

SOUTH DAKOTA BOARD OF NURSING

IN THE MATTER OF THE
LICENSURE PROCEEDINGS

RE: J. CAROL WILLIS CARLSEN, R.N.

STIPULATION AND ORDER

License No. R-025116

Licensee.

WHEREAS, J. Carol Willis Carlsen, RN, CNS ("Licensee"), is licensed to practice as a registered nurse and certified nurse specialist in the State of South Dakota and holds License number R-025116; and

WHEREAS, the Licensee's registered nurse and C.N.S. licenses expired on June 15, 1998 and were not renewed until a request was made on June 16, 1999 by Licensee. Licensee changed her address from 3504 S. Western Avenue, Sioux Falls, South Dakota, to 101 S. Main Avenue, Sioux Falls, South Dakota, some time prior to March, 1998 and consequently did not receive the renewal notice sent from the Board in March, 1998. Subsequent to March, 1998, on July 27, 1998 Licensee did receive a letter from the Board at her 101 S. Main Avenue, Sioux Falls, South Dakota address advising that the Board unanimously approved dismissal of a claim of misconduct. At the time the Licensee received the July 27, 1998, at her new address, her previous licenses had lapsed for over one month. Such conduct violates the statutes and rules regulating the license to practice, exposing the Licensee to discipline; and

WHEREAS, Licensee recognizes and agrees that these matters are of a nature which would constitute grounds for the discipline of her license to practice as a registered nurse/certified nurse specialist in South Dakota; and

WHEREAS, Licensee has applied for renewal of her registered nurse/certified nurse specialist licenses in South Dakota for the period beginning July 16, 1999; and

WHEREAS, the South Dakota Board of Nursing (hereinafter "the Board") has a statutory obligation to protect the public health, safety and welfare set forth in SDCL § 36-9; and

WHEREAS, in the event the Board, in its discretion, does not approve this settlement or a lesser remedy than indicated in this settlement, this Stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced by either party. Licensee agrees that if the Board rejects this Stipulation and this case proceeds to hearing, Licensee will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation or any of the records or information relating hereto; and

WHEREAS, the Licensee and the Board have agreed to resolve this matter short of a formal hearing to enter into the following Stipulation and Order; now, therefore,

IT IS HEREBY STIPULATED that the Board may enter its Order ordering as follows:

1. That the Board has jurisdiction over the person of the Licensee and the subject matter of this Stipulation.

2. WHEREAS, the Licensee's registered nurse and C.N.S. licenses expired on June 15, 1998 and were not renewed until a request was made on June 16, 1999 by Licensee. Licensee changed her address from 3504 S. Western Avenue, Sioux Falls, South Dakota, to 101 S. Main Avenue, Sioux Falls, South Dakota, some time prior to March, 1998 and

consequently did not receive the renewal notice sent from the Board in March, 1998. Subsequent to March, 1998, on July 27, 1998 Licensee did receive a letter from the Board at her 101 S. Main Avenue, Sioux Falls, South Dakota address advising that the Board unanimously approved dismissal of a claim of misconduct. At the time the Licensee received the July 27, 1998, at her new address, her previous licenses had lapsed for over one month. Such conduct violates the statutes and rules regulating the license to practice, exposing the Licensee to discipline.

3. The Licensee has been given an opportunity to discuss this Stipulation and Order with an attorney of Licensee's choice, and is aware of Licensee's right to a hearing in this matter, and all 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 is entering into this Stipulation and Order voluntarily and without duress or compulsion. Licensee also agrees that the Board's Executive Secretaries or their designees may present this Stipulation to the respective Board and disclose to the respective Board all items of its investigation, including, but not limited to, any communications with Licensee.

4. Licensee's license was suspended during the period of investigation from June 16, 1999, and such suspension shall continue until the date this Stipulation and Order is approved by the Board. Licensee represents that she has not practiced under her licenses during said period of suspension.

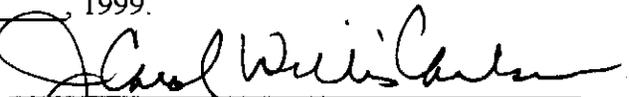
5. Licensee's license as a registered nurse and a certified nurse specialist shall be reinstated and renewed upon the following conditions:

Licensee shall receive a formal letter of reprimand from the Board for practicing without a valid license during the period from June 15, 1998 to June 15, 1999.

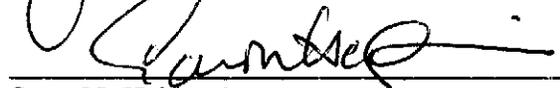
6. It is further stipulated and agreed that this Stipulation is being entered into voluntarily by the Licensee and without threats or coercion and is entered into after the Licensee has been given ample opportunity to consider these matters and to discuss this Stipulation with an attorney of her choice and that the Licensee has a full understanding of the legal consequences of this Stipulation and of the Licensee's rights to a formal hearing on these matters, which rights are hereby waived by the signing of this Stipulation.

NOW, THEREFORE, the foregoing Stipulation and 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 6 day of July, 1999.



J. Carol Willis Carlsen



Scott N. Heidepriem
Attorney for Licensee

The South Dakota Board of Nursing on the 15th day of July, 1999,
(approved)~~(rejected)~~ the attached Stipulation (as written) (with the following modifications):

and issued its order consistent herewith as follows.

IT IS HEREBY ORDERED that the above Stipulation is adopted shown herein by the
South Dakota Board of Nursing this 15th day of July, 1999, by vote of
yes-10; 0-no

Diana VanderWoude
Diana Vander Woude, Executive Secretary