

SOUTH DAKOTA BOARD OF NURSING

IN THE MATTER OF THE
LICENSURE PROCEEDINGS

STIPULATION AND ORDER

RE: Karen McGeough
License No. R022590

Licensee,

WHEREAS, KAREN McGEOUGH ("Licensee"), is licensed to practice as a registered nurse in the State of South Dakota and holds license number R022590; and

WHEREAS, during the course of Licensee's employment at Sunset Valley Haven, Chamberlain, South Dakota, it has been alleged Licensee committed various incidences of verbal and physical abuse of residents and negligence in carrying out other nursing duties. Such alleged conduct, if proven, would be inconsistent with the health and safety of persons entrusted to her care, would be unprofessional, and would constitute violation of the statutes and rules regulating the practice of nursing, and would be a violation of SDCL 36-9-49(5), (7), (8), and (10); and

WHEREAS, 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 (herein "the Board") have the 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discretion, does not approve this settlement or a lesser remedy than indicated in this settlement, this Stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced by either party.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; and

WHEREAS, the Licensee and the Board have agreed to resolve this matter short of a formal hearing to enter into the following Stipulation and Order; now, therefore,

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

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

2. During the course of Licensee's employment at Sunset Valley Haven, Chamberlain, South Dakota, it has been alleged Licensee committed various incidences of verbal and physical abuse of residents and negligence in carrying out other nursing duties. Licensee denies said allegations regarding incidences of verbal and physical abuse of residents. Licensee admits said allegations of leaving medication in residents' rooms, failing to properly assess and document the assessment of a resident who had fallen, and directing a certified nursing assistant to administer a medication to a resident. Such conduct, including that admitted to and that alleged, if proven, would be inconsistent with the health and safety of persons entrusted to her care, would be unprofessional and would constitute violation of the statutes and rules regulating the practice of nursing, and would be a violation of SDCL § 36-9-49(5), (7), (8), and (10); and

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 the 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 communication with the Licensee.

4. That the Licensee's license to practice nursing in South Dakota is placed upon a probationary status for a period of two years of active practice as a nurse and employment and 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:

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. 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, including the exercise of clinical decision making, interpersonal relationships with patients, co-workers, clients-families and adherents to documentation standards;
 - (d) Licensee's ability to carry out assigned function, including the administration of medications following established nursing standards of practice;
 - (e) Licensee's ability to handle stress;
 - (f) Number of hours Licensee worked during the reporting period; and
 - (g) Any other information which the supervisor believes would assist the Board in its ultimate review of this case.
- (2) Licensee shall continue counseling with Marie Narrow, Dakota Mental Health, Mitchell, South Dakota, or with another counselor who is preapproved by the Board to be paid by the Licensee. The type, frequency, and duration of the counseling shall be established by the counselor. The counselor shall submit reports to the Board quarterly the first year and every six (6) months thereafter. The report shall provide and/or address:
- (a) Verification that the counselor has seen a copy of the Stipulation and Order;
 - (b) Diagnosis and treatment plan;
 - (c) Licensee's ability to handle stress;
 - (d) Licensee's ability to practice as a professional nurse; and
 - (e) Any other information which the counselor believes would assist the Board in its ultimate review of the case.
- (3) Licensee shall not be employed by a temporary agency or home health care agency.

- (4) Licensee shall observe the following employment restrictions:
 - (a) May only practice under on-site supervision of a licensed nurse in good standing with the Board for a minimum of six (6) months. The supervising nurse shall be primarily one person, who may periodically delegate to other qualified personnel; and
 - (b) May not work more than 40 hours per week or be employed in more than the equivalent of one full-time nursing position.
- (5) Licensee shall arrange with the Board staff probationary meetings which can be telephonic 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 counseling, including attendance, family support, and problem areas addressed;
 - (b) Licensee's professional employment status, including employer's 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.
- (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 provide documentation that she has completed a learning module regarding RN standards of practice and codes of ethics as provided by the Board. The module shall be completed within six (6) months of the signed date of this Order.

- (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) Within ten (10) days of the effective date of this Order, Licensee shall submit her current renewal certificate to the Board office to be stamped "PROBATION" during the duration of the probationary period.
- (11) Licensee shall notify the Board, in writing, within one 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 this 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) In the event the Licensee does not work in nursing within two (2) years of the effective date of this Order, Licensee may petition the Board for re-evaluation of the probationary conditions.
- (15) The Licensee may petition the Board for early closure or reconsideration of the terms of the probationary agreement after 18 months of successful completion of the terms outlined in this Order.
- (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) Notwithstanding anything in this 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 the Licensee, 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 the Licensee.

- (18) If Licensee obtains a license issued by the Board other than the license to which this Order refers in the above-captioned paragraphs, at anytime during the period of probation, the terms of this probation shall apply to the other or additional licenses issued by this Board.
- (19) Should South Dakota enter into a multi-state compact, all provisions and conditions of this Stipulation shall carry over to any license or privilege to practice in South Dakota that Licensee receives pursuant to said multi-state compact.

WHEREAS, 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 Licensee's 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 23 day of July, 1998.


KAREN McGEOUGH, Licensee

The South Dakota Board of Nursing meeting on the 16TH day of July, 1998, (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 as shown herein by the
South Dakota Board of Nursing this 16 day of July 1998, by vote of
8-yes; 1-abstention.

Diana Vander Woude
Diana Vander Woude, Executive Secretary