

SOUTH DAKOTA BOARD OF NURSING

**IN THE MATTER OF THE
LICENSURE PROCEEDINGS**

**RE: CARIN GREENHAGEN, RN
License No. R-028146**

**STIPULATION AND
ORDER OF
REINSTATEMENT**

Licensee,

WHEREAS, the South Dakota Board of Nursing issued an order of Suspension under SDCL §36-9-49.1 and 1-26-29 against Carin Greenhagen, RN, a registered nurse ("Licensee"), bearing license number R-028146, on September 20, 2001, on the basis of information obtained by the Board of Nursing ("Board") alleging that Licensee was recently discharged from employment at the Women's Prison by the State of South Dakota following allegations of consumption of alcohol while on duty, and physical and emotional abuse of clients and fellow employees. The Board staff investigation determined through review of the personnel file of Licensee that reports were made alleging consumption of alcohol while on duty and potentially threatening behavior to fellow staff and to some inmates; and the Board was concerned that further evaluation was needed of Licensee's mental and chemical dependency conditions; and at that time and based upon the information subpoenaed and obtained shortly before the Board meeting, the Board specifically found that the Licensee's conduct as reported could endanger the health and safety of those persons who are or would be entrusted to her care and imperatively required emergency action and that the matters were of a nature that would constitute further grounds for discipline of her license to practice nursing

under SDCL § 36-9-49; and the Board , based upon such findings and until the Board further acted upon receipt of a psychological and a chemical dependency examination or on an agreed order with the Licensee, temporarily suspended the Licensee's license to practice nursing in South Dakota; and

WHEREAS Licensee denied all of the reports as submitted to the Board and further met with the Board in an informal meeting on November 20, 2001, and took the required psychological and chemical dependency tests and such tests and examination results were submitted to the Board as required by the order of emergency suspension, and.

WHEREAS, such emergency suspension order contemplated that the Board would review the examinations and that the Board and the Licensee could negotiate an agreed order; and.

WHEREAS, following the receipt of the reports and the informal meeting, the Licensee and her counsel met with Board staff and agreed to the following order which Licensee now agrees to; and

WHEREAS, the Licensee recognizes that the allegations, if proven, would be 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 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 and the Board Staff have presented the outlines of this Stipulation to the Board and the Board has approved its terms at the meeting on November 29, 2001, subject to the Licensee's signing it and submitting the finalized stipulation; and

WHEREAS, the Licensee has expressed a desire to resolve this matter without the necessity of additional formal disciplinary proceedings and hearings and on January 31, 2002, applied for admission to enter the South Dakota Health Professionals Assistance Program under the requirements of such program; and

WHEREAS, the Licensee has indicated a potential claim against the Board for its actions in considering and issuing the emergency suspension, liability for which is denied and contested by the Board; and

WHEREAS, it is the intent of this Stipulation to provide for a settlement of the licensing issues presented by the Licensee's situation, including the issuance of the emergency suspension, 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. The Licensee releases and holds harmless the Board, its staff, agents and employees for all actions in connection with the said emergency suspension dated September 20, 2001. The Licensee specifically recognizes that such reports, which Licensee denies, if proven correct would be grounds for discipline of her License to practice nursing under SDCL §36-9-49, that the Board is making no findings on the truth of the reports one way or the other, and that based upon the examinations ordered by the Board, the provisions of this Stipulation and Order of reinstatement represent a responsible solution thereto.

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 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. 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.

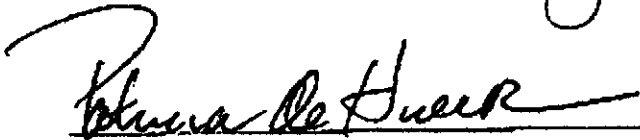
4. Licensee's license to practice nursing is reinstated effective immediately. The Board requires and acknowledges Licensee's participation in the Health Professionals Assistance Program ("HPAP") and her agreement to follow all terms and conditions as set by the program for the length of time set by the HPAP, and that she shall enter into and follow all conditions of the HPAP monitoring contract. The HPAP monitoring contract shall include a provision that HPAP shall also obtain worksite monitoring employer reports and shall provide such reports to the Board on a quarterly basis. The reports shall address Licensee's ability to practice professional nursing consistent with her legal scope, ability to carry out assigned functions including adherence to documentation and transcription standards, ability to recognize professional boundaries, and sobriety. HPAP shall be provided a copy of the mental health and chemical dependency evaluations furnished to the Board. Licensee agrees to follow all terms and conditions of her monitoring contract with HPAP, and Licensee agrees and understands that if any condition of HPAP or her monitoring contract is violated such that Licensee is referred back to the Board by HPAP, the Board may take such actions as the Board deems necessary up to and including a total and complete revocation of

Licensee's licensing rights as a nurse in South Dakota, subject to all statutory rights afforded to Licensee.

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 27 day of ^{March}~~January~~, 2002.


CARYN GREENHAGEN, RN, Licensee.


Patricia de Heuck
Attorney for Licensee

The South Dakota Board of Nursing meeting on the 29th day of November, 2001, approved the attached Stipulation as written, 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 29th day of November, 2001, by vote of 7-yes; 1-excused


Diana Vander Woude, Executive Secretary