

SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE
LICENSURE PROCEEDINGS

VOLUNTARY SURRENDER
CONSENT ORDER

RE: PAMELA BURGESS, R.N.
License No. R-016696,

Licensee.

* * * * *

WHEREAS, Pamela Burgess, ^{R.N.} ~~L.P.N.~~ ("Licensee"), is licensed to practice as a registered nurse in the State of South Dakota, and holds License No. R-016696; and

WHEREAS, the said Licensee previously admitted that 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; and

WHEREAS, the Licenses was placed on a three (3) year probation for violations of SDCL § 36-9-49 in May of 1992, by virtue of the attached Stipulation and Order; and

WHEREAS, Licensee admits violating the terms of her probation and has requested the Board to allow her to voluntarily surrender her nursing license; and

WHEREAS, the Licensee recognizes and agrees that these matters are of a nature which would constitute grounds for the discipline of her license to practice nursing in South Dakota under SDCL § 36-9-49; and

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

WHEREAS, the parties hereto desire to resolve the issues presented by this action, without the necessity of further hearings and proceedings herein, and to provide for a responsible solution thereto; and

WHEREAS, the Licensee agrees that this agreement is entered into by her voluntarily, in full understanding of the legal consequences of this document, and of her rights, which she hereby waives in the signing of this agreement; and

WHEREAS, SDCL § 36-9-57 provides that any suspended license may be reissued at the discretion of the South Dakota Board of Nursing, upon a finding of good cause. Nothing in this Stipulation shall be deemed to be an agreement as to the action the Board may or may not take with respect to any subsequent request for reissuance of the said license.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED as follows:

1. That the Licensee waives all procedural requirements of State and Federal constitution, laws, and regulations, including, but not limited to, the procedural requirements of SDCL § 36-9 and 1-26.

2. That the South Dakota Board of Nursing has jurisdiction over the person of the Licensee and the subject matter of this agreement.

3. That this agreement is entered into voluntarily by the Licensee, without duress. The Licensee has had the opportunity to have her attorney review this agreement.

4. That the Licensee's license to practice nursing in South Dakota is voluntarily surrendered and the Licensee's license status shall be placed on the status of a surrendered license and suspended indefinitely.

5. Licensee may apply to have her license reinstated after a period of at least twelve (12) months from the date of the Order. If the Licensee's license is reinstated, Licensee will be placed on a probationary status for an additional period of three (3) years' employment in nursing practice from the date of reinstatement being approved by the Board, with probationary terms and conditions to be set by the Board. Licensee shall follow all probationary terms and conditions as set forth for license by the Board in said reinstatement.

6. If the Licensee requests reinstatement, Licensee shall bear the burden of presenting information showing that her license should be reinstated following the minimum twelve (12) month period described in paragraph 5 above. In order to prove that her license should be reinstated, Licensee must provide the Board with:

- a. A written request for reinstatement.
- b. Licensee shall sign a release of information for discharge summary and related documentation from treatment and aftercare program. Information to be submitted directly to the Board office.
- c. Licensee shall cause all psychiatrists/psychologists/counselors who have treated the Licensee since the date of this Order, to submit to the Board a

report regarding Licensee's diagnosis and treatment plan, sobriety status, ability to handle stress, and ability to practice as a professional nurse.

- d. Documentation of at least twelve (12) months sobriety and participation in a rehab program with a statement from her AA/NA sponsor.
- e. Documentation of attendance at a minimum of two (2) AA/NA meetings per week for at least twelve (12) months.
- f. Documentation of at least eight (8) negative randomly-observed body fluid tests taken with at least twenty-one (21) day intervals between each test in the twelve (12) month period preceding the request for reinstatement. The blood and/or urine screen shall be observed in its handling and handled through the legal chain of custody method paid for by the Licensee. The results must be reported directly to the Board. Testing must meet forensic compliance panel standards and include testing for Licensee's drug of choice, Morphine, Amphetamines, Barbituates, Cocaine, Opiates, Benzodiazepines, Cannabinoids, Alcohol, Methadone and Propoxyphene.

7. Licensee must personally appear before the Board for her reinstatement petition.

8. Licensee shall return her current renewal certificate to the Board within ten (10) days of the signed date of the Order.

9. The Board may, in its discretion, add additional conditions for reinstatement.

NOW, THEREFORE, the Licensee consents to the entry of the aforesaid terms and conditions and the same are respectfully submitted to the South Dakota Board of Nursing for the purposes of

allowing the said terms to become an order of the Board, and Licensee submits herewith her license to be suspended indefinitely.

Dated this 12th day of July, 1995.

Pamela A. Burgess
Pamela Burgess, Licensee

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Attorney for Licensee

Approved by the South Dakota Board of Nursing this 19th day of July, 1995.

Diane Vander Woude RN MS
Diane Vander Woude, Executive Secretary