

SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE :

LICENSURE PROCEEDINGS :

RE: CATHERINE LANG, RN, :

License No. R-032503 :

VOLUNTARY SURRENDER

CONSENT ORDER

Licensee.

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WHEREAS, Catherine Lang, RN (“Licensee”), is licensed to practice as a registered nurse in the State of South Dakota and holds License Number R-032503; and

WHEREAS, on or about April 26, 2005, the South Dakota Board of Nursing staff (“Board staff”) received a complaint/self report letter from the Arizona Board of Nursing regarding the above Licensee for possible diversion of Percocet from Licensee’s employer, Banner Good Samaritan Medical Center in Phoenix, Arizona. This diversion occurred while Licensee was practicing in the remote state of Arizona under her South Dakota license. The Board staff commenced investigation. On June 16, 2005, an Informal Meeting was held between the Licensee and Board staff in which Licensee admitted taking the medications from the hospital. Board staff recommended that Licensee be mandated to the Health Professionals Assistance Program (“HPAP”) for a period of three years. Licensee agreed to this recommendation. The South Dakota Board of Nursing approved and accepted the recommendation for mandated HPAP on or about July 1, 2005. Since enrolling in the HPAP, Licensee, on or about August 4, 2005, was

reported to have diverted narcotics from the Rapid City Regional Hospital and violated the terms of mandated HPAP. Both HPAP and the hospital have filed complaints against said Licensee; and

WHEREAS, Licensee has agreed that she would surrender her South Dakota nursing license; 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, Licensee agrees that the matters under investigation would be 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, the Licensee agrees that she enters into this Voluntary Surrender Consent Order voluntarily and without duress or compulsion, in full understanding of the legal consequences of this document and her rights; therefore,

ITS 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 Voluntary Surrender Consent Order.
2. That on or about April 26, 2005, the South Dakota Board of Nursing staff (“Board staff”) received a complaint/self report letter from the Arizona Board of Nursing regarding the above Licensee for possible diversion of Percocet from Licensee’s employer, Banner Good Samaritan Medical Center in Phoenix, Arizona. This diversion

occurred while Licensee was practicing in the remote state of Arizona under her South Dakota license. The Board staff commenced investigation. On June 16, 2005, an Informal Meeting was held between the Licensee and Board staff in which Licensee admitted taking the medications from the hospital. Board staff recommended that Licensee be mandated to the Health Professionals Assistance Program ("HPAP") for a period of three years. Licensee agreed to this recommendation. The South Dakota Board of Nursing approved and accepted the recommendation for mandated HPAP on or about July 1, 2005. Since enrolling in the HPAP, Licensee on or about August 4, 2005, was reported to have diverted narcotics from the Rapid City Regional Hospital and violated the terms of mandated HPAP. Both HPAP and the hospital have filed complaints against said Licensee. The Licensee now intends to leave the profession of nursing as a registered nurse.

3. That the Licensee has been given an opportunity to discuss this Voluntary Surrender Consent Order with an attorney of Licensee's choice, and is aware of her right to a hearing in this matter, and of her 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 also agrees that the Board's Executive Secretary or her designee may present this Voluntary Surrender Consent Order 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 surrendered and the Board shall suspend said license for an indefinite period from the date of this Order. Licensee may apply to have her license reinstated for good cause shown.

5. That nothing in this Voluntary Surrender Consent Order 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.

6. That if the Licensee requests reinstatement, Licensee has the burden of presenting information showing that Licensee's license should be reinstated.

7. That it is further stipulated and agreed that this Voluntary Surrender Consent Order 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 Voluntary Surrender Consent Order with an attorney of Licensee's choice and that the Licensee has a full understanding of the legal consequences of this Voluntary Surrender Consent Order and of the Licensee's rights to a formal hearing on these matters, which rights are hereby waived by the signing of this Voluntary Surrender Consent Order.

8. That the Board may enter an Order consistent with the terms of this Stipulation.

NOW, THEREFORE, the foregoing Voluntary Surrender Consent 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.

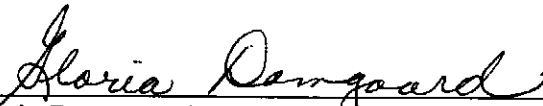
Dated this 17th day of August, 2005.


Catherine Lang, RN - License R-032503

The South Dakota Board of Nursing meeting on the 15th day of September 2005, (approved) (~~rejected~~) the attached Voluntary Surrender Consent Order (as written) (with the following modifications):

and issued its Order as follows:

IT IS HEREBY ORDERED that the above Voluntary Surrender Consent Order is adopted shown herein by the South Dakota Board of Nursing this 15th day of September 2005, by a vote of 10-0.


Gloria Damgaard, Executive Secretary
South Dakota Board of Nursing