

WHEREAS, as of September 7, 2012, Licensee had not yet become fully enrolled in HPAP. She was therefore asked to sign a Voluntary Refrain from Practice until she was fully compliant with the Board's mandate. Licensee complied with the Board's request and signed a Voluntary Refrain from Practice. Licensee was to continue on a Voluntary Refrain until she was cleared for practice by the Board and HPAP; and

WHEREAS, on or about September 25, 2012, the Licensee sent paperwork to the Board seeking renewal of her RN license. Due to the Voluntary Refrain that was in place, the renewal paperwork was not processed. The RN license renewal would not be processed until the Board and HPAP lifted Licensee's Voluntary Refrain. Licensee was working as a nurse aid at a home health agency at that time; and

WHEREAS, on September 27, 2012, the Board issued a Letter of Concern to the Licensee in regards to her dilatory tactics and her disregard for getting fully compliant with HPAP. In response to the Letter of Concern, Licensee, on September 18, 2012, sent in her signed HPAP participation agreement; and

WHEREAS, on or about January 24, 2013, the Board received a call from the Licensee asking when she could resume her nursing practice. Licensee was advised that she was non-compliant with the CD evaluation requirement of HPAP as she had not presented the initial evaluation to subsequent evaluators to substantiate any changes in diagnosis or treatment recommendations from the initial evaluation. As such, Licensee was not fully compliant with the Board's mandated HPAP; and

WHEREAS, on January 28, 2013, the Board received a call and documentation from Licensee's current employer stating that the Licensee had been working as a registered nurse and supervising other professionals since September 2012, despite Licensee's Voluntary Refrain and not having a current RN license. When contacted about this practice, Licensee denied that she had been working as an RN at the facility; and

WHEREAS, Licensee has agreed that she would voluntarily surrender her South Dakota nursing license; 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 license 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 on or about March 1, 2012, the Board received a complaint from Licensee's then employer that the Licensee had tested positive for marijuana while employed at the long term care facility. Licensee also reported this fact to the Board.

Following its investigation, the Board, on July 13, 2012, mandated the Licensee into the HPAP for a one year rule-out risk. Licensee was mandated to be fully enrolled in HPAP by August 17, 2012. Licensee was undergoing a chemical dependency evaluation at that time, and as she was disagreeable with the initial evaluation that was performed, she was seeking other evaluations from other providers.

As of September 7, 2012, Licensee had not yet become fully enrolled in HPAP. She was therefore asked to sign a Voluntary Refrain from Practice until she was fully compliant with the Board's mandate. Licensee complied with the Board's request and signed a Voluntary Refrain from Practice. Licensee was to continue on a Voluntary Refrain until she was cleared for practice by the Board and HPAP.

On or about September 25, 2012, the Licensee sent paperwork to the Board seeking renewal of her RN license. Due to the Voluntary Refrain that was in place, the renewal paperwork was not processed. The RN license renewal would not be processed until the Board and HPAP lifted Licensee's Voluntary Refrain. Licensee was working as a nurse aid at a home health agency at that time.

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response to the Letter of Concern, Licensee, on September 18, 2012, sent in her signed HPAP participation agreement.

On or about January 24, 2013, the Board received a call from the Licensee asking when she could resume her nursing practice. Licensee was advised that she was non-compliant with the CD evaluation requirement of HPAP as she had not presented the initial evaluation to subsequent evaluators to substantiate any changes in diagnosis or treatment recommendations from the initial evaluation. As such, Licensee was not fully compliant with the Board's mandated HPAP.

On January 28, 2013, the Board received a call and documentation from Licensee's current employer stating that the Licensee had been working as a registered nurse and supervising other professionals since September 2012, despite Licensee's Voluntary Refrain and not having a current RN license. When contacted about this practice, Licensee denied that she had been working as an RN at the facility.

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

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 license 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 license for an indefinite period from the date of this Order. Licensee may apply to have her license 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 license 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 that 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, 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 20 day of February, 2013.

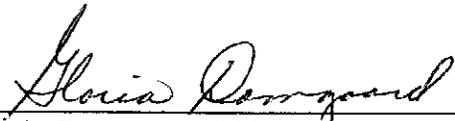


Nicole Dee White, RN



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
 - 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 4th day of
March, 2013.



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