

WHEREAS, Licensee, prior to completing the conditions of her Order for Continued Probation, self reported to the Board that she had been arrested in October 2010 on a third offense DUI and had completed treatment. Licensee subsequently completed the reporting component of her probation. Licensee's case was presented to the South Dakota Board of Nursing on June 15, 2011; and

WHEREAS, as a result of this new information, the Board issued its Second Order for Continued Probation and mandated the Licensee into the Health Professionals Assistance Program ("HPAP"). Said Second Order for Continued Probation with Mandated HPAP is hereby incorporated as if fully set forth herein; and

WHEREAS, after said Second Order of Probation, the Licensee was compliant with the quarterly HPAP reports. However, by the fourth quarter of 2012, the Licensee's worksite monitors were reporting to HPAP that the Licensee was having significant medication administration errors and other practice concerns. The Board, in November 2012, as a result of the medication administration errors, increased the frequency of her probation reports to monthly, and mandated the Licensee to undergo a psychological evaluation. Licensee failed to show for her scheduled evaluation appointment; and

WHEREAS, on February 28, 2013, the Board required Licensee to sign a Voluntary Refrain and again mandated the psychological evaluation. The HPAP 2013

first quarter report indicated that the Licensee was out of compliance with HPAP due to a recent relapse of alcohol use; and

WHEREAS, on April 30, 2013, the Board received the Licensee's psychological evaluation which indicated that Licensee has a pattern of failure to take responsibility, ongoing alcohol problems, and also had psychological factors that interfere with her functioning as a nurse; 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. That on or about January 22, 2009, the Licensee entered into a Stipulation and Order for Probation with Remediation with the Board.

Licensee completed the remediation portion of her Stipulation and Order for Probation with Remediation within the allotted time. However, Licensee was not fully compliant with the reporting requirements of her probation, which resulted in the Board issuing an Order for Continued Probation on April 22, 2010, for a term of one year.

Licensee, prior to completing the conditions of her Order for Continued Probation, self-reported to the Board that she had been arrested in October 2010 on a third offense DUI and had completed treatment. Licensee subsequently completed the reporting component of her probation. Licensee's case was presented to the South Dakota Board of Nursing on June 15, 2011.

As a result this new information, the Board issued its Second Order for Continued Probation and Mandated the Licensee into the HPAP.

After said Second Order of Probation, the Licensee was compliant with the quarterly HPAP reports. However, by the fourth quarter of 2012, the Licensee's worksite monitors were reporting to HPAP that the Licensee was having significant medication administration errors and other practice concerns. The Board, in November

2012, as a result of the medication administration errors, increased the frequency of her probation reports to monthly, and mandated the Licensee to undergo a psychological evaluation. Licensee failed to show for her scheduled evaluation appointment.

On February 28, 2013, the Board required Licensee to sign a Voluntary Refrain and again mandated the psychological evaluation. The HPAP 2013 first quarter report indicated that the Licensee was out of compliance with HPAP due to a recent relapse of alcohol use.

On April 30, 2013, the Board received the Licensee's psychological evaluation which indicated that Licensee has a pattern of failure to take responsibility, ongoing alcohol problems, and also had psychological factors that interfere with her functioning as a nurse.

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

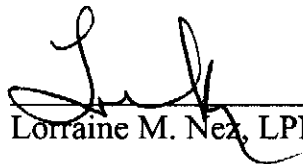
8. Licensee understands that during the period of this Voluntary Surrender that she is ineligible to work in any nursing role, including that of a nurse aide, nurse assistant, or medication assistant/aide.

9. This action is reportable discipline and will be published in the Board's newsletter and posted on its web site and reported into the National Practitioner Data Bank (NPDB) as required by law.

10. 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 3rd day of ~~June~~^{July}, 2013.

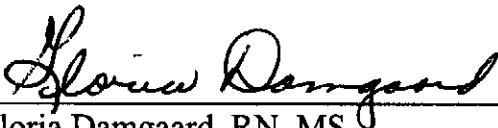


Lorraine M. Nez, LPN

Name of Document: Voluntary Surrender Consent Order
Licensee: Lorraine M. Nez, LPN

The South Dakota Board of Nursing meeting on the 30th day of May, 2013,
approved the attached Voluntary Surrender Consent Order as written by a vote of 7-0
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 12th day of
July, 2013.



Gloria Damgaard, RN, MS
Executive Director
South Dakota Board of Nursing