

period of five years and he was mandated into Health Professionals Assistance Program (“HPAP”), and signed the Agreement on April 5, 2001; and

WHEREAS, Licensee has signed a voluntary refrain from practice dated August 24, 2004; and

WHEREAS, the Licensee personally participated in an informal meeting with the South Board of Nursing (“Board”) on October 25, 2004, and was personally present at the Board’s November 18, 2004, meeting, at which time the matter of the Licensee’s situation was presented to the Board and the Licensee presented statements and answered questions of the Board; and

WHEREAS, Licensee has signed a Participation Agreement and is enrolled with the Health Professionals Assistance Program (“HPAP”); and

WHEREAS, Licensee’s conduct as stated would be inconsistent with the health or safety of persons entrusted to his care and violates the rules and statutes regulating the practice of nursing and is in violation of SDCL § 36-9-49 (4), (5), (7), and (10); and

WHEREAS, the Licensee recognizes that these matters, are of a nature which would constitute grounds for the discipline of his license to practice nursing in South Dakota under SDCL §36-9-49; and

WHEREAS, the South Dakota Board of Nursing (hereinafter “the Board”) has a statutory obligation to protect the public health, safety and welfare set forth

in SDCL §36-9, including the protection of the public from unsafe nursing practices and practitioners; and

WHEREAS, the Licensee has expressed a desire to resolve this matter without the necessity of additional formal disciplinary proceedings and hearings; and

WHEREAS, it is the intent of this Stipulation to provide for a settlement of the licensing issues presented by the Licensee's conduct, in a professional manner, without the necessity of further hearings and proceedings herein, and to provide for a responsible solution; now, therefore,

IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

1. That the Board has jurisdiction over the person of the Licensee and the subject matter of this Stipulation.

2. Licensee has admitted the facts of his recent diversion of morphine from his employer, Rapid City Regional Hospital and Northern Hills General Hospital in Deadwood. The Licensee has voluntarily undergone treatment at the Rim Rock Treatment Program in Billings, Montana, from September 7, 2004, through October 5, 2004. The Licensee admits that this relapse is in violation of his probation under his suspended imposition of sentence entered by the court on March 14, 2000. Licensee admits that his relapse is in violation of his participation in HPAP. Licensee agrees his conduct violates SDCL 36-9-49 (4), (5), (7) and (10), in that such conduct would be inconsistent with the health and

safety of persons entrusted to his care and would violate provisions of the rules and statutes regulating the practice of nursing.

3. The Licensee has been given an opportunity to discuss this Stipulation with an attorney of Licensee's choice, and is aware of Licensee's right to a hearing in this matter, and of all rights under the United States and South Dakota Constitutions, laws, rules and/or regulations. Licensee hereby voluntarily waives all such rights to a hearing, notice, appearance, or any other rights under said Constitutions, laws, rules and/or regulations. Licensee is entering into this Stipulation voluntarily and without duress or compulsion. Licensee also agrees that the Board's Executive Secretary may present this Stipulation to the Board and disclose to the Board all items of her investigation, including, but not limited to, any communications with Licensee.

4. That from the date this Stipulation, Licensee's license to practice nursing is placed upon a probationary status for an indefinite period, but not less than thirty-six (36) months of active practice as a nurse or employment in nursing practice. The probationary terms and conditions set by the Board shall be completely followed by the Licensee. In addition, probationary terms and monitoring conditions shall be set by the HPAP and Licensee shall fully comply with these terms and conditions. The duration of the terms of probation as set by the HPAP shall not be less than thirty-six (36) months, and it is recognized that the Board may require additional probationary time or additional terms upon the

completion of HPAP. Additionally, Licensee shall comply with the following during his probation:

CONDITIONS:

1. Licensee shall at any time during the period of probation, report in person to such meetings of the Board or to its designated representatives as directed and otherwise fully cooperate with the Board or its representatives in the terms of this probation.

2. Licensee shall notify the Board as well as the HPAP, in writing, within one (1) week of any change in nursing employment, personal address and/or telephone number.

3. Licensee shall pay for all costs and expenses in carrying out any conditions of the probation.

4. Within ten (10) days of the effective date of the order, Licensee shall submit his current license to the Board office to be stamped "PROBATION".

5. Notwithstanding anything in this Stipulation and Order to the contrary, should the Licensee be convicted of a felony, which would be grounds for discipline under SDCL § 36-9-49, either relating to the allegations which led to this probation or to any other actions or omissions of the Licensee, the Licensee agrees that the Board may take further action against Licensee's license, including, but not limited to immediate suspension. Licensee agrees to immediately inform

the Board of the outcome of any criminal charges presently or hereafter pending against Licensee.

6. If Licensee violates any terms of this probation, the Licensee agrees that the Board may take such actions against Licensee's license, as the Board deems necessary, up to and including an immediate suspension, additional probation terms, revocation or other disciplinary action.

7. If Licensee obtains a license issued solely or under joint regulatory powers by the Board, other than the license to which this Stipulation refers, at any time during the period of the probation, the terms of this probation shall apply to the other or additional license(s) issued by the Board.

8. Licensee shall not violate any law or regulation regarding the practice of nursing.

9. Licensee shall not practice nursing in any state other than South Dakota which is a party state to the Nurse Licensure Compact without prior written authorization from both the Board and the nursing regulatory authority in the party state in which the Licensee desires to practice.

10. This probation also affects Licensee's practice privilege to practice in South Dakota should Licensee change his home state under the Nurse Licensure Compact and Licensee's practice privilege is subject to the same requirement set forth in this Order as her South Dakota license.

NOW, THEREFORE, the foregoing Stipulation is entered into and is respectfully submitted to the Board with the request that the Board adopt its terms as an order of the Board in the above matter.

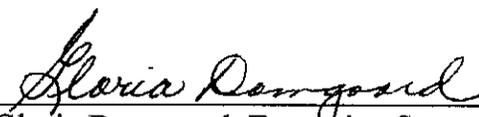
Dated this 9th day of December, 2004.



Dana Aman - License R-028201

The South Dakota Board of Nursing meeting on the 18th day of November, 2004, approved the attached Stipulation and issued its order of probation consistent herewith.

IT IS HEREBY ORDERED that the above Stipulation is adopted as an Order of the South Dakota Board of Nursing this 18th day of November, 2004, by vote of 8-0.



Gloria Damgaard, Executive Secretary