

7. Pursuant to section 24-4-105(14), C.R.S., and Board rule 3 CRR 716-1 Chapter VII, the Initial Decision of the ALJ has become the Final Agency Order.

IT IS THEREFORE ORDERED by the Board, based upon the above findings: that the license to practice practical nursing in the State of Colorado of Eva Marie Gordon is hereby revoked.

Dated this 9th day of March 2010.

BY THE STATE BOARD OF NURSING:

Terri Miller for

Mark Merrill
Program Director

This decision becomes final upon mailing. Any party adversely affected or aggrieved by any agency action may commence an action for judicial review before the Court of Appeals **within forty-five (45) days** after such action becomes final.

STATE OF COLORADO OFFICE OF ADMINISTRATIVE COURTS 633 17th Street, Suite 1300, Denver, Colorado 80202	
STATE BOARD OF NURSING Petitioner, vs. **EVA MARIE GORDON, L.P.N., License No. 36668,** Respondent.	▲ **COURT USE ONLY** ▲ Case No. NB 2009-0069

INITIAL DECISION UPON DEFAULT

This case is a disciplinary proceeding before the State Board of Nursing (the "Board") involving the nursing license of Eva Marie Gordon, L.P.N. ("Respondent"). The Board was represented by Laynie B. Gilida, Assistant Attorney General, Business and Licensing Section. Respondent did not appear in this proceeding. Based upon Respondent's failure to file a timely answer, an Entry of Default was issued on November 18, 2009. Respondent then had ten days to show good cause why the default should be set aside. Section 24-4-105(2)(b), C.R.S. No motion to set aside the default was filed, and this matter became ready for the issuance of an initial decision upon default.

FINDINGS OF FACT

1. The last address furnished by Respondent to the Board is as stated in the affidavit filed as Exhibit 1 to the Board's Motion for Entry of Default ("address of record").

2. Notice of the nature of this proceeding, the legal authority and jurisdiction under which it was held, and the matters of fact and law asserted were mailed to Respondent by first class mail to the address of record stated on September 15, 2009.

3. Respondent's answer to the Notice of Charges was due on or before October 15, 2009.

4. The Notice of Charges alerted Respondent that failure to respond to the Notice of Charges within 30 days could result in a default decision issued against Respondent's license to practice nursing in the State of Colorado.

5. The Respondent did not file a written answer to the Notice of Charges.

6. The Board's Motion for Entry of Default was mailed to Respondent by first class mail to the address stated above on October 21, 2009.

7. The Administrative Law Judge's Entry of Default was mailed to Respondent by first class mail on November 18, 2009. Respondent did not file a motion to set aside the Entry of Default.

8. The Board possesses jurisdiction over Respondent and the subject matter of these proceedings as set forth in the Colorado Nurse Practice Act, Sections 12-38-101 to -202, C.R.S., and the Colorado Administrative Procedure Act, Sections 24-4-101 to -108, C.R.S.

9. Respondent was licensed to practice as a practical nurse in the State of Colorado on October 22, 1999, being issued license number 36668, and has been so licensed at all relevant times hereto.

10. Respondent was employed by Larchwood Inns from July 10, 2007 to January 23, 2008, when she was terminated.

11. On January 18, 2009, the night RN reported to the Director of Nursing that during the shift change narcotic count with Respondent who was the day nurse who was going off shift, there were three Vicodin tablets in a paper cup in the drawer of the medication cart.

12. Respondent was unable to explain why the Vicodin tablets were in the paper cup, or explain which Residents were supposed to be receiving the three Vicodin in the cup.

13. An internal investigation was initiated that focused on all residents of Hall E who had Vicodin orders.

14. During the investigation, the narcotic count sheets for the residents that Respondent was assigned to on January 16, 2008 were reviewed to determine which residents had orders for "as-needed" ("PRN") Vicodin.

15. Three of the residents that were assigned to Respondent on November 16, 2008 had inconsistencies in their records regarding the administration of PRN narcotic pain medication, specifically Hydrocodone/APAP 5/500 mg (Vicodin).

16. Medical records for Residents #1-3 for dates of care of January 14-16, 2008, indicate that Respondent signed out a total of 16 Vicodin on 11 separate occasions and none were documented on the PRN medication sheets.

17. Respondent failed to make any pain scale entries in the resident medical records within three hours of when the medications were signed out for Residents #1-3.

18. On January 16, 2008, no PRN pain medications were signed out by Respondent later than 1300, but the three Vicodin found in the paper cup on the medication cart were discovered at the shift change narcotic count at 1800, five hours later.

19. On January 15, 2008, Respondent's note for Resident #1 at 1001 stated "no c/o pain this AM". However, Respondent signed out two Vicodin on the narcotic count sheet at 0900 for Resident #1 on that date.

20. The therapy notes for Resident #1 on January 15, 2008 indicate that the Resident #1 had no complaints of pain that day.

21. During the investigation, Resident #1 stated that she has no pain and does not need Vicodin, and denied receiving Vicodin on January 15, 2008.

22. On January 14, 2008, Respondent's note for Resident #2 at 0954 stated "No c/o pain at this time". However, Respondent signed out two Vicodin on the narcotic count sheet at 1000 with no documentation in the Medication Administration Record ("MAR").

23. The physical therapy notes for Resident #2 on January 14, 2008 state that there were no complaints of pain.

24. During the investigation, Resident #2 stated that she does not take Vicodin because "it makes [her] nuts."

25. On January 14, 2008, Respondent's note for Resident #3 stated "general discomfort." Respondent signed the narcotic count sheet for one Vicodin at 0800 and one Vicodin at 1300 that day.

26. Respondent did not document the PRN Vicodin for Resident #3 in the MAR.

27. On January 15, 2008, Respondent signed out PRN Vicodin for Resident #3 on the narcotic count sheet at 0800 and 1300. Respondent did not make a note in Resident #3's chart and did not document the PRN Vicodin for Resident #3 in the MAR.

28. On January 16, 2008, Respondent's note for Resident #3 did not indicate pain. However, Respondent signed out PRN Vicodin on the narcotic count sheet at 0800 and 1300.

29. During the investigation, Resident #3 denied pain even when exercising in the gym and stated that she has not had to take Vicodin at all.

30. The therapy notes for Resident #3 report no complaints of pain for the entire week.

31. During the internal investigation, concerns were expressed regarding Respondent's prior verbalizations of suicidal thoughts.

32. During the internal investigation, Respondent stated that "when she commits suicide it will be with a gun and not with an overdose."

33. Respondent has a history of suicide attempts.

34. On January 29, 2008, the Board received the complaint filed by Larchwood Inns regarding this case.

35. By letter dated February 19, 2008, the Board notified Respondent of the complaint filed against her nursing license and requested her response to the allegations as stated in the complaint.

36. Respondent failed to respond to the complaint.

37. Following the Board's investigation of the complaint filed by Larchwood Inns, the Board ordered Respondent to submit to a mental examination on December 15, 2008 at Peer Assistance Services.

38. Respondent failed to comply with the Board's Order by not appearing for the mental examination on December 15, 2008.

39. An Order of Suspension was executed by the Board on January 5, 2009, suspending Respondent's practical nursing license.

40. Respondent has negligently or willfully practiced nursing in a manner which fails to meet generally accepted standards for such nursing practice.

41. Respondent has falsified or in a negligent manner made incorrect entries or failed to make essential entries in patient records.

42. Respondent diverted controlled substances, as defined in Section 12-22-303(7), C.R.S. or other drugs having similar effects from her place of employment.

43. Respondent has a physical or mental disability that renders her unable to practice nursing with reasonable skill and safety to the patients and which may endanger the health or safety of persons under her care.

CONCLUSIONS OF LAW

1. Respondent has received timely notice of the time, place, and nature of this hearing; of all matters of fact and law asserted; and of all matters required by Section 24-4-105(2)(a), C.R.S., in the manner required by that section.

2. The Board has jurisdiction over Respondent and over her license to practice as a practical nurse.

3. The Respondent is subject to discipline pursuant to Section 12-38-117(1)(f), C.R.S., in that Respondent has negligently or willfully practiced nursing in a manner which fails to meet generally accepted standards for such nursing practice.

4. The Respondent is subject to discipline pursuant to Section 12-38-117(1)(g), C.R.S., in that Respondent has negligently or willfully violated any order, rule, or regulation of the board pertaining to nursing practice or licensure.

5. The Respondent is subject to discipline pursuant to Section 12-38-117(1)(h), C.R.S., in that Respondent has falsified or in a negligent manner made incorrect entries or failed to make essential entries on patient records.

6. The Respondent is subject to discipline pursuant to Section 12-38-117(1)(i), C.R.S., in that Respondent is addicted to or dependent on alcohol or habit-forming drugs, is a habitual user of controlled substances, as defined in Section 12-22-303(7), C.R.S. or other drugs having similar effects, or is diverting controlled substances, as defined in Section 12-22-303(7), C.R.S. or other drugs having similar effects from the licensee's place of employment.

7. The Respondent is subject to discipline pursuant to Section 12-38-117(1)(j), C.R.S., in that Respondent has a physical or mental disability which renders her unable to practice nursing with reasonable skill and safety to the patients and which may endanger the health or safety of persons under her care.

8. The Respondent is subject to discipline pursuant to Section 12-38-117(1)(u), C.R.S., in that Respondent willfully failed to respond in a materially factual and timely manner to a complaint issued pursuant to Section 12-38-116.5, C.R.S.

9. Respondent is subject to entry of default pursuant to Section 24-4-105(2)(b), C.R.S., because Respondent failed to provide a written answer to the Notice of Charges within the prescribed time period.

INITIAL DECISION

When the Board has proven that a licensee has violated the Nurse Practice Act, Sections 12-38-101 to -201, C.R.S., it may impose discipline in the form of a suspension or revocation of the license, or it may issue a letter of admonition. Section 12-38-116.5, C.R.S. The Board seeks revocation of Respondent's license to practice as a practical nurse. Respondent did not appear in this matter to present any mitigating factors. There is no information before the Administrative Law Judge indicating that some sanction other than revocation of Respondent's license to practice as a practical nurse is appropriate in this case. Respondent's failure to appear demonstrates a lack of interest in maintaining her Colorado licensure. It is therefore the Initial Decision of the Administrative Law Judge that Respondent's license to practice as a practical nurse is revoked.

DONE AND SIGNED this 14 day of January, 2010.

JUDITH F. SCHULMAN
Administrative Law Judge

BEFORE THE STATE BOARD OF NURSING

STATE OF COLORADO

ORDER OF SUSPENSION FROM THE PRACTICE OF NURSING, PURSUANT TO SECTION 12-38-116.5(8)(a), C.R.S.

IN THE MATTER OF THE LICENSE TO PRACTICE NURSING IN THE STATE OF COLORADO OF EVA M. GORDON, L.P.N., LICENSE NO. 36668,

Respondent.

THIS MATTER came before Inquiry Panel B of the State Board of Nursing ("Board"), as Board Case Number 2008-002209, on December 15, 2008. After careful review and consideration, the Board finds and orders that the license to practice practical nursing in the State of Colorado of Eva M. Gordon ("Respondent") be suspended pursuant to section 12-38-116.5(8)(a), C.R.S. In support of this Order, the Board has reasonable cause to believe and finds that Respondent failed to comply with a valid Board Order issued pursuant to section 12-38-116.5(8)(a), C.R.S. In support of this Order the Board finds as follows:

1) Respondent is licensed to practice practical nursing in the State of Colorado, pursuant to license number 36668, which was issued on or about October 22, 1999.

2) On or about November 19, 2008, the Board reviewed all matters set forth in Board Case Number 2008-002209. Specifically, the Board reviewed information involving the Respondent's mental condition. Based on this information and the totality of the circumstances, the Board had reasonable cause to believe that Respondent is unable to practice nursing with reasonable skill and safety to patients because of a condition listed in sections 12-38-117(i) and (j), C.R.S. Thus, the Panel ordered Respondent to submit to a mental examination pursuant to section 12-38-116.5(8)(a), C.R.S.

3) On December 4, 2008, the Panel issued and mailed an Order ("December 2008 Order") for Respondent to attend an appointment for a mental examination by Janet Ferry, R.N., B.S.N., Peer Assistance Services, on Monday, December 15, 2008, at 10:00 A.M.

4) On December 15, 2008, Janet Ferry, R.N., B.S.N., informed the Board that Respondent had not kept the appointment for the mental examination.

5) According to section 12-38-116.5(8)(a), C.R.S., Respondent's failure to comply with the requirements of the December 2008 Order is a violation of the December 2008 Order and grounds for discipline.

6) Pursuant to section 12-38-116.5(8)(a), C.R.S., the Board is authorized to suspend Respondent's license to practice practical nursing in the State of Colorado until Respondent fully complies with the December 2008 Order.

THEREFORE IT IS ORDERED, in accordance with section 12-38-116(8)(a), C.R.S., that the license to practice practical nursing of Eva M. Gordon is suspended, effective 5:00 P.M., on January 5, 2009. Any such suspension shall remain in effect until lifted by the Board and Respondent has received written notice from the Board that the suspension has been vacated. The Board shall lift the suspension, upon review of evidence, at the next regularly scheduled meeting after submission, establishing that the Respondent has resumed compliance with the December 2008 Board Order and is safe to practice with reasonable skill and safety.

DATED AND SIGNED this 30th day of December 2008.

FOR THE STATE BOARD OF NURSING
INQUIRY PANEL B

Mark Merrill
Program Director

BEFORE THE STATE BOARD OF NURSING

STATE OF COLORADO

STIPULATION AND FINAL AGENCY ORDER

IN THE MATTER OF DISCIPLINARY PROCEEDINGS REGARDING THE LICENSE TO PRACTICE PRACTICAL NURSING AND THE CERTIFICATE TO PRACTICE AS A CERTIFIED NURSE AIDE IN THE STATE OF COLORADO OF EVA M. YON, L.P.N. LICENSE NO. 36668, C.N.A. CERTIFICATE NO. 156710

IT IS HEREBY STIPULATED by and between the Colorado State Board of Nursing (the "Board") and Eva M. Yon, L.P.N. ("respondent") as follows

1. The Board has jurisdiction over the person of respondent and the subject matter of this Stipulation and Final Agency Order.

2. Respondent has been licensed to practice as a practical nurse in the State of Colorado at all times relevant herein, and is now so licensed.

3. Respondent admits as follows:

a. Respondent was employed as a practical nurse at the Life Care Center of Aurora in Aurora, Colorado, in November 1999.

b. On or about November 25 and November 27, 1999, respondent was responsible for caring for a patient at the facility identified as H.S.

c. On or about November 25 and November 27, 1999, respondent administered two Vicodin tablets to H.S. when the patient was ordered one Vicodin tablet every four hours for pain.

d. Respondent gave a co-worker a dose of what respondent believed was Klonopin from her personal prescription during this time period. Due to an error by the pharmacy, the medication was actually Clonidine.

e. Respondent's employment at the facility was terminated.

2001

f. Respondent has indicated that she was hospitalized for depression and attempted suicide in March 2000. Respondent has indicated that in May 2000 she was court-ordered into outpatient psychiatric treatment, to include psychiatric medications, for two years.

g. Respondent has been treated for bipolar disorder since she was a teenager. Respondent states that her current diagnosis is dysthymia.

4. By virtue of the facts admitted in paragraph 3 above, respondent admits, and the Board hereby finds, that respondent violated § 12-38-117(1)(c), (f) and (j), C.R.S. (1995, 1999).

5. The statutory authority of the Board is as follows:

> 12-38-117. Grounds for discipline. (1) "Grounds for discipline", as used in this article means any person who:
>
> (c) Has willfully or negligently acted in a manner inconsistent with the health or safety of persons under his care;
>
> (f) Has willfully or negligently practiced nursing in a manner which fails to meet generally accepted standards for such nursing practice;
>
> (j) Has a physical or mental disability which renders him unable to practice nursing with reasonable skill and safety to the patients and which may endanger the health or safety of persons under his care;

6. By entering into this Stipulation and Final Agency Order, respondent voluntarily requests, and the Board grants, permission to participate in the Board's Impaired Professional Diversion Program, also known as the Colorado Nurse Health Program ("CNHP") as administered by the Impaired Professional Diversion Committee ("Committee"), pursuant to § 12-38-131, C.R.S. (1999).

7. Respondent shall submit an application to the CNHP. Failure to apply within 30 days of the effective date herein may be considered a violation of this Stipulation and Final Agency Order. Respondent shall be evaluated by the CNHP to determine an appropriate monitoring and treatment plan. Respondent agrees to comply with all terms and conditions determined by the Committee for participation in the CNHP, and shall enter into a written contract with the Committee, setting forth such terms and conditions. Failure to sign a contract within 90 days of the effective date herein may be considered a violation of this Stipulation and Final Agency Order. Respondent further agrees that s/he shall provide the Board with a copy of the application and contract within 90 days of the effective date of this Stipulation and Final Agency Order.

8. Respondent acknowledges that the CNHP shall provide a written or oral report to

the Board within 24 hours, or next working day, of respondent's termination from the CNHP for any reason other than successful completion. Respondent also acknowledges that the Board may proceed with formal disciplinary action against respondent, upon notification that the respondent has been terminated from the CNHP for any reason other than successful completion. Such termination may occur, without limitation, for any of the following reasons:

a. Failing to comply with respondent's treatment plan or any of the terms of the contract;

b. Becoming unable to practice nursing with reasonable skill and safety;

c. Moving to another state, engaging in nursing practice, and failing to inform, in a timely fashion, that state's board of nursing, CNHP, or their equivalent, of respondent's participation in Colorado's CNHP;

d. Failing to maintain eligibility criteria for CNHP participation;

e. Falsifying or failing to disclose information that respondent may have violated any provisions of the Nurse Practice Act;

f. Relapsing or engaging in the unauthorized use of alcohol, controlled substances, habit-forming drugs, or any other drugs with the same or similar effects.

9. Respondent also acknowledges that if respondent is referred to the Board for non-compliance, documents kept in the possession of the CNHP regarding respondent will be sent to the Board.

10. Should the CNHP be eliminated or in any way cease to exist, respondent shall be placed on probation with the Board for the duration of respondent's CNHP contract, under the same requirements as set forth in respondent's contract with the Committee. The Board may review respondent's status and the monitoring terms of the CNHP regarding respondent's nursing practice, and said terms may be subject to amendment or revision, as the Board determines in its discretion that is necessary to protect the public health, safety, and welfare.

11. In the event of relocation to another state, respondent shall notify the Board of respondent's change of address within 30 days of such relocation, and hereby gives consent to the Board that it may notify the Board of Nursing or the equivalent regulatory agency in any state to which respondent relocates of the existence, terms of and respondent's compliance with this Stipulation and Final Agency Order.

12. Respondent shall comply with all the provisions of the Nurse Practice Act and the rules and regulations of the Board.

13. Respondent is aware of and understands the right to receive a formal notice of hearing and charges and to have a formal disciplinary hearing, pursuant to § 12-38-116.5, C.R.S. (1999), and hereby waives those rights and requests that this Stipulation and Final Agency Order be accepted by the Board with the same force and effect as an Order entered into as a result of a formal disciplinary proceeding. Respondent further waives the right to appeal the Order entered herein.

14. This Stipulation and Final Agency Order is entered into by respondent voluntarily, after the opportunity to consult with counsel, and with full understanding of the legal consequences of this Stipulation and Final Agency Order.

15. If, at the end of respondent's contract with the Committee, the Board finds that respondent adhered to all the terms of this Stipulation and Final Agency Order, then this proceeding shall be concluded. The respondent will provide proof, in writing, to the Board of successful completion of the contract.

16. a. Respondent understands that if, during the pendency of this agreement, the Board has reasonable grounds to believe that respondent is abusing alcohol, controlled substances, habit-forming drugs, or other drugs with the same or similar effects, or is otherwise in violation of either this Stipulation and Final Agency Order, the Nurse Practice Act, or both, the Board may refer the respondent to hearing.

b. In the event this matter is referred to hearing for violation of this Stipulation and Final Agency Order, this Stipulation and Final Agency Order shall be admissible as evidence. In the event an alleged violation of this Stipulation and Final Agency Order is taken to hearing and the facts that constitute the violation are determined to be unproven, no disciplinary action shall be taken by the Board, and this Stipulation and Final Agency Order shall remain operative and in full force and effect. The pendency of any disciplinary action pursuant to this Stipulation and Final Agency Order shall not affect the obligation of respondent to comply with the terms of this Stipulation and Final Agency Order.

17. In the event this Stipulation and Final Agency Order does not become an Order of the Board, it shall be void and respondent shall not be bound by any provisions hereof or admissions herein.

18. This Stipulation and Final Agency Order shall become an Order of the Board when accepted by the Board and signed by an authorized Board representative.

19. This Stipulation and Final Agency Order, reflecting respondent's participation in the CNHP, is a public record in the custody of the Board. However, documentation regarding respondent's participation in the CNHP shall be confidential, except as provided herein and by law.

20. Respondent agrees to tender the respondent's nursing license to the Board with the signing of this Stipulation and Final Agency Order. The Board will reissue the license to reflect probationary status.

RESPONDENT

Eva Yon LPN

EVA M. YON, L.P.N., C.N.A.

COLORADO STATE BOARD OF NURSING

By: P Illes

1560 Broadway, Suite 880
Denver, Colorado 80202

Effective Date: This 27 day of April, 2001.