

that Licensee's recovery was intact, but her role as a manager of a restaurant, and mandatory overtime, interfered with her compliance. On October 12, 2010, the Licensee wrote to the Board advising that she has decided to remove herself from HPAP and surrender her South Dakota Nursing License. Licensee was discharged from HPAP on October 26, 2010; and

WHEREAS, Licensee has agreed to surrender her 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,

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 Voluntary Surrender Consent Order.
2. That the Licensee, on or about February 2, 2007, was issued a Letter of Reprimand with a one year mandate into the Health Professionals Assistance Program

("HPAP"). On April 10, 2008, the South Dakota Board of Nursing ("Board") accepted a Voluntary Surrender Consent Order signed by the Licensee on January 29, 2008 arising out of her admitted diversion of propoxyphene. On May 28, 2009, the Licensee made a reinstatement request to the Board, and personally appeared before the Board on June 19, 2009, at which time the matter of Licensee's reinstatement was presented to the Board. The Licensee provided an evaluation report from HPAP dated June 11, 2009, with recommendations for reinstatement. On June 19, 2009, the Board reinstated the Licensee's license with probation. The terms and conditions of probation were set by HPAP. On September 15, 2010, the Licensee was issued a Letter of Concern regarding her non-compliance with HPAP in regards to call-ins during the previous quarter. HPAP reported that Licensee's recovery was intact, but her role as a manager of a restaurant, and mandatory overtime, interfered with her compliance. On October 12, 2010, the Licensee wrote to the Board advising that she has decided to remove herself from HPAP and surrender her South Dakota Nursing License. Licensee was discharged from HPAP on October 26, 2010, and now intends to leave the profession of nursing as a practical 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 Director 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 and her privilege to practice nursing pursuant to the Nurse Licensure Compact 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

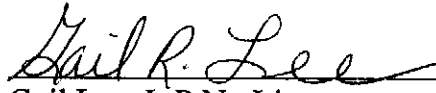
Voluntary Surrender Consent Order.

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

9. 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 1 day of Dec., 2010.

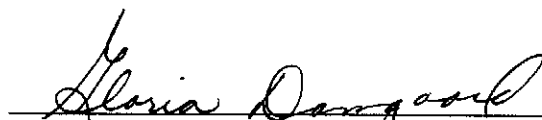


Gail Lee, L.P.N., Licensee

The South Dakota Board of Nursing meeting on the 19th day of Nov, 2010, approved the attached Voluntary Surrender Consent Order as written 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 9th day of Dec, 2010, by vote of 8-0.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, Executive Director