

necessity of further formal disciplinary proceedings in light of the new allegations, and the admitted conduct addressed in the aforesaid Stipulation entered into by the licensee, and

WHEREAS, the licensee is subject to the jurisdiction of the South Dakota Board of Nursing, which has the statutory obligation to protect the public health, safety and welfare as set forth in SDCL 36-9.

NOW THEREFORE, it is hereby stipulated and agreed as follows:

1. That the South Dakota Board of Nursing has jurisdiction over the person of the licensee and the subject matter of this Consent Order.

2. That the licensee is aware of her right to a hearing on the disciplinary proceedings herein by the Board, with respect to her license to practice nursing, and she is further aware of her rights in such proceedings to right to counsel, to formal notice of the charges against her, and to the Board proving these charges.

The licensee knowingly hereby waives these rights and consents to the entry of this order, without the necessity of further disciplinary proceedings.

This Consent Order is entered into by the licensee, without threats or coercion, and is entered into after she has been given an opportunity to consult with her attorney regarding this matter, and that she has a full understanding of the legal

consequences of this Consent Order, and of her procedural rights to formal hearings and proceedings in this matter, which rights she hereby has waived in signing this Consent Order.

The licensee further admits that the Board has cause to proceed herein, and accordingly, the licensee consents to the entry of an order which suspends her license to practice nursing for a period of one year, from the date of this Consent Order, and further, which subjects her license to practice nursing to a probationary period of three years, commencing at the closure of the one year period of suspension. During the aforesaid probationary period, the licensee will fully comply with the probationary conditions stated in the prior stipulation and order dated February 18, 1986, a copy of which is attached hereto and incorporated herein by reference.

In addition to the aforesaid probationary conditions, the licensee agrees that, during the aforesaid period of probation, she will immediately surrender her license to practice nursing if the results of a drug screen done on the licensee would turn up positive.

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, by consent, in the above entitled matter.

Dated this 14 day of March, 1986.

Elizabeth Unterbrunner
Elizabeth Unterbrunner

Approved by the South Dakota Board of Nursing this 17th day
of March, 1986.

SOUTH DAKOTA BOARD OF NURSING

By: Carol Stuart
Carol Stuart
Executive Secretary

WHEREAS, the intent of this Stipulation is to provide for the settlement of the issues presented by the licensee's action as above described, and to provide for a professionally responsible solution thereto,

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS follows:

1. That the South Dakota Board of Nursing has jurisdiction over the person of the licensee and the subject matter of this stipulation.

2. The licensee herein admits that she was guilty of the herein described conduct, and that such conduct is unethical and unprofessional conduct constituting grounds for the discipline of her license to practice nursing.

3. The licensee admits that the foresaid conduct, is grounds for disciplinary action as provided herein, and she hereby voluntarily agrees to her license to practice nursing in South Dakota being placed on probationary status for a period of three (3) years as further described herein, without the necessity of conducting formal proceedings involving notice and hearing regarding the disciplinary basis for this action.

4. The licensee is further aware of her right to a hearing on the disciplinary proceedings herein with respect to her license to practice nursing, and she is further aware of her right to a counsel and formal notice of the charges against her and licensee hereby knowingly waives these rights in the signing of this stipulation.

5. This Stipulation is entered into with the licensee voluntarily and without threats or coercion and is entered into after she had been given an opportunity to consult with counsel, and has a full understanding of the legal consequences of this Stipulation and of her rights to formal hearings and proceedings on this matter.

6. It is hereby stipulated therefore, by and between the parties hereto, that the license of the licensee be placed on probation for a period of three (3) years subject to the licensee's full compliance with the following probationary conditions:

a. That the licensee will during the period of probation have no similar offenses.

b. That the licensee will submit to counseling, with a counselor mutually agreeable to the licensee and the South Dakota Board of Nursing, and that the said counselor will submit to the Board of Nursing progress reports at 3-month intervals.

c. That the licensee will inform any employer or prospective employer in which the licensee seeks to be employed as a registered nurse as to the substance of this disciplinary proceeding and the grounds therefore and these probationary conditions.

d. Further, the licensee agrees that any employer that would hire her as a registered nurse, during the said period of probation, would be authorized to report to the board, as the Board may reasonably require.

e. That the licensee would agree to submit to such tests of body fluids as the Board might reasonably require, without advanced notice, for the purpose of testing for evidence of drug usage.

f. That the licensee will further agree to provide such other and further and additional reports and information to the South Dakota Board of Nursing regarding the substance of this matter, as is reasonable, and as the Board may deem appropriate under the circumstances. The licensee shall have the obligation to make arrangements with the Board staff office in Sioux Falls at least once every 6 months to meet with the Board staff office in Sioux Falls regarding the progress she has been making in dealing with her drug problems.

7. In the event this Stipulation should not be approved by the South Dakota Board of Nursing, after being signed by the licensee, no provision of this Stipulation should be of any force or effect or be admissible in any proceeding against the licensee as an admission against any interest in this matter.

NOW, THEREFORE, the foregoing Stipulation is entered into, and is respectfully submitted to the South Dakota Board of

Nursing for the purposes of allowing its terms to become an order of the Board in the above-entitled matter.

Dated this 13 day of February, ^{1986.} ~~1985.~~

Elizabeth A. Unterbrunn
Elizabeth Unterbrunn

Approved by the South Dakota Board of Nursing this 18th day
February, ^{1986.} ~~1985.~~

SOUTH DAKOTA BOARD OF NURSING

By Carol Stuart
Carol Stuart
Executive Secretary