

**SOUTH DAKOTA BOARD OF NURSING  
STATE OF SOUTH DAKOTA  
DEPARTMENT OF COMMERCE AND REGULATION**

**RECEIVED**

**JUL 06 2000**

**STATE BOARD OF NURSING**

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**IN THE MATTER OF THE  
LICENSURE PROCEEDINGS RE:**

**CAROL SIMON RAINS, R.N.,**

**STIPULATION  
AND ORDER**

**License No. R-025592,**

**Licensee.**

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WHEREAS, Carol Simon Rains, R.N., ("Licensee") is a Licensee with the South Dakota Board of Nursing ("Board") bearing license number R-025592; and

WHEREAS, the Licensee on February 16, 2000, entered into a stipulation and order with the Colorado State Board of Nursing for a two year probation, and such action is grounds for discipline of her license in South Dakota under SDCL 36-9-49 (6); and

WHEREAS, the Board has a 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 practice and practitioners; and

WHEREAS, said Licensee recognizes and agrees that these matters are of a nature which, if proven, would constitute grounds for the discipline of her license to practice nursing in South Dakota under SDCL §36-9-49; and

WHEREAS, the Licensee has requested the Board's Executive Secretary to present this Stipulation to the Board for action and recognizes that the Board may approve, reject or modify this

Stipulation; and

WHEREAS, the parties hereto desire to resolve the issues presented by Licensee's conduct in a professional manner without the necessity of further hearings and proceedings herein and to provide a responsible solution; 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discretion, does not approve this settlement or a lesser remedy than indicated in this settlement, this Stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced by either party.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 AS FOLLOWS:**

1. That the Board has jurisdiction over the person of Licensee and the subject matter in this Stipulation.
2. That 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 full 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 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 the

items of investigation, including but not limited to any communications with Licensee.

3. Licensee's license shall be to practice nursing in South Dakota shall be placed on a probationary status for an indefinite period of active practice as a nurse and employment in nursing practice from the date of this Order being approved by the Board, to run concurrently with the probation being administered by the Colorado State Board of Nursing, which probationary terms and conditions shall be completely followed by Licensee as follows:

### CONDITIONS

- (1) Licensee will continue to comply fully with the terms and condition of the Colorado probation, a copy of which is attached hereto and incorporated herein.
- (2) Licensee shall sign a release of information for employers and any other information reasonably requested by the Board related to Licensee's employment or the performance of the conditions of this stipulation. Information to be submitted directly to the Board office.
- (3) 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 (10) days of service or within ten (10) days of Licensee beginning a new employment;
  - b) Licensee's attendance and reliability;
  - c) Licensee's ability to practice nursing;
  - d) Licensee's ability to carry out assigned functions; including clinical judgment, decision-making skills and crisis management; medication administration and ethical decision making skills;

- e) Licensee's ability to handle stress;
  - f) Number of hours Licensee worked during the reporting period;
  - g) Any other information which the supervisor believes would assist the Board in its ultimate review of the case.
  - h) The employer agrees to report any concerns or violations of the Stipulation and Order to the Board of Nursing immediately.
- (3) Licensee shall not be employed by a temporary agency.
  - (4) 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.
  - (5) Licensee shall submit copies of all reports submitted to the Colorado Board of Nursing at the same time the reports are due to the Colorado Board of Nursing.
  - (7) Licensee shall at any time during the period of suspension/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 suspension/probation.
  - (86) Licensee shall not violate any law or regulation regarding the practice of nursing.
  - (97) Within ten (10) days of the effective date of this Order, Licensee shall submit his/her license to the South Dakota Board of Nursing to be stamped "PROBATION."
  - (108) Licensee shall notify the Board, in writing, within one (1) week of any change in nursing employment, personal address and/or telephone number.
  - (11) Licensee shall pay for all costs and expenses in carrying out any conditions of the probation.
  - (12) The Licensee may petition the Board for early closure or reconsideration of the terms of the probationary agreement after the Colorado Board of Nursing has closed the probation.
  - (13) 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.

- (14). If Licensee obtains a license issued solely or under joint regulatory powers 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.
- (15) All provisions and conditions of this Stipulation shall carry over to any license or privilege to practice in South Dakota that the Licensee receives pursuant to any multi-state compact.
- (16) 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 and 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.
- (17) 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.
- (18) 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.

4. 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 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 5 day of July, 2000.

Carol Simon Rains  
Carol Simon Rains, Licensee

The South Dakota Board of Nursing meeting on the 13 day of July, 2000, (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 13 day of July, 2000, by vote of 8-yes; 1-absent

Diana VanderWoude  
Diana Vander Woude, Executive Secretary

I certify that this is a true copy of a record on file in the Board of Nursing of the State of South Dakota.

Date 8-25-05  
Jean McHale  
Signature, Authorized Representative