

SOUTH DAKOTA BOARD OF NURSING

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SD BOARD OF NURSING

**IN THE MATTER OF THE
LICENSURE PROCEEDINGS
RE: MARIA M. OLSON, RN**

**STIPULATION
AND ORDER**

License No. R032602

Licensee.

WHEREAS, MARIA M. OLSON, R.N., ("Licensee"), holds a license to practice as a registered nurse in the State of South Dakota (R032602); and

WHEREAS, Licensee, during her employment at Avera McKennan Hospital diverted Demerol for personal use and subsequently enrolled in the Health Professionals Assistance Program. Licensee began employment at Pioneer Memorial Hospital on March 3, 2003 under an H.P.A.P. monitoring contract, which specified that she was to have no access to narcotics. On March 24, 2003, the Board of Nursing office received a complaint from Pioneer Memorial Hospital alleging diversion of Demerol, an investigation revealed that Licensee had violated her H.P.A.P. monitoring contract, which required that she have no access to narcotics, thus violating SDCL 36-9-49(4), (5), (7) and (10), and that such conduct evidenced acts and omissions which may have caused harm to the health or safety of persons entrusted to her care, violated provisions of the rules and statutes regulating the practice of nursing, and would be unprofessional.

WHEREAS, the Licensee recognizes 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 (hereinafter "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 requested the Board's Executive Secretary to present this Stipulation to the Board for action and recognize that the Board may approve this Stipulation, reject it, or modify it; 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discretion, does not approve this settlement or a lesser remedy than indicated in this settlement, this Stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced by either party.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 prejudice by its review and discussion of this Stipulation or any of the records or information relating hereto; and

WHEREAS, the Licensee has expressed a desire to resolve this matter without the necessity of additional formal disciplinary proceedings and hearings; and

WHEREAS, it is the intent of this Stipulation to provide for a settlement of the licensing 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. Licensee, during her employment at Avera McKennan Hospital diverted Demerol for personal use and subsequently enrolled in the Health Professionals Assistance Program. Licensee began employment at Pioneer Memorial Hospital on March 3, 2003 under an H.P.A.P. monitoring

contract, which specified that she was to have no access to narcotics. On March 24, 2003, the Board of Nursing office received a complaint from Pioneer Memorial Hospital alleging diversion of Demerol, an investigation revealed that Licensee had violated her H.P.A.P. monitoring contract, which required that she have no access to narcotics, thus violating SDCL 36-9-49(4), (5), (7) and (10), and that such conduct evidenced acts and omissions which may have caused harm to the health or safety of persons entrusted to her care, violated provisions of the rules and statutes regulating the practice of nursing, and would be unprofessional.

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 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 this Stipulation voluntarily and without duress or compulsion. Licensee also agrees that the Board's Executive Secretary 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. Licensee's license to practice nursing is placed upon a probationary status for an indefinite period, not to be less than thirty-six (36) months, of employment in nursing practice and with terms and conditions to be set by the Health Professionals Assistance Program, with which Licensee shall fully cooperate, and Licensee shall at any time during the period of probation, report in person to such meetings of the Board or its designated representatives as directed and otherwise fully cooperate with the Board or its representatives in the terms of this probation. Licensee shall pay for all costs and expenses associated with HPAP. In addition, Licensee shall observe the following conditions:

- a.. Licensee shall not violate any law or regulation regarding the practice of nursing.
- b. Licensee shall execute all release of information forms as may be required by the Board or its designee.
- c.. Within ten (10) days of the effective date of the order, Licensee shall submit her current renewal certificate to the Board office to be stamped "PROBATION".
- d. If Licensee obtains a license issued solely or under joint regulatory powers by the Board, other than the license to which this Stipulation refers, at any time during the period of the probation, the terms of this probation shall apply to the other or additional licenses issued by the Board.
- e. Notwithstanding anything in this Stipulation and 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 Licensee, the Licensee agrees that the Board may take further action against his 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 Licensee.

- f. All provisions and conditions of this Stipulation shall carry over to any license or privilege to practice that the Licensee receives pursuant to the multi-state nursing compact.
- g. Licensee shall not practice nursing in any state other than South Dakota which is a party state to the Nurse Licensure Compact without prior written authorization from both the Board and the nursing regulatory authority in the party state in which the Licensee wishes to practice.

6. 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.

NOW, THEREFORE, the foregoing Stipulation 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 12 day of May, 2003.



MARIA M. OLSON, RN – License R032602

The South Dakota Board of Nursing meeting on the 23rd day of April, 2003,

(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 an Order of the South Dakota Board of Nursing this 23rd day of April, 2003, by vote of 8 yes 0 No 1 Absain.

Gloria Damgaard
Gloria Damgaard, Executive Secretary