

Kenneth E. Opp
Stipulation and Order for Probation
Page 2

was granted probation for a period of five years. Said Order of Reconsideration of Sentence was entered by the court on July 7, 2004.

WHEREAS, Licensee's conduct as stated would be inconsistent with the health or safety of persons entrusted to his care and violates the rules and statutes regarding the practice of nursing and is in violation of SDCL § 36-9-49(2)(7) and (10); and

WHEREAS, Licensee recognizes that these matters are of a nature which would constitute grounds for discipline of his 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 as set forth in SDCL § 36-9, including the protection of the public from unsafe nursing practices and practitioners; and

WHEREAS, Licensee was personally present with his attorney at the Board's November 18, 2004, meeting at which time the matter of Licensee's situation was presented to the Board and the Licensee presented statements and answered questions of the Board; and

WHEREAS, 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 settlement of the issues presented by Licensee's conduct, in a professional manner, without the

Kenneth E. Opp
Stipulation and Order for Probation
Page 3

necessity of further hearings and proceedings herein, and to provide for a responsible solution; and

WHEREAS, the Board having considered such request for reinstatement, the testimony of the Licensee's statements, documents and orders, and being fully advised in the premises;

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 has admitted the facts of his conviction in Iowa and the terms and conditions of his Stipulation and Order dated August 11, 2004, with the Board of Nursing of the State of Iowa. The Licensee agrees his conduct violates SDCL § 36-9-49(2)(7) and (10) and that such conduct would be inconsistent with the health and safety of persons entrusted to his care and would violate provisions of the rules and statutes regulating the practice of nursing.
3. That the Licensee has been given the opportunity to discuss this Stipulation with an attorney of Licensee's choice and is aware of Licensee's right to have a hearing in this matter and of all rights under the United States and South Dakota's constitution, laws, rules and regulations. Licensee hereby voluntarily waives all such rights to a hearing, notice, appearance and any other rights under the constitution, laws, rules and/or regulations. The Licensee is entering into this Stipulation voluntarily and without duress or compulsion. Licensee also agrees

Kenneth E. Opp
Stipulation and Order for Probation
Page 4

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 the Licensee.

4. From the date of this Stipulation, Licensee's license is reinstated in the State of South Dakota and the Licensee's license to practice is placed upon a probationary status for an indefinite period, to run concurrent with the probation ordered by the Iowa District Court in Polk County on July 7, 2004. The probationary terms and conditions set by the Board shall be completely followed by the Licensee.

5. In addition, probationary terms and monitoring conditions shall be set by the Health Professionals Assistance Program ("HPAP"), and Licensee shall fully comply with these terms and conditions. The duration of the terms of probation as set by the HPAP shall not be less than time of probation ordered by the Iowa District Court in Polk County on July 7, 2004, and it is recognized that the Board may require additional probationary time or additional terms upon completion of HPAP. Additionally, Licensee shall comply with the following during his probation:

CONDITIONS:

1. Licensee shall sign a Participation Agreement and enroll with the Health Professionals Assistance Program ("HPAP").

Kenneth E. Opp
Stipulation and Order for Probation
Page 5

2. Licensee shall at all times 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.
3. Licensee shall provide verification of his employment.
4. Licensee shall notify the Board as well as the HPAP in writing within one week of any change in nursing employment, personal address and/or telephone number.
5. Licensee shall pay for all costs and expenses in carrying out any conditions of this probation.
6. That upon issuance of the reinstated license, the Licensee current renewal certificate to the Board will be stamped "PROBATION."
7. That the Licensee shall complete an educational module in ethics.
8. That the Licensee shall show proof of completion of the refresher course and any related practicum thereto that is necessary for the completion of the refresher course and demonstrate completion of employment hours related to the refresher course.
9. Notwithstanding anything in the Stipulation and Order to the contrary, should the Licensee be convicted of a felony, or violate conditions of the suspended sentence on felony charges in Iowa, this would be grounds for further discipline under SDCL § 36-9-49 either relating to the allegations which led to this

Kenneth E. Opp
Stipulation and Order for Probation
Page 6

probation or to any other actions or omissions of the Licensee, the Licensee agrees that the Board may take further action against Licensee's license, including, but not limited to, immediate suspension. The Licensee agrees to immediately inform the Board of the outcome of any criminal charges presently or hereafter pending against the Licensee.

10. If the Licensee violates any terms of this Agreement for Probation, the Licensee agrees that the Board may take such action against Licensee's license, as the Board deems necessary, up to and including an immediate suspension, additional probation terms, revocation, or other disciplinary action.

11. If the Licensee obtains a license issued solely or under joint regulatory powers by the Board, other than the license to which this Stipulation refers, at any time during the period of probation, the terms of this probation shall apply to the other or additional license issued by the Board.

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

13. Licensee shall not practice nursing in any state other than South Dakota, which is the 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.

14. This probation also affects Licensee's practice privileges to practice in South Dakota should Licensee change his home state under the Nursing

Kenneth E. Opp
Stipulation and Order for Probation
Page 7

Licensure Compact and Licensee's practice privilege is subject to the same requirements as set forth in this Order as his South Dakota license.

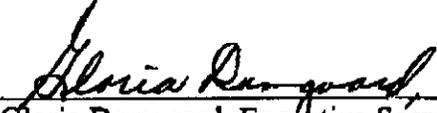
NOW, THEREFORE, the foregoing Stipulation is entered into and is respectfully submitted to the Board with the request that the Board adopt its terms as an order of the Board in the above matter.

Dated this 3rd day of December, 2004.

 Kenneth E. Opp RN - License R-012717
Kenneth E. Opp, RN - License R-012717

The South Dakota Board of Nursing meeting on the 18th day of November, 2004, approved this Stipulation as written and issues its order of probation consistent herewith.

IT IS HEREBY ORDERED that the above Stipulation is adopted as an Order of the South Dakota Board of Nursing this 18th day of November 2004, by vote of 9 yes 0 no.


Gloria Damgaard, Executive Secretary