



Based on the above, the South Dakota Board of Nursing (“Board”) began to further investigate the issues raised by the Order of Protection. Licensee was cooperative throughout the investigative process. As part of its investigation, the Board, on April 26, 2012, ordered the Licensee to undergo a psychosexual evaluation at the Board’s expense. After the evaluation process was completed, the Board received a final report on August 21, 2012. The results were reviewed by the Board. Based upon the results and recommendation, the Board has requested that the Licensee enter into a Stipulation and Order of Suspension with Remediation to address his current situation.

WHEREAS, the Licensee recognizes that these matters are of a nature which would constitute grounds for the discipline of his license to practice nursing in South Dakota in that his conduct, which violated professional boundaries, may have caused harm to the health and safety of persons entrusted to Licensee’s care; 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, the Licensee has expressed a desire to enter into this agreement with the Board without the necessity of additional formal disciplinary proceedings and hearings; and

WHEREAS, it is the intent of the Stipulation to provide for a settlement of the licensing issues presented by Licensee's conduct, in a professional manner, without the necessity of further hearings and proceedings herein, and to provide for responsible resolution; now, 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 Stipulation.
2. That the Licensee hereby enters into a voluntary suspension of his nursing license and his right to practice as a registered nurse in the State of South Dakota and his right to practice nursing pursuant to the Nurse Licensure Compact. Said suspension will begin on the date that this Stipulation is signed by the Licensee and is approved by the Executive Director of the South Dakota Board of Nursing. Said suspension will continue for an indefinite time subject to the completion of the terms and conditions set forth below and subject to a Reinstatement Request submitted to and acted upon by the Board.
3. The Licensee will be required to complete the following remediation as recommended in the psychosexual evaluation prior to any reinstatement request:
  - a. Complete a sexual harassment sensitivity course which is offered through the Compass Center in Sioux Falls or a similar type of organization. Licensee should demonstrate successful completion and mastery of skills and concepts taught in this type of course.

b. Licensee shall complete no less than twelve (12) individual sessions with a therapist specially trained and educated in working with individuals with sexual behavior problems. Such provider should be a clinical member of the Association of Treatment for Sexual Abusers (ATSA) and have experience in working with men who have sexual behavior problems.

c. Licensee should continue to work with his current therapist at the VA in regards to his underlying depression, anxiety, and PTSD symptoms.

d. If and when Licensee is returned to nursing practice, he shall be required to meet weekly for supervision with a senior nurse administrator, preferably of the female gender, to review his cases as well as his interactions with other female co-workers. Initially, Licensee should not be allowed to function in any type of supervisory capacity over other female staff until he has completed his sensitivity training, his individual sexual sessions and his supervisor deems this to be appropriate.

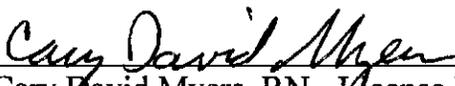
4. Following completion of the terms and conditions, the Licensee may petition according to SDCL § 36-9-57 for reinstatement of his license upon a showing of "good cause." Licensee has the burden of presenting information showing that his license should be reinstated.

5. That if and when the Licensee seeks reinstatement, Licensee has the burden of presenting information showing that Licensee's license should be reinstated.

6. It is further stipulated and agreed that this Stipulation and Order of Suspension with Remediation is being entered into voluntarily by the Licensee and without threats or coercion and is entered into after the Licensee has had ample opportunity to consider these matters and discuss this Stipulation and Order of Suspension with Remediation with an attorney of Licensee's choice, and the Licensee has a full understanding of the legal consequences of the Stipulation and Order of Suspension with Remediation and of the Licensee's right to a formal hearing on these matters, which rights are hereby waived by signing this Stipulation and Order of Suspension with Remediation.

NOW, THEREFORE, the foregoing Stipulation is entered into and respectfully submitted to the Board with a request that the Board adopt its term and orders of this in the above matter.

Dated this 23<sup>rd</sup> day of November, 2012.

  
Cary David Myers, RN - License R-027133

The South Dakota Board of Nursing met on the 18<sup>th</sup> day of September, 2012, and approved entering into a Stipulation and Order of Suspension with Remediation by a vote of 7-0, and hereby issues its Stipulation and Order for Suspension with Remediation:

IT IS HEREBY ORDERED that the above Stipulation and Order of Suspension with Remediation is adopted as an Order of the South Dakota Board of Nursing this

26<sup>th</sup> day of <sup>November</sup>~~October~~, 2012.  
BR

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