

DEC 06 2001

**SOUTH DAKOTA BOARD OF NURSING  
SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS**

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**IN THE MATTER OF THE  
LICENSURE PROCEEDINGS**

**RE: MICHELE SCHMIDT, CNP,**

**License No. CNP-0294**

**Licensee**

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NOV 07 2001  
SD BOARD OF NURSING**

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DEC 06 2001  
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**VOLUNTARY  
SURRENDER  
CONSENT ORDER**

WHEREAS, MICHELE SCHMIDT, CNP, ("Licensee"), is licensed to practice as a certified nurse practitioner in the State of South Dakota and holds License number CNP-0294; 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, and

WHEREAS, said Licensee agrees that such conduct is a violation of SDCL § 36-9A-29(4), (5), (7) and (10); and

WHEREAS, the South Dakota Board of Nursing and the South Dakota Board of Medical and Osteopathic Examiners ("Boards") have a statutory obligation to protect the public health, safety and welfare set forth in SDCL §36-9A, including the protection of the public from unsafe practices and practitioners; and

WHEREAS, Licensee agrees that these matters are of a nature that would constitute grounds for the discipline of her license to practice as a certified nurse practitioner in South Dakota under SDCL § 36-9A-29; and

WHEREAS, the Licensee agrees that this Agreement is entered into by her voluntarily and without duress or compulsion, in full understanding of the legal consequences of this document and her rights; now, therefore,

IT IS HEREBY STIPULATED THAT THE BOARDS MAY ENTER AN ORDER AS FOLLOWS:

1. That the Boards have jurisdiction over the person of the Licensee and the subject matter of this Voluntary Surrender Consent Order.

2. That the 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,

3. The Licensee has been given an opportunity to discuss this Voluntary Surrender Consent Order 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 also agrees that the Boards' Executive Secretaries or their designees may present this Voluntary Surrender Consent Order to the Boards and disclose to the Boards all items of their investigation, including, but not limited to, any communications with Licensee.

4. That the Licensee's license to practice as a certified nurse practitioner in South Dakota shall be suspended for an indefinite period from the date of this Order. Licensee may petition for reinstatement following her resolution of all issues with law enforcement resulting from her conduct (including the completion and discharge from any sentences and/or probation) and at

least one year's successful completion of probationary monitoring as an registered nurse, if Licensee chooses to request reinstatement of her registered nurse license and receives the reinstatement with probation. If Licensee petitions for reinstatement, she may be required to appear at an informal meeting with the Boards' staffs and/or appear before the Boards to consider her request. If the Licensee's license is reinstated, Licensee shall be placed upon a probationary term for a period of such years of employment and terms and conditions of probation as approved by the Boards at the time of reinstatement.

5. Nothing in this Voluntary Surrender Consent Order and Agreement should imply that the Licensee will be reinstated. Licensee recognizes that the reinstatement terms, as well as the requirements for reinstatement are at the sole discretion of the Boards and will be considered if and when an application for reinstatement is filed..

6. It is further stipulated and agreed that this Voluntary Surrender Consent Order 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 Voluntary Surrender Consent Order with an attorney of Licensee's choice and that the Licensee has a full understanding of the legal consequences of this Voluntary Surrender Consent Order and of the Licensee's rights to a formal hearing on these matters, which rights are hereby waived by the signing of this Voluntary Surrender Consent Order.

NOW, THEREFORE, the foregoing Voluntary Surrender Consent Order is entered into and is respectfully submitted to the Boards with the request that the Boards adopt its terms as an order of the Boards in the above matter.

Dated this 6 day of November 2001.

  
MICHELE SCHMIDT, CNP, Licensee

The South Dakota Board of Nursing meeting on the 29<sup>th</sup> day of November, 2001, (~~approved~~) (rejected) the attached Voluntary Surrender Consent Order (~~as written~~) (with the following modifications):

and issued its order consistent herewith as follows:

IT IS HEREBY ORDERED that the above Voluntary Surrender Consent Order is adopted shown herein by the South Dakota Board of Nursing this 29<sup>th</sup> day of November, 2001, by vote of 7-yas; 1-absent

Diana VanderWoude  
Diana Vander Woude, Executive Secretary

The South Dakota Board of Medical and Osteopathic Examiners meeting on the \_\_\_\_ day of \_\_\_\_\_, 2001, (~~approved~~) (rejected) the attached Voluntary Surrender Consent Order (~~as written~~) (with the following modifications):

and issued its order consistent herewith as follows:

IT IS HEREBY ORDERED that the above Voluntary Surrender Consent Order is adopted shown herein by the South Dakota Board of Medical and Osteopathic Examiners this 6<sup>th</sup> day of December, 2001, by vote of 6-0.

L. Paul Jensen by e/s  
its Executive Secretary