



testimony and answered questions in regards to the HPAP report and its recommendation.

The Licensee also provided testimony and answered questions of the Board; and

WHEREAS, on June 30, 2010, the Board issued an Order of Reinstatement with Probation. Said Order placed Licensee's license on probationary status for a period of sixty (60) months of active practice as a nurse with credit given for time already enrolled in HPAP. Probationary monitoring conditions regarding reinstatement, access to narcotics, as well as clearance to return to employment were set by HPAP; and

WHEREAS, Licensee, on or about December 22, 2010, was non-compliant with HPAP monitoring. Follow-up by HPAP discovered a relapse in narcotic use in that Licensee had ingested a bottle of Ativan; and

WHEREAS, Licensee has agreed that she would surrender her South Dakota nursing license; and

WHEREAS, the South Dakota Board of Nursing ("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 on January 29, 2008, the South Dakota Board of Nursing ("Board") accepted a Voluntary Surrender Consent Order signed by the Licensee on January 19, 2008, arising out of her diversion of narcotics and her chemical dependency treatment. That the Voluntary Surrender Consent Order suspended Licensee's RN license for an indefinite period subject to a reinstatement request pursuant to SDCL 36-9-57 as the Board in its discretion may determine.

That the Licensee made a reinstatement request, in writing, on or about May 15, 2010, and personally appeared before the Board on June 30, 2010, at which time the matter of Licensee's reinstatement was presented to the Board. The Licensee presented documentation and letters supporting her reinstatement. The Board was also provided with an evaluation report from the South Dakota Health Professionals Assistance Program ("HPAP") dated June 10, 2010. Char Skovlund of HPAP provided testimony and answered questions in regards to the HPAP report and its recommendation. The Licensee also provided testimony and answered questions of the Board.

That on June 30, 2010, the Board issued an Order of Reinstatement with Probation. Said Order placed Licensee's license on probationary status for a period of sixty (60)

months of active practice as a nurse with credit given for time already enrolled in HPAP. Probationary monitoring conditions regarding reinstatement, access to narcotics, as well as clearance to return to employment were set by HPAP.

That the Licensee, on or about December 22, 2010, was non-compliant with HPAP monitoring. Follow-up by HPAP discovered a relapse in narcotic use in that Licensee had ingested a bottle of Ativan. Licensee now intends to leave the profession of nursing as a registered 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.

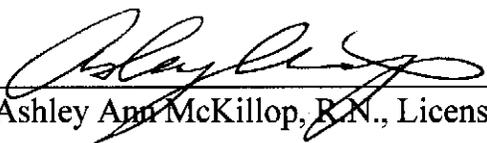
7. That it is further stipulated and agreed that this Voluntary Surrender Consent Order is being entered into voluntarily by the Licensee and without threats or coercion and is entered into after the Licensee has been given ample opportunity to consider these matters and to discuss this Voluntary Surrender 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. This action is reportable discipline and will be published in the Board's Newsletter and posted on its website and reported into the Healthcare Integrity and Protection Data Bank (HIPDB) and National Practitioner Data Bank (NPDB) as required by law.

9. 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 27 day of Jan, 2010.

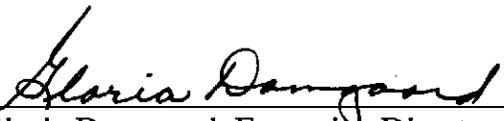
  
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Ashley Ann McKillop, R.N., Licensee

The South Dakota Board of Nursing meeting on the 27<sup>th</sup> day of Jan, 2010, (approved)(rejected) the attached Voluntary Surrender Consent Order (as written) (with the following modifications):

and issued its Order as follows:

IT IS HEREBY ORDERED that the above Voluntary Surrender Consent Order is adopted shown herein by the South Dakota Board of Nursing this 27 day of Jan, 2010, by vote of 9-0.

SOUTH DAKOTA BOARD OF NURSING

  
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Gloria Damgaard, Executive Director