

letter from Licensee's employer, Fountain Springs Health Care, the Board did release Licensee from probation and mandated HPAP;

WHEREAS, on October 20, 2008, the Licensee pled guilty to possession of a controlled substance-Methadone (a class four felony) that occurred on or about May 27, 2008, while in employment as a registered nurse. Licensee was placed on three (3) years probation by the Court with terms and conditions as set forth by the Court Order; 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 as 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 the Licensee had been enrolled in the South Dakota Health Professionals Assistance Program (“HPAP”) beginning in 1998; and up until December 23, 2004, had been in full compliance with her HPAP monitoring.

On April 9, 2005, the South Dakota Board of Nursing (“Board”) ordered that the Licensee be placed on probationary status with mandated HPAP for a period of twelve (12) months. Probation was a result of unacceptable compliance with HPAP and a positive urine screen for Oxycodone and Propoxyphene without current prescriptions.

On August 23, 2006, the Licensee submitted a written request for release from her Order of Probation and mandated HPAP. On September 13, 2006, after considering said request, a report from HPAP supporting Licensee’s discharge, and a letter from Licensee’s employer, Fountain Springs Health Care, the Board did release Licensee from probation and mandated HPAP.

On October 20, 2008, the Licensee pled guilty to possession of a controlled substance-Methadone (a class four felony) that occurred on or about May 27, 2008, while employed as a registered nurse. Licensee was placed on three (3) years probation by the Court with terms and conditions as set forth by the Court Order, and 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 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. This action is reportable discipline and will be published in the Board's News Letter and posted on its web site and reported into the HIPDB and NPDB data banks as required by law.

9. 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 19th day of Dec, 2008.

Rose M Burckhard-Simons
Rose M. Burckhard-Simons, R.N., Licensee

The South Dakota Board of Nursing meeting on the 22nd day of Jan, 2009,
(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 22nd day of Jan,
2009, by vote of 8-0.

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