

SOUTH DAKOTA BOARD OF NURSING

0-0

IN THE MATTER OF THE LICENSURE  
PROCEEDINGS

RE: WENDY J. HOLTHE, RN, n/k/a  
WENDY J. HOLTHE-LOHAN, RN

License No. R032035

Licensee.

**ORDER OF REINSTATEMENT  
WITH MANDATED HPAP**

0-0

WHEREAS, Wendy J. Holthe-Lohan ("Licensee") is licensed to practice as a registered nurse in the State of South Dakota and holds license number R032035; and

WHEREAS, on April 27, 2009, the South Dakota Board of Nursing ("Board") accepted a Voluntary Surrender Consent Order that was signed by the Licensee, arising out of her diversion of Morphine, for her own use from her employer, Avera McKennan Hospital; and

WHEREAS, the Voluntary Surrender Consent Order suspended the Licensee's RN license for an indefinite period subject to a reinstatement request pursuant to SDCL § 36-9-57, as the Board in its discretion may determine; and

WHEREAS, the Licensee made a reinstatement request, in writing, received January 5, 2010, and personally appeared before the Board on February 26, 2010, at which time the matter of Licensee's reinstatement was presented to the Board. The Licensee presented documentation and letters supporting her reinstatement. The Board was also provided with an Evaluation Report from the Health Professionals Assistance Program ("HPAP") dated January 21, 2010. Char Skovlund of HPAP provided testimony and answered questions in regards to the HPAP

report and recommendations. Licensee also provided testimony and answered questions of the Board; and

WHEREAS, on February 26, 2010, the Board reinstated Licensee's registered nurse license and placed her on probationary status for a period of sixty (60) months of active practice as a registered nurse. As part of the probation, Licensee was mandated to continue participation in HPAP for a period of five years of active nursing practice with credit given for time already enrolled in HPAP; and

WHEREAS, on or about October 26, 2011, the Board was advised by HPAP that the work site monitor had expressed concerns regarding Licensee's lack of timeliness in documentation, concerns regarding confidentiality, and general work performance issues. It was reported that the Licensee was providing inconsistent information to her work site monitor and HPAP regarding her job performance, and was exhibiting poor judgment and problem solving. Licensee admitted to job stress and anxiety; and

WHEREAS, following an Informal Meeting with the Board of Nursing investigator on January 10, 2012, Licensee agreed to a psychological evaluation at the recommendation of her HPAP group therapist. Said evaluation was to clarify Licensee's situation and to provide recommendations for the future; and

WHEREAS, based on said evaluation, Licensee agreed that she would voluntarily surrender her South Dakota nursing license in order to address her issues. The Licensee signed the Voluntary Surrender Consent Order on March 12, 2012; and

WHEREAS, on March 15, 2012, The Board accepted the Voluntary Surrender Consent Order that was signed by the Licensee. Said Voluntary Surrender Consent Order suspended the Licensee's RN license for an indefinite period subject to a reinstatement request pursuant to SDCL § 36-9-57, as the Board in its discretion may determine; and

WHEREAS, the Licensee made a reinstatement request, in writing on or about January 8, 2016, at which time the matter of Licensee's reinstatement was presented to the Board. The Licensee submitted an evaluation report from HPAP evidencing her participation in the program and provided documentation outlining her current participation and monitoring in the program since March 2015. The Licensee has been in full compliance with all aspects of her participation agreement; and

WHEREAS, the Board has considered the Licensee's request, the documents submitted and being fully advised in the premises;

NOW THEREFORE IT IS HEREBY ORDERED:

1. That the Board has jurisdiction over the person of the Licensee and the subject matter of this Order.
2. That the Licensee's license to practice as a registered nurse in the State of South Dakota is hereby reinstated.
3. The Board hereby mandates Licensee's continued participation in HPAP.
4. All terms and conditions as well as clearance to return to employment and any restrictions on access to narcotics shall be set by the HPAP, and the Licensee shall fully comply with all of those terms and conditions.

5. Additionally, Licensee shall comply with the following conditions during the term of this order:

### CONDITIONS

1. Licensee shall at any time during the term of this order report in person to such meetings of the Board or to its designated representative as directed and otherwise fully cooperate with the Board or its representatives in terms of this order.

2. The Licensee shall notify the Board, as well as the HPAP, in writing, within one (1) week of any change in nursing employment, personal address, and/or telephone number.

3. Licensee shall pay for all costs and expenses in carrying out conditions of HPAP.

4. That within ten (10) days of the effective date of this order, Licensee shall be issued her RN license by the Board office.

5. During the term of this order, the Licensee is to immediately inform the Board of the outcome of any criminal charges presently or hereafter pending against the Licensee, and whether the Licensee has been convicted, pled no contest, *nolo contendere*, pled guilty to or been granted a deferred judgment or adjudication, suspended imposition of sentence with respect to a felony, misdemeanor or petty offense, other than minor traffic violations, that have not previously been reported to the Board.

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

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

8. The 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.

9. This order also affects Licensee's practice privilege to practice in South Dakota should Licensee change her home state under the Nurse Licensure Compact and Licensee's practice privilege is subject to the same requirements set forth in this order as her South Dakota license.

IT IS HEREBY ORDERED that the above Order of Reinstatement with Mandated HPAP was adopted by the South Dakota Board of Nursing on the 19<sup>th</sup> day of February, 2016, by a vote of 8-0.

SOUTH DAKOTA BOARD OF NURSING



---

Gloria Damgaard, RN, MS  
Executive Director