

tion of the public from unsafe nursing practices and practitioners;
and

WHEREAS, the Licensee has requested the Board's Executive Secretary to present this Stipulation to the Board for action, and recognizes that the Board may approve this Stipulation, reject it, or modify it; and

WHEREAS, the parties hereto desire to resolve the issues presented by the Licensee's conduct, in a professional manner, without the necessity of further hearing and proceedings herein and to provide for a responsible solution thereto,

NOW, 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 Stipulation.

2. That Licensee admits that she while employed at the Rapid City Regional Hospital in Rapid City, South Dakota, she engaged in a) substance abuse, b) diverting controlled drugs (Tylenol #3) and Percocet from her workplace over the past several years; and c) receiving multiple prescriptions for Tylenol #3 and Percocet facilitating her substance abuse over the past several years.

3. Licensee has been given an opportunity to discuss this Stipulation with an attorney of her choice, and is aware of her right to a hearing in this matter, and all rights under the United States and South Dakota Constitution, laws and rules or regulations. Licensee hereby voluntarily waives all such rights to a hearing, notice, appearance, or any other rights under the said constitutions, laws or rules and regulations. Licensee is entering

into this Stipulation voluntarily and without duress or compulsion. Licensee also agrees that the Board's Executive Secretary may present this Stipulation 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 Board will order that the Licensee's license to practice nursing is placed upon a probationary status for a period of three (3) years of employment in nursing practice, from the date of this Stipulation being approved by the Board, which probationary terms and conditions shall be completely followed by the Licensee as follows:

a. Licensee shall sign a release of information allowing the Board to receive her discharge summary and related documentation from treatment center. The information shall be transmitted directly to the Board office.

b. Licensee shall continue involvement in Alcoholics Anonymous meetings at least twice weekly for the first year and weekly thereafter.

c. An AA sponsor shall be identified and will submit quarterly reports to the Board attesting to the Licensee's sobriety status and level of participation in a rehabilitation program.

d. Licensee shall continue counseling from a counselor qualified in the area of substance abuse. The counselor shall submit reports to the Board quarterly the first year and every six months thereafter for the duration of treatment as deemed

necessary by the counselor. The report shall provide and/or address:

1. Verification that the counselor has seen a copy of the Stipulation and Order.
2. Diagnosis and any treatment plan;
3. Licensee's sobriety status, if applicable;
4. Licensee's ability to handle stress;
5. Licensee's ability to practice as a professional nurse;
6. Any other information which the counselor believes would assist the Board in its ultimate review of the case.

e. The Licensee shall complete a sixteen (16) week aftercare program with evidence of successful completion/progress report submitted by the aftercare counselor at the close of the program.

f. The Licensee will notify the Board of any employment in the health care field, including changes in employment. Furthermore, the Licensee will inform any current or prospective employer with whom she seeks employment as a nurse, as to the subject matter and the nature of the proceedings and the Stipulation, and would agree that any such employer would, during the first year of probation, be required to provide quarterly reports to the Board as to her progress as an employee, and during the balance of the probationary period provide reports on a basis of every six (6) months. The reports shall provide and/or address:

1. In the first report, evidence that Licensee's supervisor has received a copy of the order

within ten days of service or within ten days of Licensee beginning a new employment;

2. Licensee's attendance and reliability;
3. Licensee's ability to practice professional nursing;
4. Licensee's ability to carry out assigned functions, including the administration of controlled substances;
5. Licensee's ability to handle stress;
6. Licensee's sobriety;
7. Number of hours Licensee worked during the reporting period;
8. Any other information which the supervisor believes would assist the Board in its ultimate review of the case.

g. The Licensee shall observe the following employment restrictions:

1. Will not work nights for one year.
2. May only administer narcotics under direct supervision of another nurse for one year.

h. A report be submitted by any and all physicians and/or dentists who have prescribed mood-altering chemicals for the Licensee during the period of probation. A report is due within thirty (30) days of the prescription and shall provide and/or address:

1. The name, dosage, frequency, and purpose for the mood-altering chemical prescribed for Licensee.
2. Confirmation that the physician and/or dentist has been informed of Licensee's chemical dependency history.

3. Any other information which the reporter believes would assist the Board in its ultimate review of the case.

- i. The Licensee agrees to arrange with the Board staff probationary meetings once every three (3) months during the first year of probation. Thereafter, probationary meetings will be arranged by the Licensee every six (6) months for the balance of the probationary period. It will be the obligation of the Licensee to schedule these meetings at such time and place as the Board staff would reasonably designate.

Furthermore, the Licensee will submit a self-evaluation report to the Board office prior to each probationary meeting.

The report shall provide and/or address:

1. Licensee's sobriety, if applicable, including the date she last used mood-altering chemicals, including alcohol, and the circumstances surrounding any use while the Stipulation is in effect.
2. Licensee's use of any over-the-counter drugs and/or other drugs prescribed by a physician or dentist, and the circumstances surrounding any use while the Stipulation is in effect;
3. Licensee's participation in a rehabilitation program. Documentation shall include attendance and participation, family support and problem areas addressed;
4. Licensee's professional employment status, including employer support, peer support, ability to handle stress and management of controlled substances;
5. Licensee's future professional goals for nursing;
6. Licensee's future personal goals; and

7. Any other information which the Licensee believes would assist the Board in its ultimate review of the case.

j. That during the period of probation, the Licensee will submit to such testing of body fluids, on a random basis, as may reasonably be requested by the Board, and the Licensee agrees that if such tests would ever indicate the use of a non-prescribed controlled substance or alcohol, that the Licensee would then agree to a total and complete revocation of her licensing rights as a nurse in South Dakota. The blood and/or urine screens shall be:

1. Observed in their drawing;
2. Handled through legal chain of custody methods;
3. Paid for by Licensee; and
4. Results thereof shall be reported directly to the Board.

Testing must meet forensic compliance panel standards and include testing for Amphetamines, Barbiturates, Cocaine, Opiates, Benzodiazepines, Cannabinoids, Alcohol, Methadone and Propoxyphene.

k. The 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.

l. The Licensee shall commit no violation of any law or regulation regarding the practice of nursing.


m. The Licensee shall complete sixteen (16) week aftercare program with evidence of successful completion/progress report submitted by the aftercare counselor at the close of the program.

n. If any condition of this probation is violated, the Licensee agrees that the Board may take such actions as the Board deems necessary up to and including a total and complete revocation of her licensing rights as a nurse in South Dakota.

IT IS FURTHER STIPULATED AND AGREED that this Stipulation 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 it with any attorney of her choice and that the Licensee has a full understanding of the legal consequences of this Stipulation and of the Licensee's rights to formal hearing on these matters, which rights are hereby waived by the signing of this Stipulation.

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 13th day of July, 1992.



Pamela Burgess, R.N.

The South Dakota Board of Nursing meeting on the 17th day of July, 1992, (approved) ~~(rejected)~~ the attached Stipulation ~~(as written)~~ (with the following modifications) :

4.g. That the Licensee shall observe the following employment restrictions:

3. May not be employed by a temporary agency.

and issued its order of probation consistent herewith as follows:

IT IS HEREBY ORDERED that the above Stipulation is adopted shown herein by the South Dakota Board of Nursing this 17th day of July, 1992, by vote of unanimous (11-yes).

Diana VanderWoude
Diana Vander Woude, Executive Secretary