

**SOUTH DAKOTA BOARD OF NURSING**

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**IN THE MATTER OF THE  
LICENSURE PROCEEDINGS**

**RE: MARY HUTT, R.N.**

**License No. R-027814**

**VOLUNTARY  
SURRENDER  
CONSENT ORDER**

**Licensee.**

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WHEREAS, MARY HUTT, R.N. ("Licensee"), is licensed to practice as a registered nurse in the State of South Dakota and holds License number R-027814; and

WHEREAS, the Licensee was referred to the HPAP program in 1996 and successfully completed the program in 1999. Since that time the licensee has not been involved in the HPAP program. However, in November, 2001, the Board office was notified that the licensee had relapsed. Thereafter, licensee misrepresented her intention to work as a nurse and failed to appear for a meeting with Board staff and such conduct is inconsistent with the health or safety of persons entrusted to her care; and is in violations of SDCL § 36-9-49,(7) and (10); and

WHEREAS, the South Dakota Board of Nursing 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 these matters are 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 this Agreement is entered into by her voluntarily and

without duress or compulsion, in full understanding of the legal consequences of this document and his rights; 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discretion, does not approve this settlement or a lesser remedy than indicated in this settlement, this Stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced by either party.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 AN ORDER AS FOLLOWS:

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

2. Licensee was referred to the HPAP program in 1996 and successfully completed the program in 1999. Since that time the licensee has not been involved in the HPAP program. However, in November, 2001, the Board office was notified that the licensee had relapsed. Licensee misrepresented her intention to work as a nurse and failed to appear for a meeting with Board staff and such conduct is inconsistent with the health or safety of persons entrusted to her care; and is in violations of SDCL § 36-9-49,(7) and (10)

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 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 shall be suspended for an indefinite period from the date of this Order. Licensee may apply to have her license reinstated upon the recommendation of the Health Professionals Assistance Program. If the Licensee's license is reinstated, Licensee shall be placed upon a probationary term for a period of such years of employment in nursing practice as approved by the Board at the time of reinstatement, under such terms of probation as approved by the Board at the time of reinstatement.

5. Nothing in this Stipulation and Agreement 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. If the Licensee requests reinstatement, Licensee has the burden of presenting information showing that Licensee's license should be reinstated.

7. 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 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.

RECEIVED  
JAN 04 2002  
SD BOARD OF NURSING

Dated this 22 day of Dec. 2001.

Mary Hutt  
MARY HUTT, R.N., Licensee

The South Dakota Board of Nursing meeting on the 24<sup>th</sup> day of January, 2002, (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 24 day of January, 2002, by vote of 7-yes- 1-absent.

Diana VanderWoude  
Diana Vander Woude, Executive Secretary