

WHEREAS, on or about December 23, 2015, the Board received information from the Minnesota Board of Nursing that on December 17, 2015, it had suspended Licensee's license to practice as a practical nurse in the State of Minnesota; and

WHEREAS, on or about January 4, 2016, the Board was notified by HPAP that Licensee failed to enroll in the program, that HPAP was unable to contact Licensee, and that they had unsuccessfully discharged her from HPAP; and

WHEREAS, Board staff attempted to contact the Licensee via phone, e-mail, regular mail and certified mail. All attempts to contact the Licensee were unsuccessful; and

WHEREAS, on February 19, 2016, the matter of the Licensee was again presented to the full Board and at that time the Board recommended that the Licensee's license be suspended and that she be noticed for a hearing; and

WHEREAS, on or about March 3, 2016, the Board issued an Order of Summary Suspension of Licensee's license and noticed her for a hearing before the Board on April 21, 2016; and

WHEREAS, Licensee was personally served with the Order of Summary Suspension and Notice of Hearing on March 8, 2016; and

WHEREAS, on March 24, 2016, Licensee contacted the Board requesting to voluntarily surrender her license at this time to address her current situation; 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 June 25, 2015, the Board received a complaint from the Licensee's employer (a long term care facility) alleging possible diversion by the Licensee after the employer found erroneous documentation made by the Licensee involving narcotic administration.

While under investigation, Licensee signed a Voluntary Refrain from Practice Statement on May 14, 2015.

This matter was presented to the full Board on September 10, 2015, at which time the evidence obtained to date was presented to the Board.

At that meeting, the Board mandated the Licensee to enroll in HPAP within 30 days. This directive was sent to the Licensee in a letter dated September 18, 2015.

On or about December 23, 2015, the Board received information from the Minnesota Board of Nursing that on December 17, 2015, it had suspended Licensee's license to practice as a practical nurse in the State of Minnesota.

On or about January 4, 2016, the Board was notified by HPAP that Licensee failed to enroll in the program, that HPAP was unable to contact Licensee, and that they had unsuccessfully discharged her from HPAP.

Board staff attempted to contact the Licensee via phone, e-mail, regular mail and certified mail. All attempts to contact the Licensee were unsuccessful.

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On or about March 3, 2016, the Board issued an Order of Summary Suspension of Licensee's license and noticed her for a hearing before the Board on April 21, 2016.

Licensee was personally served with the Order of Summary Suspension and Notice of Hearing on March 8, 2016.

On March 24, 2016, Licensee contacted the Board requesting to voluntarily surrender her license at this time to address her current situation.

Licensee has agreed that she would surrender her South Dakota nursing license to address her current situation and now intends to leave the profession of nursing as a practical 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 and posted on its website and reported into the 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 30 day of March, 2016.


Sierra Cates, LPN

The South Dakota Board of Nursing met on the 21st day of April, 2016, and approved the attached Voluntary Surrender Consent Order as written by a vote of 7 - 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 25th day of April, 2016.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, RN, MS
Executive Director