

WHEREAS, on January 14, 2005, Licensee wrote to HPAP admitting her failure to disclose that she had received prescriptions of Darvocet for migraine headaches (on 11/2002) and a prescription for Percocet for an abscess (on 9/2004);

WHEREAS, the reporting of any prescription, especially pain medication, is a specific component of the HPAP program;

WHEREAS, on January 23, 2005, a HPAP case note indicated that the Licensee's recovery was questionable and her level of HPAP compliance was unacceptable;

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

WHEREAS, the South Dakota Board of Nursing (herein the "Board") has a statutory obligation to protect the public health, safety, and welfare as set forth in SDCL § 36-9, including the protection of the public from unsafe nursing practices and practitioners.

NOW, THEREFORE, it is ordered as follows:

1. That the Board has jurisdiction over the person of the Licensee and the subject matter of this Order.
2. That the Board specifically finds that the Licensee has not observed the terms of the HPAP and that the actions of Licensee are 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. That from the date of this Order, the Licensee's license to practice nursing is placed upon a probationary status for a period of twelve (12) months of active practice as a nurse for employment in the nursing practice. The probationary terms and conditions set by the Board shall be completely followed by the Licensee.

4. In addition to the probationary terms, the Licensee shall continue with HPAP and shall be fully compliant with the terms and conditions set by HPAP. 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 terms of probation as set by the HPAP shall not be less than 36 months, and it is recognized that the Board may require additional probationary time or additional terms upon the completion of HPAP. Additionally, the 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. The 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. The Licensee shall pay for all costs and expenses in carrying out any terms and conditions of the probation.

4. That the Licensee shall submit a self-evaluation report to the Board office quarterly, or every three (3) months during her year of probation. The report shall provide and/or address: (a) the use of any mood altering chemicals including alcohol and the circumstances surrounding any use while on probation; (b) the Licensee's use of any over-the-counter and/or drugs prescribed by physician or dentist and the circumstances surrounding any use; (c) Licensee's participation in any rehabilitation program if applicable; (d) the Licensee's professional employment status including employer support, peer support, ability to handle stress and management of controlled substances; (e) Licensee's future professional goals for nursing; (f) Licensee's personal goals; and (g) any other information which the Licensee believes would assist the Board in its ultimate review of the case.

5. That at the end of the twelve (12) months of probation, the Licensee shall submit to a meeting of the Board for a review of her compliance with the terms of probation.

6. Within ten (10) days of the effective date of this Order, the Licensee shall submit her current renewal certificate to the Board office to be stamped "PROBATION."

7. If Licensee violates any terms of this probation, the Licensee agrees that the Board may take such action 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 Order refers, at any time during the period of probation, the terms of this probation shall apply to the other or additional (licenses) issued by the Board.

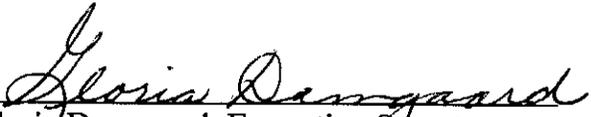
9. Licensee shall not violate any law or regulation regarding the practice of nursing.

10. The 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 should 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.

The South Dakota Board of Nursing meeting on the 8th day of April, 2005, approved this Order of Probation as written and issues its Order consistent herein.

IT IS HEREBY ORDERED that the above is adopted as an Order of the South
Dakota Board of Nursing this 9th day of April, 2005, by a vote of 9-0.


Gloria Damgaard, Executive Secretary
South Dakota Board of Nursing