

SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE  
LICENSURE PROCEEDINGS

RE: NANCY KNIGHT, L.P.N.  
License No. P-004581

STIPULATION AND ORDER

Licensee,

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WHEREAS, NANCY KNIGHT ("Licensee"), is licensed to practice as a licensed practical nurse in the State of South Dakota and holds License Number P-004581; and

WHEREAS, during the course of her employment at Sunset Manor at Irene, South Dakota, in July, 1996, Licensee has admitted that she reported to work unable to carry out her assigned duties because of depression; and such conduct would be 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(5) and (7); and

WHEREAS, the Licensee 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discretion, does not approve this settlement or a lesser remedy than indicated in this settlement, this Stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced by either party. 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; now, therefore,

IT IS HEREBY STIPULATED that the Board may enter its Order ordering as follows:

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

2. That during the course of her employment at Sunset Manor at Irene, South Dakota, in July, 1996, Licensee has admitted that she reported to work unable to carry out her assigned duties because of depression; and such conduct would be 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(5) and (7).

3. The Licensee has been given an opportunity to discuss this Stipulation and Order 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 and Order voluntarily and without duress or compulsion. Licensee 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 Licensee.

4. That the Licensee's license to practice nursing in South Dakota is placed upon a probationary status for a period of eighteen (18) months 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 Licensee as follows:

C O N D I T I O N S:

1. Licensee shall cause psychiatrist, Dr. Hicks, to submit reports to the Board quarterly the first year and every six months thereafter; regarding the (mental) health status, treatment and prognosis in relation to Licensee's ability to safely practice as a nurse. The reports shall provide and/or address:
  - a. Verification that the psychiatrist has seen a copy of the Stipulation and Order;
  - b. Diagnosis and any treatment plan;
  - c. Current stability on Licensee's medication(s), if applicable;
  - d. Licensee's ability to practice as a professional nurse;
  - e. Any other information which the reporter believes would assist the Board in its ultimate review of the case.
2. Licensee shall continue counseling with Jean LaPour, Lewis & Clark Mental Health Center. The counselor shall submit reports to the Board quarterly the first year and every six

months thereafter. The counselor shall determine the frequency, type, and duration of counseling. The report shall provide and/or address:

- a. Verification that the counselor has seen a copy of the Stipulation and Order.
  - b. Diagnosis and any treatment plan;
  - c. Licensee's sobriety status, if applicable;
  - d. Licensee's ability to handle stress;
  - e. Licensee's ability to practice as a professional nurse;
  - f. Any other information which the counselor believes would assist the Board in its ultimate review of the case.
3. 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. The Licensee 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 Licensee's employer has discussed the subject matter and nature of the proceedings and this Stipulation with them. 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 and reliability;
  - c) Licensee's ability to practice professional nursing;
  - d) Licensee's ability to carry out assigned functions;
  - 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.
4. Licensee shall not be employed by a temporary agency.
  5. Licensee shall observe the following employment restrictions:
    - a) May not hold a charge or supervisory position for six (6) months;
    - b) May only practice under on-site supervision of a registered nurse in good standing with the Board for a minimum of six (6) months. The supervising nurse shall be primarily one (1) person, who may periodically delegate to other qualified personnel.
  6. 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.

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 participation in therapy. Documentation shall include attendance and participation, family support, problem areas addressed, and current medications;
  - b) Licensee's professional employment status, including employer support, peer support and ability to handle stress;
  - c) Licensee's future professional goals for nursing;
  - d) Licensee's future personal goals; and
  - e) Any other information which the Licensee believes would assist the Board in its ultimate review of the case.
7. 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.
  8. Licensee shall not violate any law or regulation regarding the practice of nursing.

9. Licensee shall execute all release of information forms as may be required by the Board or its designee.
10. Current renewal certificate to be stamped "PROBATION."
11. Licensee shall notify the Board, in writing, within one (1) week of any change in nursing employment, personal address and/or telephone number.
12. Licensee shall pay for all costs and expenses in carrying out any conditions of the probation.
13. 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 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.
14. The Licensee may petition the Board for early closure or reconsideration of the terms of the probationary agreement after twelve (12) months of successful completion of the terms outlined in this Order.
15. In the event that the Licensee does not work in nursing within two (2) years of the effective date of the Order, Licensee may petition the Board for reevaluation of the probationary conditions.
16. 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.
17. 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 licenses issued by the Board.

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

Stipulation and of the Licensee'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 19~~th~~ day of 9 September, 1996.

Nancy Knight  
NANCY KNIGHT, Licensee

The South Dakota Board of Nursing meeting on the 12<sup>th</sup> day of September, 1996, (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 12<sup>th</sup> day of September, 1996, by vote of 7-yes; 1-absent.

Diana VanderWoude RN MS  
Diana Vander Woude, Executive Secretary