

regarding Licensee's termination of employment and a complaint of alleged narcotic diversion by the Licensee while employed at an IHS facility in Montana. In addition, Licensee's quarterly reports from HPAP showed marked non-compliance with the terms and conditions set forth under her probation despite a recent verbal warning to Licensee from the Board of Nursing.

On October 26, 2005, Licensee, along with her attorney, appeared for an Informal Meeting with the Board of Nursing. (Minutes of said meeting are incorporated by reference as if fully set forth herein.); and

WHEREAS, Licensee has agreed that she would surrender her South Dakota nursing license; and

WHEREAS, the South Dakota Board of Nursing ("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,

ITS 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 February 22, 2001, Licensee had a conviction of a third offense driving under the influence of alcohol, a felony. In August, 2001, Licensee voluntarily refrained from practicing nursing and entered into the Health Professionals Assistance Program ("HPAP").

On April 18, 2002, Licensee appeared before the South Dakota Board of Nursing and requested reinstatement of her license. After her appearance, the Board, on April 18, 2002, entered an Order reinstating Licensee's license and placed her on probation for an indefinite period of active practice and employment as a nurse and with terms and conditions set by HPAP (said Order of Reinstatement with Probation is incorporated by reference as if fully set forth herein.)

On or about September 19, 2005, the Board of Nursing received information regarding Licensee's termination of employment and a complaint of alleged narcotic diversion by the Licensee while employed at an IHS facility in Montana. In addition, Licensee's quarterly reports from HPAP showed marked non-compliance with the terms and conditions set forth under her probation despite a recent verbal warning to Licensee from the Board of Nursing.

On October 26, 2005, Licensee, along with her attorney, appeared for an Informal Meeting with the Board of Nursing. (Minutes of said meeting are incorporated by reference as if fully set forth herein.) Licensee now intends to leave the profession of nursing as a registered 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 Secretary 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 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. 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 11 day of November, 2005.



Charlotte Price, R.N., Licensee

The South Dakota Board of Nursing meeting on the 7th day of February

6 Gloria Damgaard
2005 (approved) (rejected) the attached Voluntary Surrender Consent Order (as written)
(with the following modifications):

and issued its Order as follows:

IT IS HEREBY ORDERED that the above Voluntary Surrender Consent Order is
adopted shown herein by the South Dakota Board of Nursing this 7th day of February
2005, by vote of 8-0
GD

Gloria Damgaard
Gloria Damgaard, Executive Secretary
South Dakota Board of Nursing