

SOUTH DAKOTA BOARD OF NURSING

**RECEIVED
JUL 15 1997
SD BOARD OF NURSING**

IN THE MATTER OF THE
LICENSURE PROCEEDINGS

RE: BARBARA JESSOP, L.P.N.
License No. P-005972

STIPULATION AND
VOLUNTARY SURRENDER
CONSENT ORDER

Licensee.

WHEREAS, Barbara Jessop, L.P.N., ("Licensee"), is licensed to practice nursing as a licensed practical nurse in the State of South Dakota and holds License number P-005972; and

WHEREAS, a Complaint was filed against Licensee dealing with boundary violations in the course of her employment at the VA Medical Center, Sioux Falls, South Dakota, and such conduct, if proven, would be in violation of SDCL § 36-9-49; and

WHEREAS, 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 on January 30, 1997, ordered Licensee to undergo a psychological examination at the Board's expense by Scott Pribyl of Great Plains Psychological Services; and

WHEREAS, Licensee has submitted to said psychological examination and the Board has reviewed the results of the psychological examination; and

WHEREAS, the psychological examination states that Licensee needs to confront the boundary issues and also needs to participate in therapeutic care and demonstrate understanding of her internal risk factors for developing a relationship regarding nurse-patient boundaries; and

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

WHEREAS, Licensee agrees that this agreement is entered into voluntarily without duress or compulsion in full understanding of the legal consequences of this document and her rights; 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discretion, does not approve this settlement or a lesser remedy than indicated in this settlement, this Stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced by either party.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 has requested at the Board's investigative officer present this Stipulation to the Board for action and recognizes that the Board may approve this Stipulation, reject it or modify it; 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. Allegations have been made that Licensee violated SDCL § 36-9-49(7) and (10) by exceeding boundaries with a patient or former patient, and that Licensee denies these allegations.

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 Secretary or her designee 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. That the Licensee's license to practice nursing in South Dakota shall be suspended for a period from the date of this Order as described below. Licensee shall immediately furnish her license to the Board. Licensee may apply to have her license reinstated after completion of all the terms set forth in paragraph 5 below.

5. Conditions for Reinstatement. If the Licensee requests reinstatement, the Licensee shall bear the burden of presenting information showing that her license should be reinstated. In order to prove that her license should be reinstated, Licensee must provide the

Board with a written request for reinstatement. In addition, in Licensee's application for reinstatement, Licensee shall document compliance with the following:

CONDITIONS:

1. Licensee shall sign a release of information to the Board staff for all documentation, including, but not limited to, progress notes, psychological evaluations, diagnoses, and treatment plans from any physicians, psychiatrist, psychologists, counselors, or other mental health professionals seen during Licensee's suspension and shall, prior to the application for reinstatement, provide copies of all records and documentation from said providers. The submission shall be stamped as "confidential" for Board staff use only, subject to Court ordered disclosures or other disclosures required under law and regulations.

2. Upon request of the Board or Board staff, Licensee shall cause all her medical care providers to submit a report to the Board or a Board representative regarding the mental health status, treatment and prognosis in relation to Licensee's ability to safely practice as a nurse. The reports shall provide and/or address:
 - a) Verification that the professional has seen a copy of the Stipulation and Order;
 - b) Diagnosis and any treatment plan;
 - c) Licensee's ability to practice as a professional nurse;
 - d) Any other information which the reporter believes would assist the Board in its ultimate review of the case.

3. Licensee shall furnish a recommendation following a treatment plan as prescribed by Shelley L. Pederson-Sandbulte, Dakota Psychological Center, Sioux Falls, South Dakota, or with another therapist who is pre-approved by the Board, to be paid for by Licensee. All costs of the therapy will be paid by Licensee.

Following a minimum of three treatment sessions, a report will be made to the Board concerning Licensee's understanding of boundary issues as well as therapists' assessment of the development of these issues with Licensee so as to consider reinstatement of her license.

Before reinstatement, Pederson-Sandbulte or the other pre-approved therapist must prepare a report to the Board confirming that in the counselor's or therapist's unconditional opinion and evaluation, reinstatement of Licensee's license shall not present any danger of Licensee's inappropriate boundary violations in the future to a reasonable degree of psychological certainty and that the goals set forth for the treatment have been attained. The report shall also address:

- a) Verification that the therapist has seen a copy of this Stipulation and Order and the Board's investigative file;
 - b) Licensee's ability to practice as a professional nurse;
 - c) Diagnosis and any treatment plan;
 - d) Any other information which the therapist believes would assist the Board in its ultimate review of the case.
 - e) Any testing done with respect to Licensee's behavior as requested by the therapist;
 - f) Documentation of length, duration and frequency of the treatment and rehabilitation program, if any, with documentation of the hours of treatment.
4. Licensee will notify the Board in writing of any employment, including changes in employment within one (1) week.
 5. In the event Licensee should leave South Dakota to reside or practice outside the State, Licensee shall promptly notify the Board in writing of the new location as well as the dates of departure and return.
 6. Licensee shall arrange with a Board representative a pre-reinstatement meeting no sooner than forty-five (45) days and no later than fifteen (15) days prior to her application for reinstatement being heard at a Board meeting. It will be the obligation of the Licensee to schedule this meeting at such time and place as the designated Board representative would reasonably designate.

Furthermore, the Licensee will submit a self-evaluation report to the Board office. The report shall provide and/or address:

- a) Licensee's mistakes in judgment dealing with the particular case alleged;
 - b) Licensee's understanding of inappropriate boundary violations between nurses and patients;
 - c) Licensee's participation in a rehabilitation program, if one is undertaken;
 - d) Licensee's professional employment status;
 - e) Licensee's future professional goals for practice as a nurse;
 - f) What Licensee has learned about herself after counseling; and
 - g) Any other information which the Licensee believes would assist the Board in its ultimate review of the case.
7. Licensee shall at any time during the period of suspension, 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 suspension, and shall appear in person before the Board to petition for reinstatement.
 8. Licensee shall not violate any law or regulation regarding the practice of nursing.
 9. Licensee shall notify the Board, in writing, within one (1) week of any change in employment, personal address and/or telephone number.
 10. Licensee shall bear all Licensee's costs in carrying out the provisions of this Stipulation.

6. Nothing in this Stipulation should imply that the Licensee shall be reinstated, Licensee recognizes that the reinstatement terms as well as the requirements for reinstatement are at the sole discretion of the Board.

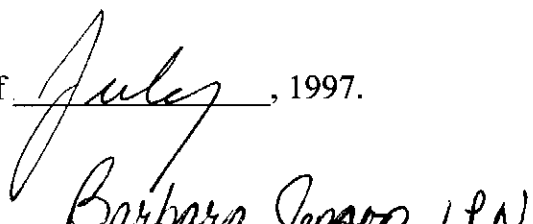
7. Additional Probation After Reinstatement. If the Licensee is reinstated, Licensee may be placed on probationary status for an additional period of reasonable

duration, terms and conditions which may be set by the Board in its discretion upon granting the reinstatement. Such terms and conditions may include practice restrictions, supervision, disclosures to future patients, and/or monitoring.

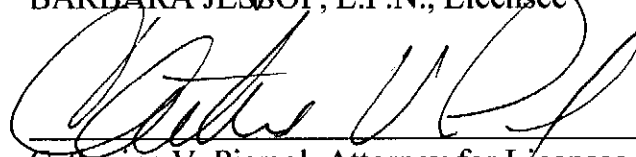
8. It is further stipulated and agreed that this Stipulation is being entered into voluntarily by the Licensee and without threats or coercion and is entered into after the Licensee has been given ample opportunity to consider these matters and to discuss this Stipulation with an attorney of Licensee's 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 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 15th day of July, 1997.



BARBARA JESSOP, L.P.N., Licensee



Catherine V. Piersol, Attorney for Licensee

The South Dakota Board of Nursing meeting on the 18th day of July,
1997, (approved)(rejected) the attached Stipulation and Voluntary Surrender Consent Order
(as written) (with the following modifications):

IT IS HEREBY ORDERED that the above Stipulation and Voluntary Surrender
Consent Order is adopted shown herein by the South Dakota Board of Nursing this 18th
day of July, 1997, by vote of 7-yes, 1-abstention

Diana Vander Woude
Diana Vander Woude, Executive Secretary