

SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE  
LICENSURE PROCEEDINGS

RE: SARAH ELBERS, L.P.N.  
SS#472-82-1794,

STIPULATION AND ORDER

Applicant.

\* \* \* \* \*

WHEREAS, SARAH ELBERS ("Applicant"), is licensed to practice as a licensed practical nurse in the State of Minnesota and has applied for endorsement into the State of South Dakota; and

WHEREAS, said Applicant, has admitted falsifying her endorsement application by forgery of an employment verification form from Mary Jane Brown Good Samaritan Center in Luverne, Minnesota, for employment period of January through June, 1992, and failure to include the South Dakota State Penitentiary at Sioux Falls, South Dakota, as an employer under the employment history section; and said Applicant has admitted to practicing nursing without a license at the South Dakota State Penitentiary in Sioux Falls, South Dakota, from May 26, 1993, through October 3, 1994; and allegations have also been made that Applicant has administered and dispensed medication without a physicians order, without compliance to established protocols, failed to document treatments and medications in a timely and appropriate manner, left the work station for unusual periods of time, or prior to the end of the scheduled shift without authorization, and committed unprofessional conduct, all at the South Dakota State Penitentiary in Sioux Falls, South Dakota; and such conduct was inconsistent with the health or safety

of the persons entrusted to her care, and violates the statutes and rules regulating the practice of nursing, and is a violation of SDCL 36-9-49(1),(5),(7) and (10); and

WHEREAS, the Applicant recognizes and agrees 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, 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discretion, does not approve this settlement or a lesser remedy than indicated in this settlement, this Stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced by either party. Applicant agrees that if the Board rejects this Stipulation and this case proceeds to hearing, Applicant 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; now, therefore,

IT IS HEREBY ORDERED,

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

2. That Applicant has admitted falsifying her endorsement application by forgery of an employment verification form from Mary

Jane Brown Good Samaritan Center in Luverne, Minnesota, for employment period of January through June, 1992, and failure to include the South Dakota State Penitentiary at Sioux Falls, South Dakota, as an employer under the employment history section; and Applicant has admitted to practicing nursing without a license at the South Dakota State Penitentiary in Sioux Falls, South Dakota, from May 26, 1993, through October 3, 1994; and allegations have also been made that Applicant has administered and dispensed medication without a physicians order, without compliance to established protocols, failed to document treatments and medications in a timely and appropriate manner, left the work station for unusual periods of time, or prior to the end of the scheduled shift without authorization, and committed unprofessional conduct, all at the South Dakota State Penitentiary in Sioux Falls, South Dakota; and such conduct was inconsistent with the health or safety of the persons entrusted to her care, and violates the statutes and rules regulating the practice of nursing, and is a violation of SDCL 36-9-49(1),(5),(7) and (10).

3. The Applicant has been given an opportunity to discuss this Stipulation and Order with an attorney of Applicant's choice, and is aware of Applicant's right to a hearing in this matter, and all rights under the United States and South Dakota Constitutions, laws, rules and/or regulations. Applicant hereby voluntarily waives all such rights to a hearing, notice, appearance, or any other rights under said Constitutions, laws, rules and/or regulations. Applicant is entering into this Stipulation and Order

voluntarily and without duress or compulsion. Applicant also agrees that the Board's Executive Secretary or her designee 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 Applicant.

4. That the Applicant's license to practice nursing in South Dakota is placed upon a probationary status for a period of three (3) years of active practice as a nurse and employment in nursing practice from the date of this Order being approved by the Board, which probationary terms and conditions shall be completely followed by the Applicant as follows:

C O N D I T I O N S:

1. Applicant will notify the Board of any employment in the healthcare field, including changes in employment. Furthermore, the Applicant 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. The Applicant and current or prospective employer shall notify the Board in writing within five (5) days of beginning any new employment, confirming compliance with this provision, and confirming that the Applicant's employer has discussed the subject matter and nature of the proceedings and this Stipulation with them. The Applicant 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 Applicant's supervisor has received a copy of the order within five (5) days of service or within five (5) days of Applicant beginning a new employment;
  - b) Applicant's attendance and reliability;
  - c) Applicant's ability to practice nursing within defined scope of practice;

- d) Applicant's ability to carry out assigned functions;
  - e) Applicant's ability to handle stress;
  - f) Applicant's ability to document patient care treatments and medications in a timely and appropriate manner;
  - g) Number of hours Applicant worked during the reporting period;
  - h) Applicant's professional employment status including employer support and peer support and relationship with employer and peers;
  - i) Any other information which the supervisor believes would assist the Board in its ultimate review of the case.
2. Applicant shall not be employed by a temporary agency.
3. Applicant shall observe the following employment restrictions:
- a) May not hold a charge or supervisory position for one (1) year.
  - b) May only practice under on-site direct supervision of a registered nurse in good standing with the Board for a minimum of one (1) year.
4. Applicant 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 Applicant every six (6) months for the balance of the probationary period. It will be the obligation of the Applicant to schedule these meetings at such time and place as the Board staff would reasonably designate.

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

- a) Applicant's employment status including employer support, employer and peer relations, and ability to manage assigned duties;
- b) Applicant's ability to perform role as an L.P.N. and remain within her scope of practice parameters as defined by South Dakota law and rules;
- c) Applicant's future professional goals for nursing;
- d) Applicant's future personal goals; and

- e) Any other information which the Applicant believes would assist the Board in its ultimate review of the case.
5. Applicant 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.
  6. Applicant shall provide documentation of completing six (6) to eight (8) contact hours of continuing education in nursing ethics, scope of practice boundaries or professionalism in nursing. Documentation shall include written objectives; instructors qualifications in the subject, such as education and experience; method used to evaluate learning; written statement of participation provided by the instructor or a designee; and written evidence of successful completion. The continuing education activity shall be pre-approved by the Board or its representatives and shall be completed no later than one (1) year from the date of this Order.
  7. Applicant shall not violate any law or regulation regarding the practice of nursing.
  8. Applicant's current renewal certificate shall be stamped "PROBATION" during the duration of the probationary period.
  9. Applicant shall notify the Board, in writing, within one (1) week of any change in nursing employment, personal address and/or telephone number.
  10. Applicant shall pay for all costs and expenses in carrying out any conditions of the probation.
  11. Before any out-of-state 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 Applicant 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. The Applicant may petition the Board for early closure or reconsideration of the terms of the probationary agreement after two (2) years of successful completion of the terms outlined in this Order.
  13. In the event that the Applicant does not work in nursing within two (2) years of the effective date of the Order, Applicant may petition the Board for reevaluation of the probationary conditions.

14. Applicant shall provide evidence of completing the South Dakota Board of Nursing self-study learning module on LPN Standards of Practice and Code of Ethics. The self-study program shall be completed within three (3) months from the date of this Order.
15. Applicant shall complete self-study Board program regarding the Roles, Responsibilities and Scope of Practice For The L.P.N. in South Dakota. The self-study program shall be completed within three (3) months from the date of this Order.
16. If any condition of this probation is violated, the Applicant agrees that the Board may take such actions as the Board deems necessary up to and including a total and complete revocation of Applicant's licensing rights as a nurse in South Dakota.
17. Applicant shall advise the South Dakota Board of Nursing of any restrictions or requirements placed on Applicant's license by the Minnesota State Board of Nursing, and shall provide to the South Dakota Board of Nursing copies of all correspondence or reports submitted to the Minnesota State Board of Nursing or received from the Minnesota State Board of Nursing relative to Applicant's licensure status.
18. If Applicant 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 licenses issued by the Board. Applicant may be involved in an educational program involving clinical components in which may result in her obtaining an additional license. The provisions of this Order shall carry over to any healthcare license that the Applicant obtains, including, but not limited to a registered nurse license, and shall carry over to any clinical components or licenses under which the Applicant works in any clinical instructional setting.

5. It is further stipulated and agreed that this Stipulation is being entered into voluntarily by the Applicant and without threats or coercion and is entered into after the Applicant has been given ample opportunity to consider these matters and to discuss this Stipulation with an attorney of her choice and that the Applicant has a full understanding of the legal consequences of this Stipulation and of the Applicant's rights to a formal

hearing on these matters, which rights are hereby waived by the signing of this Stipulation.

NOW, THEREFORE, the foregoing Stipulation and Order 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 14<sup>th</sup> day of November, 1994.

Sarah Elbers

SARAH ELBERS, Applicant

The South Dakota Board of Nursing meeting on the 1st day of February, 1994,<sup>5</sup> (approved)(rejected) the attached Stipulation (as written) (with the following modifications):

The licensee shall obtain counseling from the psychologist, Stephan Langenfeld, PhD., or another counselor pre-approved by the Board staff. The psychologist must report favorably, in the psychologist's opinion, on the licensee's personality, ability to exercise honesty, practice as a professional nurse and exercise communication skills within the role of a licensed nurse. The psychologist shall submit reports to the Board quarterly the first year and every six months thereafter for the duration of therapy. The reports shall provide and/or address:

- A. Verification that the psychologist has seen a copy of the Stipulation and Order;
- B. Diagnosis, treatment plan and progress in therapy;
- C. Ability to practice as a licensed nurse; and
- D. Any other information which the psychologist believes would assist the Board in the ultimate review of the case.

The frequency and duration of the counseling shall be determined by the psychologist. The licensee shall execute all release of information forms as necessary for counselor reports to be directed to the Board office.

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 1<sup>st</sup> day of February, 199~~4~~<sup>5</sup>, by vote of unanimous (11-yes).

Diana VanderWoude  
Diana Vander Woude, Executive Secretary