

**SOUTH DAKOTA BOARD OF NURSING**

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IN THE MATTER OF LICENSURE	:	
PROCEEDINGS	:	
RE: CANDACE M. ECKERT, RN,	:	<b>STIPULATION AND ORDER</b>
	:	<b>FOR SUSPENSION WITH</b>
License No. R-028007	:	<b>REMEDICATION</b>
	:	
Licensee.	:	

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WHEREAS, Candace M. Eckert, RN (“Licensee”), holds a license to practice as a registered nurse in the State of South Dakota and holds License Number R-028007; and

WHEREAS, on or about October 16, 2011, while working as a charge nurse at a long term care facility, Licensee, during the disposition of a deceased resident’s medications, diverted the patient’s medication (“Ambien”). The medication was charted as destroyed, and also co-signed by a second nurse. Licensee justified said diversion citing that she had a prescription for the medication, and that rather than letting medications go to waste, this was a practice at the facility. Licensee admitted to the diversion when confronted, and returned all of the medications to the facility;

WHEREAS, the Licensee recognizes that these matters are of a nature which would constitute grounds for the discipline of her license to practice nursing in South Dakota; and

WHEREAS, the South Dakota Board of Nursing (“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, the Licensee has expressed a desire to enter into this agreement with the Board without the necessity of additional formal disciplinary proceedings and hearings; and

WHEREAS, it is the intent of this Stipulation to provide for a settlement of the licensing issues presented by the Licensee’s conduct, in a professional manner, without the necessity of further hearings and proceedings herein, and to provide for a responsible resolution; NOW, THEREFORE,

IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

1. That the Board has jurisdiction over the person of this Licensee and the subject matter of this Stipulation.
2. That the Licensee hereby agrees to a voluntary sixty (60) day suspension of her nursing license and her right to practice as a registered nurse in the State of South Dakota. Said suspension will begin on the date in which this Stipulation is signed by the Licensee and is approved by the Executive Director of the Board of Nursing.
3. During the suspension, the Licensee will be required to complete the following learning modules: (1) Ethics of Nursing Practice; and (2) Professional

Accountability and Legal Liability for Nurses. Licensee is responsible to purchase and complete these modules no later than sixty (60) days from the date of the approval of this Stipulation. Successful certificates of completion shall be returned to the Board of Nursing. Licensee can register for these modules on the following website:

[www.learningext.com](http://www.learningext.com).

4. In addition to the above remediation modules, Licensee is required and agrees to create a report on the handling of and discarding of controlled substances within a healthcare facility. Said report shall be submitted to the Board by the end of the sixty (60) day suspension.

5. That following the sixty (60) day suspension, Licensee's license to practice will be reinstated subject to the completion of the remediation listed above. The Licensee shall be fully compliant with the terms and conditions of this Stipulation. Licensee shall pay for all costs and expenses in carrying out the conditions of this Stipulation.

6. If Licensee violates any terms of this Stipulation and Remediation, Licensee agrees that the Board may take action against Licensee's license as the Board deems necessary, up to and including, continued suspension, revocation, or other disciplinary action.

7. Licensee shall not violate any law or regulation regarding the practice of nursing.

8. Licensee shall not practice nursing in any state other than South Dakota which is a party state to the Nurse Licensure Compact without prior written authorization from both the Board and the nursing regulatory authority in the party state in which the Licensee desires to practice.

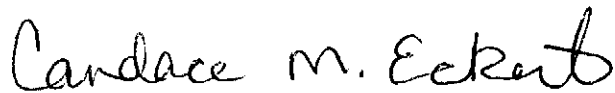
9. This Stipulation and Order for Suspension with Remediation also affects Licensee's practice privilege to practice in South Dakota should Licensee change her home state under the Nurse Licensure Compact.

10. The Licensee has been given the opportunity to discuss this Stipulation with an attorney of Licensee's choice, and is aware of Licensee's right to a hearing on this matter, and all rights under the United States and the South Dakota Constitution, laws, rules and/or regulations. The Licensee hereby voluntarily waives all such rights to a hearing, notice, appearance, or other rights under said Constitution, laws, rules, and/or regulation. The Licensee is entering into this Stipulation voluntarily and without duress or compulsion. Licensee also agrees that the Board's Executive Director 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.

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

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 3<sup>rd</sup> day of March, 2012.



Candace M. Eckert, RN

The South Dakota Board of Nursing meeting on the 22<sup>nd</sup> day of February 2012, approved the attached Stipulation as written by a vote of 10 - 0, and issued its Order for Suspension with Remediation consistent herewith as follows:

IT IS HEREBY ORDERED that the above Stipulation is adopted as an Order of the South Dakota Board of Nursing this 7<sup>th</sup> day of March, 2012.

  
Gloria Damgaard, Executive Secretary