

WHEREAS, on January 29, 2013, HPAP reported to the Board that the Licensee had an unexplained dilute test on January 5, 2013 and a positive drug screen on January 22, 2013. It was also reported to the Board that Licensee had admitted to alcohol use in December 2012; and

WHEREAS, on or about February 21, 2013, Licensee expressed to HPAP her desire to withdraw from the HPAP program. Documentation showed that the Licensee had discontinued checking into the Affinity system beginning February 8, 2013, and had discontinued her twice required daily check-in on Soberlink as of February 9, 2013. Due to the above, HPAP recommended discharge from the HPAP program due to Licensee's non-compliance. Licensee indicated that she did not wish to remain in HPAP and wants to surrender her nursing licenses; and

WHEREAS, Licensee has agreed that she would surrender her South Dakota nursing licenses; and

WHEREAS, 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, Licensee agrees that the matters under investigation would be of a nature that would constitute grounds for the discipline of her licenses to practice nursing in South Dakota under SDCL § 36-9-49; and

WHEREAS, the Licensee agrees that she enters into this Voluntary Surrender Consent Order voluntarily and without duress or compulsion, in full understanding of the legal consequences of this document and her rights; 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 Voluntary Surrender Consent Order.
2. That the Licensee, on or about November 2008, voluntarily entered into the HPAP program following treatment for a diagnosis of alcohol dependency. Licensee had been compliant with HPAP until August 21, 2012, when she had a relapse with alcohol and was arrested for DUI. Licensee self-reported her relapse to HPAP and to her worksite monitor. Licensee followed the recommendations that were made to address the alcohol use and to also address the stressors that precipitated her relapse.

After the relapse, the Board, on September 18, 2012, mandated the Licensee into the HPAP program for a period of five (5) years, and per the Nurse Licensure Compact, granted Licensee a single state only license.

On January 29, 2013, HPAP reported to the Board that the Licensee had an unexplained dilute test on January 5, 2013, and a positive drug screen on January 22, 2013. It was also reported to the Board that Licensee had admitted to alcohol use in December 2012.

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discontinued checking into the Affinity system beginning February 8, 2013, and had discontinued her twice required daily check-in on Soberlink as of February 9, 2013. Due to the above, HPAP recommended discharge from the HPAP program due to Licensee's non-compliance. Licensee indicated that she did not wish to remain in HPAP and wants to surrender her nursing licenses.

Licensee has agreed that she would surrender her South Dakota nursing licenses, and now intends to leave the profession of nursing as a registered nurse and a certified nurse anesthetist.

3. That 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 her right to a hearing in this matter, and of her 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 Board's Executive Director or her designee may present this Voluntary Surrender Consent Order to the Board and disclose to the Board all items of her investigation, including, but not limited to, any communications with Licensee.

4. That the Licensee's licenses to practice nursing in South Dakota and her privilege to practice nursing pursuant to the Nurse Licensure Compact shall be surrendered and the Board shall suspend said licenses for an indefinite period from the date of this Order. Licensee may apply to have her licenses reinstated for good cause shown.

5. That nothing in this Voluntary Surrender Consent Order should imply that the Licensee shall be reinstated. Licensee recognizes that the reinstatement terms, as well as the requirements for reinstatement, are at the sole discretion of the Board.

6. That if the Licensee requests reinstatement, Licensee has the burden of presenting information showing that Licensee's licenses should be reinstated.

7. That 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.

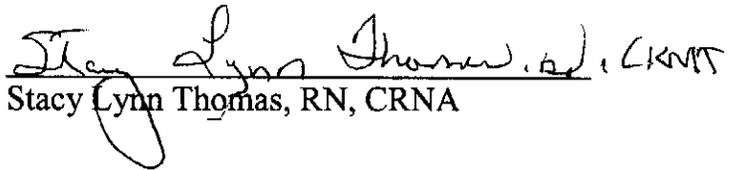
8. Licensee understands that, during the period of this Voluntary Surrender, she is ineligible to work in any nursing role, including that of a nurse aide, nurse assistant, or medication assistant/aide.

9. This action is reportable discipline and will be published in the Board's newsletter and posted on its website and reported into the Healthcare Integrity and Protection Data Bank (HIPDB) and National Practitioner Data Bank (NPDB) as required by law.

10. That the Board may enter an Order consistent with the terms of this Stipulation.

NOW, THEREFORE, the foregoing Voluntary Surrender Consent Order 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 26th day of February, 2013.


Stacy Lynn Thomas, RN, CRNA

The South Dakota Board of Nursing meeting on the 1st day of March, 2013, approved the attached Voluntary Surrender Consent Order as written by a vote of 10-0 and issued its Order as follows:

IT IS HEREBY ORDERED that the above Voluntary Surrender Consent Order is adopted as shown herein by the South Dakota Board of Nursing this 1st day of March, 2013.


Gloria Damgaard, RN, MS
Executive Director
South Dakota Board of Nursing