



on January 20, 1999, Licensee was granted an active and unencumbered license; and

WHEREAS, on January 22, 2002, following a relapse, the Board accepted a Voluntary Surrender Consent Order signed by the Licensee on December 22, 2001; and

WHEREAS, subsequent to said surrender, the Licensee, on April 11, 2003, was convicted on several counts of felony possession of a controlled substance by fraud. This conviction was followed by a DUI. A probation violation in 2006 resulted in jail time; and

WHEREAS, on April 27, 2009, the Licensee re-enrolled in HPAP and indicated a readiness to pursue nursing again; and

WHEREAS, the Licensee made a written reinstatement request to the Board dated October 30, 2009. The Licensee was enrolled in the RN refresher course through SDSU and successfully completed the program on June 15, 2010; and

WHEREAS, Licensee personally appeared before the Board on November 19, 2010, at which time the matter of Licensee's reinstatement was presented to the Board. The Licensee presented a letter of reference from the clinical supervisor of her employment as a chemical dependency counselor, a position she has held since December 1, 2009. The Board was also provided with an evaluation report from HPAP, dated November 1, 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, after said appearance on November 19, 2010, the Board issued its Order of Reinstatement with Probation for the Licensee. The Board mandated Licensee's participation in the HPAP program for a period of five years of nursing practice. Terms and conditions of the probation were to be established by HPAP. (See Order of Reinstatement with Probation as if set fully forth herein); and

WHEREAS, on or about January 26, 2011, the Board received a complaint that Licensee, while employed in a long term care facility, had allegedly diverted Ativan gel, a controlled substance, for her own use; and

WHEREAS, Licensee attended an informal meeting with Board of Nursing staff on June 10, 2011, and submitted a written statement; and

WHEREAS, following the informal meeting, Licensee's HPAP quarterly participation report showed non-compliance with failures to call in. After her telephonic quarterly review with HPAP, Licensee indicated that she was not willing to continue in the HPAP program and wanted to surrender her nursing license; and

WHEREAS, Licensee has agreed that she would surrender her South Dakota nursing license; 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, 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. In early April, 1996, the Licensee voluntarily refrained from practice as a registered nurse in the State of South Dakota while being investigated by the Board for a history of prescription drug abuse and diversion of Demerol from her then employer, Custer Community Hospital, between January and March of 1996.

After investigation of the Licensee and her completion of treatment at the Keystone Treatment Center, the Licensee and the Board entered into a Stipulation for Probation beginning April 11, 1996 and continuing for a period of three years of employment in nursing practice. Licensee resigned from her nursing position seven weeks after obtaining employment. The Board then transferred the Licensee to the HPAP program on September 9, 1996.

After three years of successful participation in the HPAP program it was determined that the Licensee had successfully completed her monitoring contract and on January 20, 1999 Licensee was granted an active and unencumbered license.

On January 22, 2002, following a relapse, the Board accepted a Voluntary Surrender Consent Order that was signed by the Licensee on December 22, 2001.

Subsequent to said surrender, the Licensee, on April 11, 2003, was convicted on several counts of felony possession of a controlled substance by fraud. This conviction was followed by a DUI. A probation violation in 2006 resulted in jail time.

On April 27, 2009, the Licensee re-enrolled in HPAP and indicated a readiness to pursue nursing again.

The Licensee made a written reinstatement request to the Board dated October 30, 2009. The Licensee was enrolled in the RN refresher course through SDSU and successfully completed the program on June 15, 2010.

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

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On or about January 26, 2011, the Board received a complaint that Licensee, while employed in a long term care facility, had allegedly diverted Ativan gel, a controlled substance, for her own use.

Licensee attended an informal meeting with Board of Nursing staff on June 10, 2011, and submitted a written statement.

Following the informal meeting, Licensee's HPAP quarterly participation report showed non-compliance with failures to call in. After her telephonic quarterly review with HPAP, Licensee indicated that she was not willing to continue in the HPAP program and wanted to surrender her nursing license.

Licensee has agreed that she would surrender her South Dakota nursing license.

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.

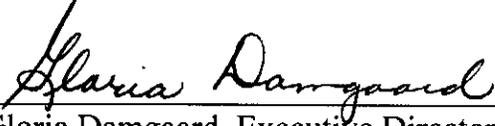
NOW, THEREFORE, the foregoing Voluntary Surrender Consent Order is entered into and is respectfully submitted to the Board with the request that the Board adopt its terms as an Order of the Board in the above matter.

Dated this 29 day of August, 2011.

  
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Mary Hutt Moliga, R.N.

The South Dakota Board of Nursing meeting on the 13<sup>th</sup> day of September 2011, 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 as shown herein by the South Dakota Board of Nursing this 13<sup>th</sup> day of September, 2011, by vote of 11-0.

  
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Gloria Damgaard, Executive Director  
South Dakota Board of Nursing