

WHEREAS, the Licensee recognizes that these matters, are of a nature which would constitute grounds for the discipline of his license to practice nursing in South Dakota under SDCL § 36-9-49; 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, including the protection of the public from unsafe nursing practices and practitioners; and

WHEREAS, the Board has recommended that Licensee's license be placed on a one year period of probation with remediation in an effort to resolve this matter without the necessary 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 solution; 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. Licensee has admitted, while working for the Bethany Lutheran Home in Sioux Falls, South Dakota in May of 2008, that he provided inadequate follow-up assessment of a resident following her elopement from the nursing home when

temperatures were below freezing. The Licensee also admitted to substandard processes in the delivery of medications and in the preparation of insulin syringes. Licensee has also admitted to substandard documentation of his medication administration and narcotic counts; and the Licensee agrees that his conduct violates SDCL 36-9-49(5), (7) and (10), in that such conduct would be inconsistent with the health and safety of persons entrusted to his care and would violate provisions of the rules and statutes regulating the practice of nursing.

3. The Licensee has been given an opportunity to discuss this Stipulation with an attorney of Licensee's choice, and is aware of Licensee's right to a hearing in this matter, and of 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 voluntarily and without duress or compulsion.

4. That from the date this Stipulation is signed, Licensee's license to practice nursing is placed upon a probationary status for an period of one (1) year of active practice as a nurse or employment in nursing practice. The probationary terms and conditions set ^{by} the Board shall be completely followed by the Licensee. After ^{twelve (12)} ~~twenty-four (24)~~ months, one year, of successful practice under the terms of this Order, and the completion of the remediation associated hereto, and successful completion of

the terms of this order Licensee's probation shall be closed. Licensee shall comply with the following during his probation:

CONDITIONS

1. 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.

2. Licensee shall provide quarterly reports to the South Dakota Board of Nursing from his work site monitor, the Director of Nursing and a self report.

3. Licensee shall complete learning modules on (1) Ethics of Nursing Practice; (2) Medication Errors: Detection and Prevention; and (3) Documentation: A Critical Aspect of Client Care. The Licensee is responsible to purchase and complete these modules and return them to the Board office with a successful Certificate of Completion. Licensee can register for these modules on the following website: www.learningext.com.

4. Licensee shall pay for all costs and expenses in carrying out any conditions of this probation.

5. Within ten (10) days of the effective date of this Order, the Licensee shall submit his current renewal certificate to the Board office to be stamped "PROBATION".

6. If Licensee violates any terms of this probation, the Licensee agrees that the Board may take such action against Licensee's license as the Board deems necessary, up to and including an immediate suspension, additional probationary terms, revocation, or other disciplinary action.

7. If Licensee obtains a license issued solely or under joint regulatory powers by the Board, other than the license to which this Stipulation refers, at any time during the period of the probation, the terms of this probation shall apply to the other or additional license(s) issued by the Board.

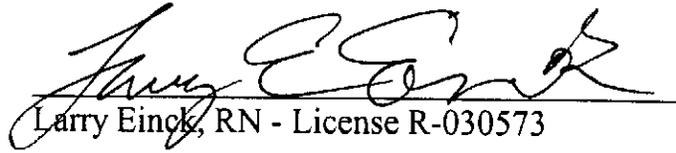
8. Licensee shall not violate any law or regulation regarding the practice of nursing.

9. 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.

10. This probation also affects Licensee's practice privilege to practice in South Dakota should Licensee change his home state under the Nurse Licensure Compact and Licensee's practice privilege is subject to the same requirement set forth in this Order as his South Dakota license.

NOW, THEREFORE, the foregoing Stipulation is entered into and is respectfully submitted to the Board which has adopted its terms as an order in the above matter.

Dated this 2 day of July, 2009.


Larry Einck, RN - License R-030573

The South Dakota Board of Nursing at its meeting on the 18th day of June, 2009,
approved the terms and conditions of the this probationary order by a vote of
11-0.

IT IS HEREBY ORDERED that the above Stipulation is adopted as an Order of
the South Dakota Board of Nursing this 3rd day of July, 2009.


Gloria Damgaard, Executive Director