

SOUTH DAKOTA BOARD OF NURSING

**IN THE MATTER OF THE
LICENSURE PROCEEDINGS**

**RE: SHELLY EVANS MOREAU
License No. R-024457**

**STIPULATION FOR
PROBATION ORDER**

Licensee,

WHEREAS, the South Dakota Board of Nursing filed a formal Complaint against Shelly Evans Moreau, a registered nurse ("Licensee"), bearing license number R-024457, by the South Dakota Board of Nursing ("Board") because Licensee was discharged from Keystone Treatment Center in January, 2001, and signed a monitoring contract and entered the Health Professionals Assistance Program on February 10, 2001, which required a work-site monitor upon return to nursing or employment in any medically related agency, and Licensee had failed to attend aftercare, to contact the HPAP program director, or other treating professionals, to respond to letters or messages from HPAP, to make the required daily calls for notification of drug tests, to participate in AA/NA, or to fulfill her monitoring contract with HPAP. Licensee has failed to complete the monitoring contact; Further, Licensee began employment at Covington Heights Nursing Home in Sioux Falls, South Dakota, and failed to obtain a work-site monitor.

WHEREAS, Licensee was referred to the Healthcare Professionals Assistance Program but was terminated from that program on August 24, 2001, for noncompliance with the program pursuant to SDCL §36-2A-6 and 36-2A-11(2)

WHEREAS, such admitted conduct and alleged conduct, if proven, would be in violation of SDCL § 36-9-49(4),(7) and (10).

WHEREAS, following the filing of the Complaint, the Licensee contacted Board staff and met with Board staff and agreed to the following probation order,

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

WHEREAS, the South Dakota Board of Nursing (hereinafter "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 Licensee has requested the Board's Executive Secretary to present this Stipulation to the Board for action and recognize that the Board may approve this Stipulation, reject it, or modify it; and

WHEREAS, the Licensee has expressed a desire to resolve this matter without the necessity of additional formal disciplinary proceedings and hearings; and

WHEREAS, it is the intent of this Stipulation to provide for a settlement of the licensing issues presented by the Licensee's conduct, in a professional manner, without the necessity of further hearings and proceedings herein, and to provide for a responsible solution; 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. Licensee was discharged from Keystone Treatment Center in January, 2001, and signed a monitoring contract and entered the Health Professionals Assistance Program on February 10, 2001, which required a work-site monitor upon return to nursing or employment in any medically

related agency, and Licensee had failed to attend aftercare, to contact the HPAP program director, or other treating professionals, to respond to letters or messages from HPAP, to make the required daily calls for notification of drug tests, to participate in AA/NA, or to fulfill her monitoring contract with HPAP. Licensee has failed to complete the monitoring contact; Further, Licensee began employment at Covington Heights Nursing Home in Sioux Falls, South Dakota, and failed to obtain a work-site monitor.

3. The Licensee has been given an opportunity to discuss this Stipulation 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 voluntarily and without duress or compulsion. Licensee also agrees that the Board's Executive Secretary 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. Licensee's license to practice nursing is placed upon a probationary status for an indefinite period of active practice as a nurse and employment in nursing practice and with terms and conditions of the probation to be set by the Health Professionals Assistance Program, with which Licensee shall fully cooperate, and Licensee shall at any time during the period of probation, 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 probation. Licensee shall pay for all costs and expenses associated with HPAP.

5. If any condition of this probation is violated, the Licensee agrees that the Board may take such actions as the Board deems necessary up to and including a total and complete revocation of Licensee's licensing rights as a nurse in South Dakota.

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 23rd day of Oct., 2001.

Shelly Evans Moreau
SHELLY MOREAU, R.N.

The South Dakota Board of Nursing meeting on the 20th day of September, 2001,
(approved)(rejected) the attached Stipulation (as written) (with the following modifications):

and issued its order of probation consistent herewith as follows:

IT IS HEREBY ORDERED that the above Stipulation is adopted shown herein by the South Dakota Board of Nursing this 20th day of September, 2001, by vote of 8-yes; 0-no.

Diana Vander Woude
Diana Vander Woude, Executive Secretary