



## **FINDINGS OF FACT**

1. That Elizabeth M. Soholt is licensed to practice as a registered nurse in the State of South Dakota and holds license number R-034121.

2. That in November, 2005, Licensee received her registered nurse training through USD's online course offered in Rapid City, South Dakota.

3. Following licensure, the Licensee worked in Custer Hospital for less than ninety (90) days, Beverly Healthcare Center for six (6) months, a nursing home in New Underwood for less than three (3) months and West Hills Village Nursing Home for five (5) month, before taking a position with Nightingale Traveling Nurses.

4. The Licensee worked as a full time traveling nurse at Sage Memorial Hospital, Ganado, Arizona for a period of seven (7) months and later traveled to Brazosport Memorial Hospital in Lake Jackson, Texas, completing a thirteen (13) week travel contract.

5. On August 11, 2006, the South Dakota Board of Nursing ("Board") received a complaint from the West Hills Village regarding the Licensee making numerous medication errors of omission. These errors were made by Licensee.

6. Licensee was experiencing emotional and psychological problems during the time that the medication errors were made, including depression and pathological gambling.

7. Due to the issues identified, the Licensee, in February, 2007, entered into a Stipulation with the Board for Non-Disciplinary Monitoring with Remediation for a period of two (2) years.

8. The non-disciplinary monitoring included:

- a. Completion of three learning modules;
- b. Submission of self-reports to the Board on a quarterly basis; and
- c. Submission of psychological reports to the Board on a quarterly basis for one (1) year and every six (6) months the second year.
- d. The first quarterly report was due on May 1, 2007.

9. Licensee understood the terms of the non-disciplinary monitoring Stipulation.

10. Licensee completed the learning modules.

11. Licensee completed the self-reports, although failed to submit the first report in a timely manner.

12. Licensee did not submit psychological reports, pursuant to the Stipulation, for May, 2007, August, 2007, or November, 2007. Licensee submitted a letter dated December 3, 2007, from her psychologist indicating that she had not had psychotherapy for a period of one (1) year.

13. Licensee attended Gamblers Anonymous every other week while she was in Arizona. Licensee entrusted and made arrangements with a chemical dependency counselor within her Gamblers Anonymous group to supply a report to the Board.

14. Licensee was practicing in a remote area of Arizona with less than effective mail service or provider services.

15. Licensee admits to not following through with the psychological report requirements of her non-disciplinary monitoring agreement.

16. Licensee has had positive performance evaluations from Nightingale Traveling Nurses and is approved for hire by them pending the outcome of this matter.

17. Licensee is and has been in remission from depressive symptoms and is on a medication regime that is effective.

18. Licensee has had no recurrence of gambling behaviors since 2006.

From the following findings of fact, the Board draws the following:

### **CONCLUSIONS OF LAW**

1. That the Board has jurisdiction and authority over this matter pursuant to SDCL §§ 36-9-1.1 and 36-9-49.

2. That Licensee has provided the Board of Nursing proof that she is not a danger to the health and safety of persons entrusted to her care.

3. That Licensee should remain on non-disciplinary monitoring as previously agreed in order to monitor her emotional and psychological well being.

THEREFORE, let an order be entered accordingly:

### **ORDER**

Based on the Findings of Fact and Conclusions of Law, the South Dakota Board of Nursing hereby orders:

1. That the Licensee's license to practice as a registered nurse in the State of South Dakota is hereby reinstated.
2. That the Licensee shall be mandated to comply with the following terms for non-disciplinary monitoring:
  - A. That when Licensee resumes her nursing practice, that she is required to submit quarterly psychological reports to the Board for the first year and every six (6) months for the second year.
  - B. When Licensee resumes nursing practice, she is required to submit self-reports to the Board on a quarterly basis for a period of two (2) years.
3. That Licensee's non-compliance with the terms of the non-disciplinary monitoring will result in the immediate suspension of her RN license.

Dated this 17<sup>th</sup> day of February, 2008.

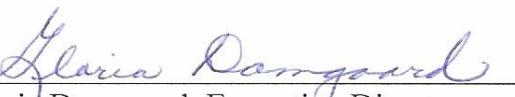
SOUTH DAKOTA BOARD OF NURSING

  
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Gloria Damgaard, Executive Director

The above Findings of Fact , Conclusion of Law, and Order of Reinstatement were adopted by the South Dakota Board of Nursing on this 30 day of January, 2008, by a vote of <sup>8</sup>~~7~~ yes, 0 nos, 3 absent.

Dated this 17<sup>th</sup> day of February, 2008.

SOUTH DAKOTA BOARD OF NURSING

  
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Gloria Damgaard, Executive Director