



WHEREAS, subsequent to the above-referenced telephone conversation, the Board received a complaint from Licensee's Director of Nursing stating that the Licensee had submitted her resignation with her last day scheduled for December 23, 2012. The complaint also indicated that the Licensee had received counseling on December 14, 2012, for concerns brought to the Director of Nursing for harsh treatment of a resident. The complaint also alleged that on December 18, 2012, Licensee reported to work impaired and fainted twice while on duty. The Licensee's blood sugar was high, her speech was mumbled, and she was very dizzy. After receiving the complaint, the Board began its investigation into the complaint received; and

WHEREAS, on January 4, 2013, the Board received a call from the Director of Nursing (complainant) stating that she had received a phone call from a person claiming to be the Licensee to discuss whether a complaint had been made against her [the Director of Nursing]. The Director of Nursing stated she knew the caller was not in fact the Licensee by her voice, although the caller stated that it was. The caller was upset and threatening. The Director of Nursing stated that she was concerned for her safety after this phone call and that the long term care facility then issued a letter to the Licensee advising her that she was not allowed on the facility property for any reason, nor could she contact employees or management staff. The Director of Nursing reported to the Board that following the hand delivery of the letter by the sheriff, the Licensee read the letter, crumpled it and threw it at the sheriff; and

WHEREAS, an Informal Meeting was held on January 29, 2013, with the Licensee, her attorney, Reed Mahlke, Kathleen Tinklenberg, and the Board attorney. At that meeting, the Licensee discussed the events of December 14, 2012, and the issue with the resident where she expressed her frustration that two other staff members were not answering an “out of chair” alarm for a resident. Licensee admitted that she “might have” pushed the patient in the wheelchair too fast, causing the patient to cry out, “my legs, my legs”. The Licensee also indicated that she has been seeing a therapist at Community Counseling Services and at the time of the Informal Meeting had nine sessions over the last four months; and

WHEREAS, in regards to the events of December 18, 2012, the Licensee indicated that she had been prescribed Ativan by her physician to help her deal with anxiety. She shared the fact that she had gone through a contentious, bitter divorce and felt she was stalked and that her ex-husband had threatened to kill her. She had reported this to the sheriff, but did not take out a protection order against her husband; and

WHEREAS, Licensee admitted that she had taken Ativan 1 mg for the first time at home with her morning medications at 5:30 a.m. and went to her scheduled work shift at 7:00 a.m. She stated her doctor said she would be perfectly fine to take this medication before work; and

WHEREAS, Licensee's case was brought to the South Dakota Board of Nursing at its February 28, 2013, meeting where the allegations that the Licensee had reported to work impaired were discussed. After review of the facts, the Board ordered that the Licensee voluntarily refrain from practice at this time and undergo a psychological evaluation with a report of the evaluation to be sent to the Board; and

WHEREAS, Licensee was advised of the order for psychological evaluation through a letter to her attorney dated March 5, 2013. Licensee was advised to contact Dr. Nordgren within 10 days of the letter to schedule an appointment. The evaluation and report were to have been returned to the Board within two months or by May 6, 2013. The Licensee, through her attorney, was also provided with the Voluntary Refrain from Practice document to sign and return to the Board; and

WHEREAS, on March 13, 2013, the Licensee, through her attorney, asked the Board to reconsider the necessity of a Voluntary Refrain pending the results of her evaluation. At that time, the Licensee was working for Universal Pediatrics and providing services to one client. It was noted that at the time of this request, the Licensee had not yet contacted Dr. Nordgren's office to set up an appointment; and

WHEREAS, on March 14, 2013, all members of the Board were contacted via e-mail with Licensee's request asking for the Board to reconsider their action requiring a Voluntary Refrain from Practice pending the psychological evaluation; and

WHEREAS, the Board considered the request for reconsideration, but denied the request. The Board again ordered that the Licensee voluntarily refrain from practice pending the evaluation. This information was relayed to attorney Mahlke on March 15, 2013. Given the results of the Board's reconsideration, the Licensee indicated to her attorney that she would "think about this over the weekend and contact [the attorney] on Tuesday with her decision". It was relayed to Licensee's attorney that the Voluntary Refrain was not optional and concerns were expressed regarding her willingness to voluntarily refrain and undergo the evaluation; and

WHEREAS, on March 20, 2013, Licensee's attorney indicated that the Licensee was requesting a formal hearing on this matter before her license was suspended or revoked. Voluntary Refrain versus Summary Suspension was discussed between the attorneys for the Board and Licensee; and

WHEREAS, on March 22, 2013, the Licensee agreed to a Voluntary Refrain and her attorney advised the he would be sending the document to the Board when received. It was also relayed that Licensee had completed the paperwork to set up an appointment for her evaluation with Dr. Nordgren and would be setting her appointment as soon as she could; and

WHEREAS, on March 29, 2013, the Board had not yet received the Voluntary Refrain from Practice as had been agreed to by the Licensee. On April 1, 2013,

Licensee's attorney indicated that he had received the Voluntary Refrain from his client, but that Licensee had only dated it and had not signed it. It was also relayed that Licensee had scheduled her appointment with Dr. Nordgren for April 12, 2013; and

WHEREAS, the Board received the signed copy of Licensee's Voluntary Refrain from Practice on April 5, 2013; and

WHEREAS, due to the ice storms in the area, the Licensee did not undergo her evaluation with Dr. Nordgren until April 26, 2013; and

WHEREAS, Dr. Nordgren's psychological evaluation dated April 26, 2013, concluded that the Licensee has significant factors that interfere with her ability to function as a nurse. These include a tendency to be uncooperative in her self report and reports of significant anxiety disorder symptoms. Dr. Nordgren recommended the need for cognitive behavioral therapy for her symptoms, as well as a review by her medical provider of her medications. Dr. Nordgren concluded that no psychosocial or medical intervention can be effective with this patient to otherwise facilitate her ability to function as a nurse until she elects to be more open and honest with those evaluating her and providing intervention; and

WHEREAS, during the psychological evaluation, Licensee told Dr. Nordgren that she was currently practicing as a nurse at Universal Pediatrics in Huron, taking care of one patient and putting in 10 hour shifts, working 40 hours per week. Later in the

interview, Licensee told Dr. Nordgren that the Board asked her to sign a Voluntary Refrain from Practice and complete a psychological evaluation. She then went on to report to Dr. Nordgren that she is allowed to practice during this interim period on some sort of provisional status. This raised concerns about the Licensee's follow through with the directives of the Board; and

WHEREAS, follow up with Licensee's attorney on May 16, 2013, confirmed that Licensee did indeed continue to work despite the Board's directive to refrain from practice and despite Licensee signing the Voluntary Refrain; and

WHEREAS, on or about May 22, 2013, the Licensee called the Board wanting to talk about her refrain, the psychological evaluation, and her continuing to work. Licensee was referred to her attorney for additional communication. Later that day, The Board attorney advised the Board that Licensee's employer had called her [the Board attorney] and advised that Licensee was no longer working; and

WHEREAS, the matter of this Licensee was presented to the full Board on May 30, 2013, whereby they ordered that a Voluntary Surrender be offered to Licensee, and if not agreed upon, a Summary Suspension and Notice of Hearing be issued; and

WHEREAS, based upon the above, this would constitute grounds for discipline of Licensee's license to practice under SDCL § 36-9-49(5), (7), (9), (10), and SDCL § 36-9-49.1.

WHEREAS, based upon the affidavit of Kathleen J. Tinklenberg and the above stated conduct, the Board has concluded that the public health, safety and welfare requires emergency action, in that Licensee's actions may endanger the health and safety of those who are, or will be, entrusted to her care in the future; and

WHEREAS, the Board, has a statutory obligation to protect the health, safety and welfare set forth in SDCL §36-9, including the protection of the public from unsafe nursing practices and practitioners.

NOW THEREFORE IT IS HEREBY ORDERED:

1. That the Board has jurisdiction of the Licensee and the subject matter of this Order.
2. That based on the above, the Board specifically finds that the public health, safety and welfare requires emergency action against Licensee's license.
3. That based on the above, the Board specifically finds that the actions of the Licensee endanger the public health, safety and welfare, and imperatively requires emergency action in that Licensee may endanger the health and safety of those persons who are or will be entrusted to her care in the future and that these are matters of a nature that would constitute further grounds for discipline of her license to practice nursing under SDCL § 36-9-49.

4. Based upon these findings, Licensee's license to practice nursing in South Dakota is hereby summarily suspended. Licensee may petition according to SDCL § 36-9-57 for reinstatement of her license at anytime for "good cause". This Order also affects licensee's privilege to practice in South Dakota. Should Licensee change her home state under the Nurse Licensure Compact, then Licensee's practice privilege is subject to the same requirements as set forth in this order as her South Dakota license.

5. That Licensee shall turn in her license to the Board within ten (10) days from the date of this Order and it shall be kept by the Board until further action on this matter.

6. Licensee is hereby notified that any practice of or holding herself out as a registered nurse during the terms of this Order of Summary Suspension is a violation of SDCL § 36-9-68.

7. This action is reportable discipline and will be published in the Board's newsletter and posted on its web site and reported into the National Practitioner Data Bank (NPDB) as required by law.

The South Board of Nursing at its meeting on the 30<sup>th</sup> day of May, 2013, approved this Order of Summary Suspension as written without modifications and issues its Order of Summary Suspension consistent herein as follows:

IT IS HEREBY ORDERED that the above is adopted as an Order of the South Dakota Board of Nursing this 30<sup>th</sup> day of May, 2013, by a vote of 7-0.

SOUTH DAKOTA BOARD OF NURSING

  
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Gloria Damgaard, RN, MS  
Executive Director

### NOTICE OF HEARING

The South Dakota Board of Nursing (“Board”) pursuant to SDCL §§ 1-26-16, 1-26-27, and 1-26-29, hereby provides this Notice of Hearing to Jackie J. Wickstrom, RN, License No. R-029423 (“Licensee”) as follows:

1. The South Dakota Board of Nursing (“Board”) is the duly appointed regulatory authority of the State of South Dakota.
2. That Licensee was licensed to practice as a registered nurse in the State of South Dakota and holds license number R-0029423.
3. The Board has jurisdiction and authority over this matter pursuant to SDCL §§ 36-9-9.1, and 36-9-49.

4. Hearing on the Order of Summary Suspension will take place before the Board on July 18, 2013, at 1:30 p.m. at the office of the South Dakota Board of Nursing, 4305 S. Louise Avenue, Suite 201, Sioux Falls, South Dakota.

5. This matter is an adversarial proceeding and Licensee has the right to be present at the hearing and to be represented by an attorney. These due process rights will be forfeited if they are not exercised at the hearing.

6. The hearing will address the Board's assertion, as set forth in its Summary Suspension, that the Licensee, by his/her conduct, violated SDCL 36-9-49 (4), (7) and (10).

7. At the hearing, the Board will determine whether the Licensee's license shall be suspended, revoked or subject to other disciplinary action as determined by the evidence presented.

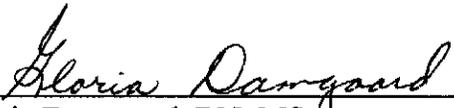
8. Licensee has a right to request that the agency use the Office of Hearing Examiners for this proceeding by giving notice of the request to the Board no later than ten (10) days after the service of this Notice of Hearing on Order of Summary Suspension.

9. A decision issued by the Board after the hearing may be appealed to the circuit court and to the state Supreme Court as provided by law.

Name of Document: Order of Summary Suspension and Notice of Hearing  
Jackie J. Wickstrom, RN

Dated this 6<sup>th</sup> day of June, 2013.

SOUTH DAKOTA BOARD OF NURSING

  
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Gloria Damgaard, RN, MS  
Executive Director