

SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE
LICENSURE PROCEEDINGS

RE: CHRISTINE M. RAMIREZ,
License No. R-027173,

STIPULATION AND ORDER

Licensee.

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WHEREAS, CHRISTINE M. RAMIREZ, R.N. ("Licensee"), is licensed to practice as a registered nurse in the State of South Dakota, and holds License No. R-027173; and

WHEREAS, it has been alleged that Licensee, during the term of her employment at Oahe Manor Nursing Home, Gettysburg, South Dakota, she took eight (8) tablets of Tylenol #3, and that, if proven, such action would have been inconsistent with the health or safety of the persons entrusted to her care, and would have been in violation of SDCL 36-9-49(7) and (10); and

WHEREAS, the Licensee agreed on the 18th day of November, 1995, to voluntarily surrender her nursing license pending further investigation of the allegations; and

WHEREAS, the South Dakota Board of Nursing has the statutory obligation to protect the public health, safety and welfare as set forth in SDCL § 36-9, including the protection of the public from unsafe nursing practitioners and practices; and

WHEREAS, the parties hereto desire to resolve the issues presented by this action, without the necessity of further hearings and proceedings herein, and to provide for a responsible solution thereto; and

WHEREAS, the Licensee agrees that this agreement is entered into by her voluntarily, in full understanding of the legal consequences of this document, and of her rights, which she hereby waives in the signing of this agreement; 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discretion, does not approve this settlement or a lesser remedy than indicated in this settlement, this Stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced by either party.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 its Order ordering as follows:

1. That the Board has jurisdiction over the person of the Licensee and the subject matter of this Stipulation.
2. That it is alleged that the Licensee, during the term of her employment at Oahe Manor Nursing Home, Gettysburg, South Dakota, she took eight (8) tablets of Tylenol #3, and that, if proven, such action would have been inconsistent with the health or safety of the persons entrusted to her care and would have been in violation of SDCL 36-9-49(7) and (10); and such admitted conduct and alleged conduct, if proven, would be inconsistent with the health or safety of the persons entrusted to her care, and violates

the statutes and rules regulating the practice of nursing, and is a violation of SDCL § 36-9-49(5),(7) and (10).

3. That the Licensee has had an opportunity to discuss this Stipulation with an attorney of Licensee's choice and is aware of her rights in this matter, including her right to a hearing, 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 and Order voluntarily, without duress or compulsion. 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 is placed upon a probationary status for a period of three (3) years of active practice as a nurse and employment in nursing practice from the date of this Order being approved by the Board, which probationary terms and conditions shall be completely followed by the Licensee as follows:

C O N D I T I O N S:

1. Licensee shall sign a release of information for discharge summary and related documentation (history and physical, psychological evaluation, treatment plan, or progress notes) from treatment center and aftercare program. Information to be submitted directly to the Board office.

2. Licensee must complete the intensive inpatient alcohol treatment program at Worthmore Treatment Center, Aberdeen, South Dakota.
3. Licensee shall begin or continue involvement in Alcoholics Anonymous and/or Narcotics Anonymous meetings at least twice weekly for the first year and weekly thereafter.
4. Licensee shall identify an AA or NA sponsor who will submit quarterly reports to the Board attesting to the Licensee's sobriety status and level of participation in a rehabilitation program.
5. Licensee shall continue aftercare program at Worthmore Treatment Center. The counselor shall submit a report to the Board within twenty (20) days of the completion of the aftercare program. The report shall provide and/or address:
 - a) Verification that the counselor has seen a copy of the Stipulation and Order.
 - b) Diagnosis, treatment plan and current progress in recovery;
 - c) Licensee's sobriety status, if applicable;
 - d) Licensee's ability to handle stress;
 - e) Licensee's ability to practice as a professional nurse;
 - f) Any other information which the counselor believes would assist the Board in its ultimate review of the case.
6. Licensee will notify the Board of any employment in the healthcare field, including changes in employment. Furthermore, the Licensee will inform any current or prospective employer with whom she seeks employment as a nurse, as to the subject matter and the nature of the proceedings and the Stipulation, and would further agree that any such employer would, during the first year of probation, be required to provide quarterly reports to the Board as to her progress as an employee, and during the balance of the probationary period provide reports on a basis of every six (6) months. The reports shall provide and/or address:
 - a) In the first report, evidence that Licensee's supervisor has received a copy of the order within ten days of service or within ten days of Licensee beginning a new employment;
 - b) Licensee's attendance and reliability;

- c) Licensee's ability to practice professional nursing;
 - d) Licensee's ability to carry out assigned functions; including the handling of controlled substances;
 - e) Licensee's ability to handle stress;
 - f) Licensee's sobriety;
 - g) Number of hours Licensee worked during the reporting period;
 - h) Any other information which the supervisor believes would assist the Board in its ultimate review of the case.
7. Licensee shall not be employed by a temporary agency.
8. Licensee shall observe the following employment restrictions:
- a) Will not have access to narcotic keys for the first six (6) months of probation;
 - b) May only administer narcotics under direct supervision of another nurse for the second six (6) months of probation;
 - c) May only practice under on-site supervision of a licensed nurse in good standing with the Board for a minimum of twelve (12) months. The supervising nurse shall be primarily one (1) person, who may periodically delegate to other qualified personnel.
9. That a report be submitted by any and all physicians and/or dentists who have prescribed mood-altering chemicals for the Licensee during the period of probation. A report is due within thirty (30) days of the prescription and shall provide and/or address:
- a) The name, dosage, frequency, and purpose for the mood-altering chemical prescribed for Licensee;
 - b) Confirmation that the physician and/or dentist has been informed of Licensee's chemical dependency history;
 - c) Any other information which the reporter believes would assist the Board in its ultimate review of the case.
10. Licensee shall arrange with the Board staff probationary meetings once every three (3) months during the first year of probation. Thereafter, probationary meetings will be arranged by the Licensee every six (6) months for the balance of the probationary period. It will be the obligation of the

Licensee to schedule these meetings at such time and place as the Board staff would reasonably designate.

Furthermore, the Licensee will submit a self-evaluation report to the Board office prior to each probationary meeting. The report shall provide and/or address:

- a) Licensee's sobriety, if applicable, including the date they last used mood-altering chemicals, including alcohol, and the circumstances surrounding any use while the Stipulation is in effect;
 - b) Licensee's use of any over-the-counter drugs and/or other drugs prescribed by a physician or dentist, and the circumstances surrounding any use while the Stipulation is in effect;
 - c) Licensee's participation in a rehabilitation program, if applicable. Documentation shall include attendance and participation, family support and problem areas addressed;
 - d) Licensee's professional employment status, including employer support, peer support, ability to handle stress and management of controlled substances;
 - e) Licensee's future professional goals for nursing;
 - f) Licensee's future personal goals; and
 - g) Any other information which the Licensee believes would assist the Board in it's ultimate review of the case.
11. That during the period of probation, the Licensee will submit to such testing of body fluids, on a random basis, as may reasonably be requested by the Board, with the understanding that if such tests would ever indicate the use of a non-prescribed controlled substance or alcohol, that the Licensee would then agree to a total and complete revocation of her licensing rights as a nurse in South Dakota. The blood and/or urine screens shall be:
- a) Observed in their drawing;
 - b) Handled through legal chain of custody methods;
 - c) Paid for by Licensee;
 - d) Results reported directly to the Board.

Testing must meet forensic compliance panel standards and include testing for the Licensee's drug of choice,

Amphetamines, Barbituates, Cocaine, Opiates, Benzodiazepines, Cannabinoids, Alcohol, Methadone and Propoxyphene.

12. Licensee shall at any time during the period of probation, report in person to such meetings of the Board or to its designated representatives as directed and otherwise fully cooperate with the Board or its representatives in the terms of this probation.
13. Licensee shall not violate any law or regulation regarding the practice of nursing.
14. Licensee shall abstain completely from the personal use of alcoholic beverages.
15. Licensee shall abstain completely from the personal use or possession of controlled substances as defined in the South Dakota law, and dangerous drugs as defined by law, or any drugs requiring a prescription, except as otherwise provided for herein.
16. Licensee shall execute all release of information forms as may be required by the Board or its designee.
17. Licensee's current renewal certificate shall be stamped "PROBATION."
18. Licensee shall notify the Board, in writing, within one (1) week of any change in nursing employment, personal address and/or telephone number.
19. Licensee shall pay for all costs and expenses in carrying out any conditions of the probation.
20. Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, they must first be approved by the Board prior to leaving the state. If Licensee fails to receive such approval before leaving the state, none of the time spent out-of-state will be credited to the fulfillment of the terms and conditions of this Order.
21. The Licensee may petition the Board for early closure or reconsideration of the terms of the probationary agreement after two (2) years of successful completion of the terms outlined in this Order.
22. In the event that the Licensee does not work in nursing within two (2) years of the effective date of the Order, Licensee may petition the Board for re-evaluation of the probationary conditions.

23. 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 her 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.
24. 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 her licensing rights as a nurse in South Dakota.
25. If Licensee obtains a license issued by the Board other than the license to which this Stipulation refers in the above-captioned paragraphs, at any time during the period of probation, the terms of this probation shall apply to the other or additional license(s) issued by the Board.

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 her 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 Licensee consents to the entry of the aforesaid terms and conditions and the same are respectfully submitted to the South Dakota Board of Nursing for the purposes of

allowing the said terms to become an order of the Board, and Licensee submits herewith her license to be suspended indefinitely, pending investigation of the allegations.

Dated this 16 day of January, 1996.

Christine M. Ramirez
CHRISTINE M. RAMIREZ, Licensee

The South Dakota Board of Nursing meeting on the 31 day of January, 1996, (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 shown herein by the South Dakota Board of Nursing this 31 day of January, 1996, by vote of 9-yes; 2-absent

Diana VanderWoude
Diana Vander Woude, Executive Secretary