

SOUTH DAKOTA BOARD OF NURSING

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SD BOARD OF NURSING

**IN THE MATTER OF THE
LICENSURE PROCEEDINGS
RE: MICHELE SCHMIDT, RN**

STIPULATION AND ORDER

**License No. R-022633
Licensee.**

WHEREAS, MICHELE SCHMIDT, R.N., ("Licensee"), holds a license to practice as a registered nurse in the State of South Dakota (License number R-022633); and

WHEREAS, Licensee has voluntarily reported that she has been obtaining narcotic medications by false use of prescriptions , and that she has begun outpatient treatment for chemical dependency and that she is also beginning participation in the Health Professionals Assistance Program for chemical dependency, Licensee agrees such conduct violated SDCL 36-9-49 (4), (5),(7) and (10), in that such conduct would be inconsistent with the health and safety of persons entrusted to her care, would violate 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discretion, does not approve this settlement or a lesser remedy than indicated in this settlement, this Stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced by either party.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 has voluntarily reported that she has been obtaining narcotic medications by false use of prescriptions , and that she has begun outpatient treatment for chemical dependency and that she is also beginning participation in the Health Professionals Assistance Program for chemical dependency, Licensee agrees such conduct violated SDCL 36-9-49 (4), (5),(7) and (10), in that such conduct would be inconsistent with the health and safety of persons entrusted to her care, would

violate 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 voluntarily surrenders her License to practice nursing. Following the Licensee's acceptance into the Health Professionals Assistance Program and the program's recommendation authorizing the Licensee to return to nursing practice, Licensee's license to practice nursing is placed upon a probationary status for a period of employment in nursing practice from the later of (a) the date of this Stipulation being approved by the Board; and (b) the date that the Health Professionals Assistance Program accepts Licensee into the program and authorizes Licensee to return to practice as a registered nurse, with the length of the probation to be set by the Health Professionals Assistance Program and with terms and conditions of the probation to also be set by the Health Professionals Assistance Program, which probationary terms and conditions shall be completely followed by the Licensee. Should Licensee not practice nursing for a period of time for which a refresher course would be required, Licensee shall successfully complete the refresher course as required by law.

5. Further, 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. Licensee's current renewal certificate will be stamped "PROBATION" during the duration of the probationary period. Licensee shall pay for all costs and expenses in carrying out any conditions of the probation.

6. All provisions and conditions of this Stipulation shall carry over to any license or privilege to practice that the Licensee receives pursuant to the Interstate Nurse Licensure Compact (SDCL 36-9-92).

7. 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 6 day of November 2001.

Michelle Schmidt
MICHELE SCHMIDT, RN – License R-022633

The South Dakota Board of Nursing meeting on the 29th day of November, 2001, approved the attached Stipulation 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 29th day of November, 2001, by vote of 7-yes; 1-absent

Diana VanderWoude
Diana Vander Woude, Executive Secretary