

WHEREAS, it is the intent of this agreed-upon disposition 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 resolution;

NOW, THEREFORE, it is hereby stipulated and agreed as follows:

1. That the Boards have jurisdiction over the person of the Licensee and the subject matter of this Order.

2. The Boards assert that the Licensee, while working as a certified nurse practitioner for a health assessment review organization, did not adequately assess or document physical examinations for patients to whom she had been assigned to perform said services. Licensee neither admits nor denies the Boards' assertions.

3. The Licensee recognizes that the matters complained of are of a nature that would constitute grounds for discipline of her license to practice as a nurse practitioner in the State of South Dakota under SDCL § 36-9A-29.

4. That the Licensee understands that she has a right to a contested hearing case pursuant to SDCL Ch. 1-26 regarding the allegations in the pending complaint and that such rights under SDCL Ch. 1-26 include, but are not limited to, the right to be present at the contested case hearing, the right to be represented by legal counsel, to introduce evidence and testimony on her behalf, to call witnesses, to cross examine witnesses, and to inspect all documentary evidence submitted to the Boards and to appeal the Boards' decision to the circuit court and state Supreme Court as provided by law.

5. By entering into this agreed-upon disposition with the Boards, the Licensee hereby knowingly and voluntarily waives the above rights.

6. The Licensee has been given the opportunity to discuss this stipulation with an attorney of Licensee's choice and is aware of her rights as outlined above. Licensee hereby voluntarily waives all such rights to a hearing, notice, appearance, or other rights. Licensee is entering into this stipulation voluntarily and without duress or compulsion.

Based upon the foregoing acknowledgements, the Boards and the Licensee hereby agree that this pending complaint will be resolved as follows:

PROBATION WITH MANDATED HPAP

That from the date of this stipulation, the Licensee's license to practice as a certified nurse practitioner is placed upon a probationary status. The Licensee shall comply with the following terms during her probation:

1. Licensee is hereby mandated to the Health Professionals Assistance Program ("HPAP"). The Licensee agrees to be enrolled and demonstrating active participation within thirty (30) days. Failure to comply with any aspect of HPAP and its contract will result in further disciplinary action by the Boards. All terms and conditions, and any restrictions shall be set by HPAP and Licensee shall be fully compliant with all of the terms and conditions.

2. In addition, probationary terms and monitoring conditions shall be set by HPAP and Licensee shall fully comply with these terms and conditions. After verification from HPAP that Licensee has fully completed all monitoring terms, Licensee may petition the Boards for closure of her probation. The duration of the terms of probation will be set by HPAP. It is

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recognized that the Boards may require additional probationary time or additional terms upon completion of HPAP. Additionally, Licensee shall comply with the following during her probation:

EVALUATION AND REMEDIATION

1. The Licensee is to complete a full psychological evaluation with a practitioner approved or as recommended by HPAP.
2. In addition, the Licensee shall be required to complete remediation as follows:
 - A. An ethics course as recommended by the Boards; and
 - B. A competency assessment (course or individualized assessment conducted by a consultant, who will be selected by the Board of Nursing) and remediation as determined by assessment.

CONDITIONS

1. Licensee shall at any time during the period of probation, report in person to such meetings of the Boards or to its designated representatives as directed and otherwise fully cooperate with the Boards or their representatives in the terms of this probation.
2. The Licensee shall notify the Boards, as well as 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 conditions of this agreed-upon disposition.
4. That within ten (10) days of the effective date/execution of this order, Licensee shall submit her current renewal certificate to the Boards to be stamped PROBATION.

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5. During the term of this order, the Licensee is to immediately inform the Boards 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 Boards.

6. If the Licensee violates any terms of this agreed-upon disposition, the Boards may take such action against Licensee's license as the Boards deem necessary, up to and including an immediate suspension, additional terms, revocation, or other disciplinary action.

7. Licensee shall not violate any laws or regulations regarding the practice of nursing.

8. This agreed-upon disposition is subject to public reporting.

NOW, THEREFORE, the foregoing Agreed Upon Disposition and Waiver of Hearing is entered into and is respectfully submitted to the Boards with the request that the Boards adopt its terms as an Order of the Boards in the above matter.

Dated this 20th day of February 2016.



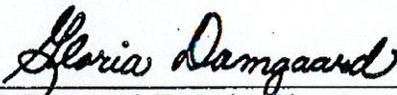
Leann K. Batiz

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The South Dakota Board of Nursing met on the 20th day of November, 2015, and approved the terms and conditions of this probationary order by a vote of 8-0 and issued its Order as follows:

IT IS HEREBY ORDERED that the above Agreed Upon Disposition and Waiver of Hearing is adopted as shown herein by the South Dakota Board of Nursing this 1st day of March, 2016.

SOUTH DAKOTA BOARD OF NURSING


Gloria Damgaard, Executive Director

The South Dakota Board of Medical and Osteopathic Examiners met on the 3rd day of March, 2016, and approved the terms and conditions of this probationary order and issued its Order as follows:

IT IS HEREBY ORDERED that the above Agreed Upon Disposition and Waiver of Hearing is adopted as shown herein by the South Dakota Board of Medical and Osteopathic Examiners this 3rd day of March, 2016.

SOUTH DAKOTA BOARD OF MEDICAL &
OSTEOPATHIC EXAMINERS


Board President