

SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE LICENSURE :
PROCEEDINGS :

RE: ALANA N. ROGERS, L.P.N. : **STIPULATION AND ORDER**
: **FOR PROBATION**

License No. P009538, :

Licensee. :

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WHEREAS, Alana N. Rogers, L.P.N. (“Licensee”) is licensed to practice as a practical nurse in the State of South Dakota and holds license number P009538; and

WHEREAS, Licensee has admitted that on or about December 23, 2010, while working in a long term care facility in Colorado on her practice privilege, she failed to properly assess and follow up on a resident in whom she had placed a foley catheter to obtain a urine specimen. Licensee also admits to failure to document the procedure, any follow up, and her alleged consultation with other practitioners at the facility. Licensee agrees that such conduct violates SDCL §§ 36-9-45(5), (7) and (10), in that such conduct would be inconsistent with the health and safety of persons entrusted to her care and would violate provisions of the rules and statutes regarding the practice of nursing; and

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

WHEREAS, the South Dakota Board of Nursing (“Board”) has a statutory obligation to protect the 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, the Licensee has expressed a desire to resolve this matter without the necessity of additional formal disciplinary proceedings and hearings; and

WHEREAS, the Board has agreed to enter into a stipulation with the Licensee to provide for a settlement of the Licensee’s 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 has admitted that on or about December 23, 2010, while working in a long term care facility in Colorado on her practice privilege, she failed to properly assess and follow up on a resident in whom she had placed a foley catheter to obtain a urine specimen. Licensee also admits to failure to document the procedure, any follow up, and her alleged consultation with other practitioners at the facility. Licensee agrees that such conduct violates SDCL §§ 36-9-45(5), (7) and (10), in that such conduct would be inconsistent with the health and safety of persons entrusted to her care and would violate provisions of the rules and statutes regarding the practice of nursing.

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 of all rights under the United States and the South Dakota Constitution, law, rules, and/or regulations. Licensee hereby voluntarily waives all such right to a hearing, notice, appearance, or any other right under said Constitution, 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 director 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. The Licensee's nursing practice in the State of South Dakota and her privilege to practice pursuant to the Nurse Licensure Compact shall be placed on probation and the Licensee will be limited to practice in a single state only for the term of this probation.

5. That the Licensee's license to practice as a practical nurse in the State of South Dakota is placed on probationary status for a period of twelve (12) months of employment in nursing practice from the date of this Stipulation being approved by the Board, which probationary terms and conditions shall be completed by the Licensee as follows:

CONDITIONS

1. That the Licensee, during this year of probation, shall provide quarterly

written self reports and written employer reports to the Board as to her progress as an employee. The reports shall provide and/or address:

- A. Licensee's attendance and reliability;
 - B. Licensee's ability to practice professional nursing, including the exercise of clinical decision making and adherence to documentation standards;
 - C. Licensee's ability to carry out assigned functions, including Licensee's decision making, critical thinking, and ability to establish priorities in compliance with the facilities policies and procedures;
 - D. Licensee's ability to handle stress;
 - E. Number of hours Licensee worked during the reporting period;
 - F. Any other information which the supervisor believes would assist the Board in its ultimate review of this case; and
 - G. Any other information which the Licensee believes would assist the Board in its ultimate review of this case.
2. That the Licensee shall, at any time during the period of probation, report in person to such meetings of the Board or to its designated representative as directed and fully cooperate with the Board or its representative in the terms of this probation.
 3. Licensee shall not violate any law or regulations regarding the practice of nursing.
 4. Within ten (10) days of the effective date of this order, the Licensee shall

submit her current renewal certificate to the Board office to be stamped “PROBATION-SINGLE STATE”.

5. Licensee shall notify the Board, in writing, within one (1) week of any change in nursing employment, address, and/or telephone number.

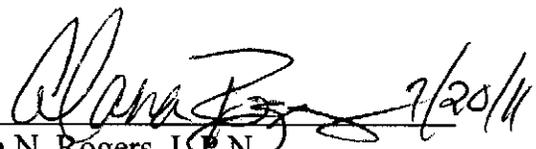
6. At the end of the twelve (12) months, the Licensee may petition the Board for closure of the probationary terms with successful completion of the terms as outlined in this Order.

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

8. Licensee understands that this is reportable discipline and will be published in the Board’s newsletter and posted on its website and reported in the Healthcare Integrity and Protection Data Bank (HIPDB) and National Practitioner Data Bank (NPDB) as required by law. As this is reportable discipline, Licensee understands that she is required to provide an affirmative response to inquiries of disciplinary action on further renewals and other nursing related inquiries.

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

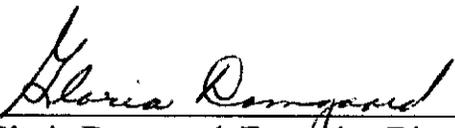
Dated this 20th day of ~~June~~ ^{July}, 2011.


Alana N. Rogers, L.P.N.

The South Dakota Board of Nursing, meeting on the 15th day of June, 2011,
approved the attached Stipulation as written and issues its Order of Probation consistent
herein by a vote of 9 - 0.

IT IS HEREBY ORDERED that the above Stipulation is adopted as an Order of
the South Dakota Board of Nursing this 25th day of July, 2011.

Dated this 25th day of July, 2011.


Gloria Damgaard, Executive Director