



WHEREAS, on or about January 20, 2015, Licensee's attorney requested a continuance of the hearing due to the pending matters. The Administrative Law Judge granted the continuance and an Amended Notice of Hearing was issued on January 28, 2015, resetting the hearing to April 16, 2015; and

WHEREAS, the Board, at its regularly scheduled meeting on February 5, 2015, took up Licensee's request for an agreed upon disposition; and

WHEREAS, at that time, the Board, needing additional information to make a decision regarding Licensee's request, voted to mandate the Licensee to enroll into the Health Professionals Assistance Program ("HPAP") for an evaluation. The Board also ordered the Licensee to undergo a psychological evaluation by Dr. Chris Nordgren prior to being reviewed by the Board for consideration of a request for reinstatement; and

WHEREAS, Licensee was compliant with the requests of the Board; and

WHEREAS, on April 14, 2015, the reports were provided to the Board and the supporting documentation toward reinstatement was presented to the Board, which included the evaluation report from HPAP and the psychological evaluation of Dr. Chris Nordgren; and

WHEREAS, the Board has considered the Licensee's request, the statement and documents provided by the Licensee, the previous orders, the HPAP report and Dr. Nordgren's report, and the Board being fully advised in the premises; now, therefore,

IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

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

2. That the Licensee's license to practice as a registered nurse in the state of South Dakota is hereby reinstated and placed on probationary status for a period of two (2) year participation with one (1) full year of successful nursing practice under the monitoring of HPAP before discharge from the program.

3. The Board hereby mandates Licensee's continued participation in HPAP with terms and conditions to be set by HPAP.

4. All probationary terms and conditions, as well as clearance to return to employment and any other restrictions to practice shall be set by HPAP and the Licensee shall be fully compliant with all those terms and conditions.

5. After verification from HPAP that the Licensee has completed all monitoring terms, the Licensee may petition the Board for closure of this probation. The Licensee is not entitled to early closure of probation. The duration and terms of probation will be set by HPAP. It is recognized that the Board may require additional probationary time or additional terms upon the completion of HPAP. Additionally, Licensee shall comply with the following during her probation:

**CONDITIONS:**

1. 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.

~~2. Licensee shall notify the Board as well as the HPAP, in writing, within one (1) week of any change in nursing employment, personal address and/or telephone number.~~

3. Licensee shall pay for all costs and expenses in carrying out any conditions of the probation.

4. Within ten (10) days of the effective date of the order, Licensee shall submit her current renewal certificate to the Board office to be stamped "PROBATION".

5. During the term of this probation, the Licensee is to immediately inform the Board if she is charged with any crime and to report any instance where the Licensee has been convicted, pled no contest, *nolo contendere*, pled guilty to or been granted a deferred judgment or adjudication, suspended imposition of sentence with respect to a felony, misdemeanor or petty offense, other than minor traffic violations, that has not previously been reported to the Board.

6. 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 (2), the Licensee agrees that the Board may take further action against Licensee's license, including, but not limited to immediate suspension.

7. If Licensee violates any terms of this probation, the Licensee agrees that the Board may take such actions against Licensee's license, as the Board deems necessary, up to and including an immediate suspension, additional probation terms, revocation or other disciplinary action.

8. If Licensee obtains a license issued solely or under joint regulatory powers by the Board, other than the license to which this Stipulation refers, at any time during the period of the probation, the terms of this probation shall apply to the other or additional license(s) issued by the Board.

9. Licensee shall not violate any law or regulation regarding the practice of nursing.

10. Licensee shall not practice nursing in any state other than South Dakota which is a party state to the Nurse Licensure Compact without prior written authorization from both the Board and the nursing regulatory authority in the party state in which the Licensee desires to practice.

11. This probation also affects Licensee's privilege to practice in South Dakota should Licensee change her home state under the Nurse Licensure Compact and Licensee's practice privilege is subject to the same requirement set forth in this Order as her South Dakota license.

12. In addition, the Board will require the Licensee to complete remediation as follows: (1) Communication with Cognitively Impaired Patients; and (2) Difficult or Challenging: Dealing with Patients. These remediation modules can be accessed online at RN.org. Licensee is responsible to purchase and complete these modules and return certificates of successful completion to the Board office within 60 days of the date that the final order is signed.

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 4 day of May, 2015.

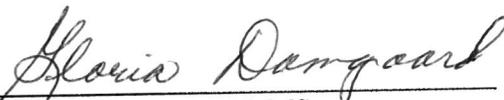
  
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Nichole K. Solomon - License R033973

Agreed Upon Disposition for Reinstatement with Probation, Mandated HPAP and Remediation  
Licensee: Nichole K. Solomon

The South Dakota Board of Nursing met on the 17<sup>th</sup> day of April, 2015, and approved the attached Stipulation as written and issued its order for reinstatement with probation, mandated HPAP and remediation by a vote of 8-0. THEREFORE;

IT IS HEREBY ORDERED that the above Stipulation is adopted as an Order of the South Dakota Board of Nursing this 8<sup>th</sup> day of May, 2015

SOUTH DAKOTA BOARD OF NURSING

  
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Gloria Damgaard, RN, MS  
Executive Director