

CNA to that of an LPN. Licensee was compliant with all areas of HPAP until August 8, 2013, when she tested positive for Fentanyl. At that time, the Licensee signed a Voluntary Refrain from Practice and continued participation in HPAP. On January 23, 2014, the Board issued a Letter of Concern to the Licensee for her non-compliance with HPAP and ordered her to continue the Voluntary Refrain from Practice and continue with mandated participation in HPAP; and

WHEREAS, on or about February 23, 2014, the Licensee admitted to HPAP that back in early October 2013, law enforcement had searched her home and found small pieces of Fentanyl patches. Licensee also admitted to diversion of at least three used Fentanyl patches and that she had been charged with possession of a controlled substance and marijuana. Licensee's failure to report the pending arrest and charges to HPAP was a violation of her HPAP contract and therefore was reported to the Board; and

WHEREAS, an informal meeting was held with the Licensee and Board staff on August 5, 2014, where additional information was obtained in regard to HPAP non-compliance. Licensee continued to be involved with treatment, but was non-compliant in her progress and participation with HPAP, which was mandatory. Licensee has circumvented the process of the HPAP; and

WHEREAS, due to the non-compliance with the HPAP program, Licensee has now agreed that she will voluntarily surrender her nursing license and now intends to leave the profession of nursing as a practical nurse; and

WHEREAS, 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, Licensee agrees that the matters under investigation would be of a nature that would constitute grounds for the discipline of her license to practice nursing in South Dakota under SDCL § 36-9-49; and

WHEREAS, the Licensee agrees that she enters into this Voluntary Surrender Consent Order voluntarily and without duress or compulsion, in full understanding of the legal consequences of this document and her rights; 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 Voluntary Surrender Consent Order.
2. That following successful completion of the LPN NCLEX on February 4, 2013, the Licensee appeared before the Board on February 28, 2013, to discuss with the Board her positive criminal background check relating to controlled substances and to discuss the current treatment for her substance use disorders. Upon review of all the

supporting documentation, the Board mandated Licensee's participation in the HPAP for five years and agreed to issue an LPN license to the Licensee upon notification from HPAP that Licensee was fully participating in and compliant with the terms and conditions of HPAP, and that Licensee had been released to practice by HPAP. Licensee signed her HPAP Participation Agreement on April 24, 2013. Her toxicology tests were negative and she began working with a work site monitor transitioning from the role of a CNA to that of an LPN. Licensee was compliant with all areas of HPAP until August 8, 2013, when she tested positive for Fentanyl. At that time, the Licensee signed a Voluntary Refrain from Practice and continued participation in HPAP. On January 23, 2014, the Board issued a Letter of Concern to the Licensee for her non-compliance with HPAP and ordered her to continue the Voluntary Refrain from Practice and continue with mandated participation in HPAP.

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Due to the non-compliance with the HPAP program, Licensee has now agreed that she will voluntarily surrender her nursing license and now intends to leave the profession of nursing as a practical nurse.

3. That the Licensee has been given an opportunity to discuss this Voluntary Surrender Consent Order with an attorney of Licensee's choice, and is aware of her right to a hearing in this matter, and of her 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 also agrees that the Board's Executive Director or her designee may present this Voluntary Surrender Consent Order 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 and her privilege to practice nursing pursuant to the Nurse Licensure Compact shall be

surrendered and the Board shall suspend said license for an indefinite period from the date of this Order. Licensee may apply to have her license reinstated for good cause shown.

5. That nothing in this Voluntary Surrender Consent Order should imply that the Licensee shall be reinstated. Licensee recognizes that the reinstatement terms, as well as the requirements for reinstatement, are at the sole discretion of the Board.

6. That if the Licensee requests reinstatement, Licensee has the burden of presenting information showing that Licensee's license should be reinstated.

7. That it is further stipulated and agreed that this Voluntary Surrender Consent Order 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 Voluntary Surrender Consent Order with an attorney of Licensee's choice and that the Licensee has a full understanding of the legal consequences of this Voluntary Surrender Consent Order and of the Licensee's rights to a formal hearing on these matters, which rights are hereby waived by the signing of this Voluntary Surrender Consent Order.

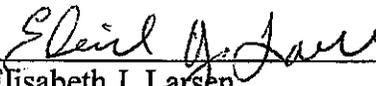
8. Licensee understands that during the period of this Voluntary Surrender that she is ineligible to work in any nursing role, including that of a nurse aide, nurse assistant, or medication assistant/aide.

9. This action is reportable discipline and will be published in the Board's newsletter and posted on its website and reported into the National Practitioner Data Bank (NPDB) as required by law.

10. That the Board may enter an Order consistent with the terms of this Stipulation.

NOW, THEREFORE, the foregoing Voluntary Surrender Consent 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 8th day of October, 2014.

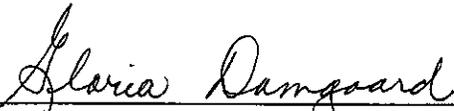


Elisabeth J. Larsen

Voluntary Surrender Consent Order
Elisabeth J. Larsen, LPN

The South Dakota Board of Nursing met on the 12th day of September, 2014, and approved the attached Voluntary Surrender Consent Order as written by a vote of 11-0 and issued its Order as follows:

IT IS HEREBY ORDERED that the above Voluntary Surrender Consent Order is adopted as shown herein by the South Dakota Board of Nursing this 15th day of October, 2014.



Gloria Damgaard, RN, MS
Executive Director
South Dakota Board of Nursing