

WHEREAS, the South Dakota Board of Nursing (“Board”) has a statutory obligation to protect the health, safety, and welfare as 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 resolve this matter without the necessity of additional formal disciplinary proceedings and hearings; and

WHEREAS, the Board has agreed to enter into a stipulation with the Licensee to provide for a settlement of the Licensee’s issues presented by the Licensee’s conduct, in a professional manner, without the necessity of further hearings and proceedings herein, and to provide for a responsible solution; 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 admitted to multiple medication errors of omission, not following through with the five rights of medication administration, and unsafe practices related to medication administration during her employment at the Bethany Lutheran Home in Sioux Falls, South Dakota during the time period of July 31, 2008, through September 11, 2008. Licensee agrees that such conduct violates SDCL § 36-9-49(5), (7), and (10), in that such conduct would be inconsistent with the health and safety of persons entrusted to her care and would violate provisions of the rules and statutes regarding the practice of nursing.

3. The Licensee has been given an opportunity to discuss this Stipulation with an attorney of Licensee's choice, and is aware of Licensee's right to a hearing in this matter and of all rights under the United States and the South Dakota Constitution, law, rules, and/or regulations. Licensee hereby voluntarily waives all such right to a hearing, notice, appearance, or any other right under said Constitution, laws, rules, and/or regulations. Licensee is entering into this Stipulation voluntarily and without duress or compulsion. Licensee also agrees that the Board's Executive Director 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 as a practical nurse in the State of South Dakota is placed on probationary status for a period of twelve (12) months of employment in nursing practice from the date of this Stipulation being approved by the Board, which probationary terms and conditions shall be completed by the Licensee as follows:

CONDITIONS

1. That the Licensee, during this year of probation, shall provide quarterly written reports to the Board as to her progress as an employee. The reports shall provide and/or address:

A. Licensee's attendance and reliability;

B. Licensee's ability to practice professional nursing, including the exercise of clinical decision making and adherence to documentation standards;

C. Licensee's ability to carry out assigned functions, including Licensee's medication administration, decision making, critical thinking, and ability to establish priorities in compliance with the facilities policies and procedures;

D. Licensee's ability to handle stress;

E. Number of hours Licensee worked during the reporting period;

F. Number of medication errors and type of medication errors;

G. Any other information which the Supervisor believes would assist the Board in its ultimate review of this case; and

H. Any other information which the Licensee believes would assist the Board in its ultimate review of this case.

2. That the Licensee shall, at any time during the period of probation, report in person to such meetings of the Board or to its designated representative as directed and fully cooperate with the Board or its representative in the terms of this probation.

3. Licensee shall not violate any law or regulations regarding the practice of nursing.

4. Within ten (10) days of the effective date of this order, the Licensee shall submit her current renewal certificate to the Board office to be stamped "PROBATION".

5. Licensee shall notify the Board, in writing, within one (1) week of any change in nursing employment, address, and/or telephone number.

6. The Licensee shall also complete the following learning modules; 1) Ethics of Nursing Practice; 2) Documentation, A Critical Aspect of Client Care; and 3) Medication Errors, Detection and Prevention. The Licensee is responsible to purchase and complete these modules and return them to the Board office no later than April 24, 2009, with successful certification of completion. Licensee can register for these modules on the following website: **www.learningext.com**.

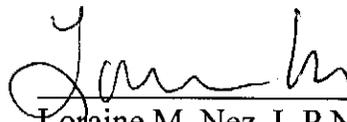
7. At the end of the twelve (12) months, the Licensee may petition the Board for closure of the probationary terms with successful completion of the terms as outlined in this Order.

8. If any condition of this probation is violated, the Licensee agrees that the Board may take such action as the Board deems necessary up to and including a total and complete revocation of Licensee's licensing rights in the State of South Dakota.

9. Licensee understands that this is reportable discipline and will be published in the Board's newsletter and posted on its website and reported in the HIPDB and NPDB data banks as required by law. As this is reportable discipline, Licensee understands that she is required to provide an affirmative response to inquiries of disciplinary action on further renewals and other nursing related inquiries.

NOW THEREFORE, the foregoing Stipulation is entered into and 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 9 day of February, 2009.

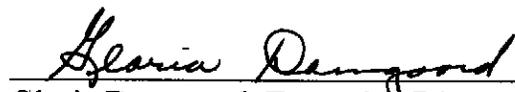


Loraine M. Nez, L.P.N.

The South Dakota Board of Nursing, meeting on the 22nd day of January, 2009, approved the attached Stipulation as written and issues its Order of Probation consistent herein.

IT IS HEREBY ORDERED that the above Stipulation is adopted as an Order of the South Dakota Board of Nursing this 22nd day of January 2009, by a vote of 8 – 0.

Dated this 28th day of January, 2009.



Gloria Damgaard, Executive Director