SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE LICENSURE PROCEEDINGS	:	
RE: VALERIE L. ARENS, RN	:	**STIPULATION AND ORDER FOR PROBATION WITH HPAP**
LICENSE No. R041585	:	
Licensee.	:	

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WHEREAS, Valerie L. Arens ("Licensee"), holds a license to practice as a registered nurse in the State of South Dakota and holds license number R041585; and

WHEREAS, Licensee has admitted that she became addicted to the habitual use of controlled substances; 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 her 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 her 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 requested the Board's Executive Director to present this Stipulation to the Board for action and recognize that the Board may approve this Stipulation, reject it, or modify it; and

WHEREAS, in the event the Board, in its discretion, does not approve this settlement or a lesser remedy than indicated in this settlement, this Stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced by either party. Licensee agrees that if the Board rejects this Stipulation and this case proceeds to hearing, Licensee will assert no claim that the Board was prejudice by its review and discussion of this Stipulation or any of the records or information relating hereto; 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 that she became addicted to the habitual use of controlled substances. Licensee is enrolled in HPAP. Licensee agrees her 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 her 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 is approved by the Board, Licensee's license to practice nursing is placed upon a probationary status for an indefinite period 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. After verification from the HPAP that Licensee has fully completed all monitoring terms, Licensee may petition the Board for closure of her probation. The duration of the terms of probation will be set by the HPAP. 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 her 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 her current renewal certificate to the Board office to be stamped "PROBATION".

5. During the term of this probation, the Licensee is to immediately inform the Board of the outcome of any criminal charges presently or hereafter pending against the Licensee, and whether the Licensee has been convicted, pled no contest, *nolo contendere*, pled guilty to or been granted a deferred judgment or adjudication, suspended imposition of sentence with respect to a felony, misdemeanor or petty offense, other than minor traffic violations, that have not previously been reported to the Board.

6. 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(2), 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.

7. 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.

8. 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.

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

10. 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.

11. This probation also affects Licensee's practice privilege to practice in South Dakota should Licensee change her 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 28th day of APRIL, 2015.

Valerie L. Arens – License R041585

The South Dakota Board of Nursing met on the 17th day of April, 2015, and approved the attached Stipulation as written and issued its order for probation with HPAP consistent herewith by a vote of 8-0. THEREFORE;

IT IS HEREBY ORDERED that the above Stipulation and Order for Probation with HPAP is adopted as an Order of the South Dakota Board of Nursing this 28th day of May, 2015.

SOUTH DAKOTA BOARD OF NURSING

Gloria Damgaard, RN, MS
Executive Director