

**SOUTH DAKOTA BOARD OF NURSING**

**RECEIVED**

**DEC 27 1999**

**SD BOARD OF NURSING**

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**IN THE MATTER OF THE  
LICENSURE PROCEEDINGS**

**RE: LEOLA BEAR RUNNER QUIVER,**

**STIPULATION AND ORDER**

**LPN, License No. P-007443**

**Licensee.**

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WHEREAS, LEOLA BEAR RUNNER QUIVER ("Licensee"), is a licensed LPN in the State of South Dakota and holds license number P007443; and

WHEREAS, Licensee has a history of chemical dependency and has had an evaluation for chemical dependency and a request for a mental health evaluation (which was never undertaken by Licensee) by Project Recovery in Pine Ridge, South Dakota, on March 31, 1999; and

WHEREAS, Licensee has admitted lapses in her recovery program for alcohol abuse during her employment at the Porcupine Clinic in Porcupine, S.D. and has previously been referred to the HPAP program in February, 1999; and

WHEREAS, because the Licensee failed to cooperate with the HPAP program and failed to follow through with the recommended evaluations to determine whether she is a public risk, HPAP has referred the Licensee back to the Board for disciplinary action; and

WHEREAS, such conduct, if proven, would be inconsistent with the health and safety of persons entrusted to Licensee's care, and violates the statutes, rules and regulations regarding the practice of nursing, and would be a violation of SDCL § 36-9-49(4), (5) and (10); and

WHEREAS, the Licensee recognizes and agrees that these matters are of such a nature which would constitute grounds for the discipline of Licensee's L.P.N. 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, in the event the Board, in its discretion, does not approve this settlement or a lesser remedy than indicated in this settlement, this Stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced by either party. Licensee agrees that if the Board rejects this Stipulation and this case proceeds to hearing, Licensee will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation or any of the records or information relating hereto; now, therefore,

IT IS HEREBY STIPULATED that the Board may enter its Order ordering as follows:

1. That the Board has jurisdiction over the person of the Licensee and the subject matter of this Stipulation.
2. Licensee has a history of chemical dependency and has had an evaluation for chemical dependency and a request for a mental health evaluation (which was never undertaken by Licensee) by Project Recovery in Pine Ridge, South Dakota, on March 31, 1999; Licensee has admitted lapses in her recovery program for alcohol abuse during her employment at the Porcupine Clinic in Porcupine, S.D. and has previously been referred to the HPAP program in February, 1999; Licensee failed to cooperate with the HPAP program and failed to follow through with the recommended evaluations to determine whether she is a public risk, HPAP has referred the Licensee back to the

Board for disciplinary action; and such conduct, if proven, would be inconsistent with the health and safety of persons entrusted to Licensee's care, and violates the statutes, rules and regulations regarding the practice of nursing, and be a violation of SDCL § 36-9-49(4), (5) and (10).

3. The Licensee has been given an opportunity to discuss this Stipulation and Order 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 and Order voluntarily and without duress or compulsion. Licensee also agrees that the Board's Executive Secretary or designee 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. That Licensee's L.P.N. license shall remain on active status so long as Licensee on or before December 27, 1999, contacts the HPAP program, enters into a monitoring agreement with HPAP, and complies with all requirements stipulated by HPAP. Licensee shall continue to have an active license provided Licensee has no further violations and Licensee complies with all requirements of the HPAP, which terms and conditions shall be set by the Health Professionals Assistance Program ("HPAP") so long as HPAP determines such conditions are necessary and which monitoring conditions shall be fully complied with by Licensee. After verification from the HPAP that Licensee has fully completed all monitoring terms, Licensee may petition the Board to eliminate this requirement. The duration of the probation shall be set by the HPAP. Licensee shall obtain the evaluations requested by HPAP, and at any time if such evaluations show Licensee is or may be a danger to herself or others, HPAP will report to the Board and the Board may take such other and

further necessary action, up to and including a revocation of Licensee's License. Additionally, Licensee shall comply with the following :

- (a) Licensee shall at any time during the period of this agreement and her monitoring by HPAP, 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 and the terms of this stipulation and order.
- (b) Licensee shall notify the Board, as well as the HPAP, in writing, within one week of any change of nursing employment, personal address and/or telephone number.
- (c) Licensee shall pay for all costs and expenses in carrying out any conditions of the probation.
- (d) Notwithstanding anything in this Stipulation and Order to the contrary, should the Licensee be convicted of a felony, which would be grounds for discipline under SDCL §36-9-49, either relating to the allegations herein 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. Licensee agrees to immediately inform the Board of the outcome of any criminal charges presently or hereafter pending against Licensee.
- (e) If Licensee violates any of the terms of this agreement or the HPAP monitoring contract, or fails to meet the deadlines specified herein, Licensee agrees that the Board may take action against Licensee's license, including, but not limited, to immediate suspension, probation terms, revocation, or other disciplinary action.
- (f) Should South Dakota enter into a multi-state compact, all provisions and conditions of this Stipulation shall carry over to any license or privilege to practice in South Dakota that the Licensee receives pursuant to said multi-state compact.

5. It is further stipulated and agreed that this Stipulation 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 Stipulation with an attorney of Licensee's choice and that the Licensee has a full understanding of the legal consequences of this Stipulation and of the Licensee's rights to a formal hearing on these matters, which rights are hereby waived by the signing of this Stipulation.

NOW, THEREFORE, the foregoing Stipulation and Order is entered into and is respectfully submitted to the Board in accordance with the request approved by the Board as described above.

Dated this 23<sup>rd</sup> day of December, 1999.

Leola Bear Runner Quiver  
LEOLA BEAR RUNNER QUIVER, Licensee

IT IS HEREBY ORDERED that the above was approved by the South Dakota Board of Nursing on the 3 day of February 2000, by vote of 10-yes; 0-no.

Diana VanderWoude  
Diana Vander Woude, Executive Secretary