



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 his 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 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

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 Order.
2. That the Licensee's license to practice as an RN and CNP in South Dakota will be placed on a probationary status for an indefinite period, but not less than thirty-six (36) months of active practice as an RN or CNP or employment as an RN or a CNP. Probationary terms and conditions set by the Board shall be completely followed by the Licensee. In addition, probationary terms and monitoring conditions as well as clearance to return to employment, shall be set by the HPAP and the Licensee shall fully comply with these terms and conditions. After verification from the HPAP that the Licensee has completed all monitoring terms, the Licensee may petition the Board for closure of his probation. The Licensee is not entitled to early closure of probation. The duration of the

terms of probation as set by the HPAP shall not be less than the initial term of thirty-six (36) months, and it is recognized that the Board may require additional probationary time or additional terms upon completion of HPAP. Additionally, Licensee shall comply with the following conditions during his 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 this Order, Licensee shall submit his RN and CNP license to the Board office to be stamped "PROBATION".
5. 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 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.

6. 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.

7. 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.

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

9. 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.

10. This probation also affects Licensee's practice privilege to practice in South Dakota should Licensee change his home state under the Nurse Licensure Compact and Licensee's practice privilege is subject to the same requirement set forth in this Order as his South Dakota license.

11. The Licensee shall have no prescriptive authority for narcotics or any mood altering drugs.

IT IS HEREBY ORDERED that the above Order was adopted by the South  
Dakota Board of Nursing on the 9<sup>th</sup> day of February, 2005, by a vote of 7-0.

  
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Gloria Damgaard, Executive Secretary

South Dakota Board of Nursing

The South Dakota Board of Medical and Osteopathic Examiners meeting on the 17 day of March, 2005, (approved)(rejected) the attached Order of Probation on MITCHELL JENNER, CNP (as written) (with the following modifications):

and issued its order consistent herewith as follows:

IT IS HEREBY ORDERED that the above Order of Probation on MITCHELL JENNER, CNP is adopted shown herein by the South Dakota Board of Medical and Osteopathic Examiners this 17 day of March, 2005, by vote of 4-yes - 0-no - 1-absent.

  
its Executive Director