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SD BOARD OF NURSING

SOUTH DAKOTA BOARD OF NURSING

IN THE MATTER OF THE
LICENSURE PROCEEDINGS
RE: PATRICIA EAGLE, LPN

STIPULATION AND ORDER

License No. P-005307

Licensee.

WHEREAS, the South Dakota Board of Nursing issued an order of Suspension under SDCL §36-9-49.1 and 1-26-29 against Patricia Eagle, LPN, a licensed practical nurse ("Licensee"), bearing license number P-005307, on September 18, 2003, on the basis of information obtained by the Board of Nursing ("Board") alleging that Licensee was mandated into participation with the Health Professionals Assistance Program; and Licensee has been noncompliant with HPAP and at that time the Board specifically found that the Licensee's actions as reported endangered the public health, safety and welfare, and imperatively required emergency action and that the reported actions could endanger the health and safety of those persons who are or would be entrusted to her care in the future and that the matters were of a nature that would constitute further grounds for discipline of her license to practice nursing under SDCL § 36-9-49; and the Board , based upon such findings and until the Board further acted following a hearing or on an agreed order with the Licensee, temporarily suspended the Licensee's license to practice nursing in South Dakota; and

WHEREAS Licensee met with the Board staff in an informal meeting, and

WHEREAS, such emergency suspension order contemplated that the Board would review the results of the informal meeting and that the Board and the Licensee could negotiate an agreed order; and

WHEREAS, following the informal meeting, the Licensee met with Board staff and agreed to the following order; and

WHEREAS, the Licensee recognizes that the allegations, if proven, would be 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 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, the Licensee has requested the Board's Executive Secretary to present this Stipulation to the Board for action and recognizes 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 prejudiced by its review and discussion of this Stipulation or any of the records or information relating hereto; 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 was mandated by the Board into participation with the Health Professionals Assistance Program; and Licensee has been noncompliant with HPAP all in violation of ARSD 20:48:04 (1)(d) and SDCL 36-9-49(5) and (7) and (10).

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 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. Licensee's license to practice nursing is suspended for an indefinite period of time, subject to reinstatement after the Licensee shows six (6) consecutive months of Board-approved documented, full compliance with HPAP (which shall be the burden of Licensee to present to the Board) to be followed by Licensee's license to practice nursing being placed upon a probationary

status for twenty four (24) months of employment in nursing practice from the date of reinstatement, which probationary terms and conditions shall be completely followed by the Licensee as follows:

CONDITIONS:

1. Licensee will notify the Board of any employment in the health care field, including changes in employment. Furthermore, the Licensee will inform any current or prospective employer with whom she seeks employment as a nurse, as to the subject matter and the nature of the proceedings and the Stipulation. Licensee would further agree that any such employer would during the first year of probation, be required to provide quarterly reports to the Board as to her progress as an employee, and during the balance of the probationary period provide reports on a basis of every six (6) months. The reports shall provide and/or address:

- a) In the first report, evidence that Licensee's supervisor has received a copy of the order within ten (10) days of service or within ten (10) days of Licensee beginning a new employment;
- b) Licensee's attendance, reliability and sobriety;
- c) Licensee's ability to practice professional nursing;
- d) Licensee's ability to carry out assigned functions, including the handling of controlled substances;
- e) Licensee's ability to handle stress;
- f) Number of hours Licensee worked during the reporting period;
- g) Any other information, which the supervisor believes would assist the Board in its ultimate review of the case. The supervisor agrees to report any allegations of suspected alcohol use or diversion of controlled substances within forty-eight (48) hours to the Board.
- h) The employer agrees to report any concerns or violations of the Stipulation and Order to the Board of Nursing immediately.

2. The Board requires that Licensee shall continue to participate in the Health Professionals Assistance Program ("HPAP") and follow all terms and conditions as set by the program. The HPAP monitoring contract shall include a provision that HPAP shall also obtain worksite monitoring reports and shall provide such reports to the Board on a quarterly basis. Licensee shall follow all terms and conditions of her monitoring contract with HPAP, and Licensee agrees and understands that if any condition of HPAP or her monitoring contract is violated such that Licensee is referred back to the Board by the HPAP, the Board may take such actions as the Board deems necessary up to and including a total and complete revocation of Licensee's licensing rights as a nurse in South Dakota.

3. Licensee shall sign a release of information for employers and any other information reasonably requested by the Board related to Licensee's employment or the performance of the conditions of this stipulation. Information shall be submitted directly to the Board office.

4. Licensee shall arrange with the Board staff probationary meetings once every three (3) months during the first year of probation. Thereafter, probationary meetings will be arranged by the Licensee every six (6) months for the balance of the probationary period. It will be the obligation of the Licensee to schedule these meetings at such time and place as the Board staff would reasonably designate.

5. Furthermore, the Licensee will submit a self-evaluation report to the Board office prior to each probationary meeting. The report shall provide and/or address:

- a) Licensee's professional employment status, including employer support, peer support, and ability to handle stress;
- b) Licensee's future professional goals for nursing;

- c) Licensee's future personal goals; and
 - d) Any other information which the Licensee believes would assist the Board in its ultimate review of the case.
6. 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..
7. Licensee shall not violate any law or regulation regarding the practice of nursing.
8. Within ten (10) days of the effective date of the order, Licensee shall submit her current renewal certificate to the Board office. After completion of the suspension, Licensee's certificate shall be stamped "PROBATION".
9. Licensee shall notify the Board, in writing, within one (1) week of any change in nursing employment, personal address and/or telephone number.
10. Licensee shall pay for all costs and expenses in carrying out any conditions of the probation.
11. Before any out-of-state nursing practice or residence can be credited toward fulfillment of these terms and conditions, they must first be approved by the Board prior to leaving the state. If Licensee fails to receive such approval before leaving the state, none of the time spent out-of-state will be credited to the fulfillment of the terms and conditions of this Order.
12. 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 herein or to any other actions or omissions of Licensee, the Licensee agrees that the Board may take further action against her license, including, but not limited to, immediate

suspension, additional probation terms, or an additional length of probation, or other disciplinary action. Licensee agrees to immediately inform the Board of the outcome of any criminal charges presently or hereafter pending against Licensee.

13. If any condition of this probation is violated, the Licensee agrees that the Board may take such actions as the Board deems necessary up to and including a total and complete revocation of Licensee's licensing rights as a nurse in South Dakota.

14. 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.

.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.

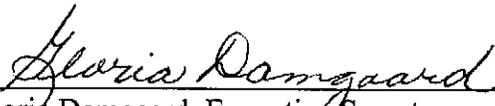
Dated this 27th day of October, 2003.

Patricia M. Eagle
Patricia Eagle, R.N. LPN

The South Dakota Board of Nursing meeting on the __th day of November, 2003,
(approved)(rejected) the attached Stipulation (as written) (with the following modifications):

and issued its order of probation consistent herewith as follows:

IT IS HEREBY ORDERED that the above Stipulation is adopted shown herein by the South
Dakota Board of Nursing this 13th day of November, 2003, by vote of
10-0.



Gloria Damgaard, Executive Secretary