

SOUTH DAKOTA BOARD OF NURSING

0-0

IN THE MATTER OF THE LICENSURE :
PROCEEDINGS :

RE: ELIZABETH SOHOLT, R.N. :
License No. R-034121, :
Licensee. :

**ORDER OF
SUMMARY SUSPENSION AND
NOTICE OF HEARING**

0-0

WHEREAS, Elizabeth Soholt, R.N., (“Licensee”), is licensed to practice as a registered nurse in the State of South Dakota and holds license number R-034121; and

WHEREAS, on August 11, 2006, the South Dakota Board of Nursing received a written complaint from West Hills Village in Rapid City, alleging that the Licensee had made multiple medication errors. Specifically, on July 27, 2006, the Licensee had made twenty-six medication errors of omission. After receiving this complaint, the South Dakota Board of Nursing began an investigation.

An Informal Meeting was conducted with the Licensee at the South Dakota Board of Nursing office in Sioux Falls, South Dakota on November 1, 2006. Said minutes are hereby incorporated as if fully set forth herein.

At the Informal Meeting, Licensee admitted to these errors and presented psychological reports and information indicating that she was having emotion and psychological problems during this time, including major depression, pathological

gambling, and life stressors. She did not feel that she was functioning up to her full capacity at work, however, she had since joined Gamblers Anonymous, had her medications regulated, and was working with her therapist and support groups.

Following the Informal Meeting it was recommended that the Licensee enter into an informal, non-disciplinary, monitoring contract with the South Dakota Board of Nursing with remediation modules. Licensee agreed to this Stipulation which she signed in February, 2007.

As part of the two year monitoring agreement, Licensee was to submit psychological reports to the Board of Nursing on a quarterly basis for the first year and every six months for the second year. Licensee was also to submit self reports to the Board of Nursing on a quarterly basis for a period of two years. As of August 1, 2007, the Board of Nursing has not received and psychological reports from the Licensee. Licensee did submit one self report.

As a result of her non-compliance with the Agreement, a letter dated August 1, 2007, was sent to the Licensee as Licensee was unreachable by phone. The letter to Licensee was return as she was no longer living at her last known address in Arizona and had left no forwarding address.

On October 12, 2007, Licensee attempted to renew her South Dakota R.N. license on-line.

WHEREAS, based upon the affidavit of Andrew Albers and the above stated

conduct, the Board has concluded that the public health, safety and welfare requires emergency action, in that Licensee's actions may endanger the health and safety of those who are, or will be, entrusted to her care in the future; and

WHEREAS, the Board, has a statutory obligation to protect the health, safety and welfare set forth in SDCL §36-9, including the protection of the public from unsafe nursing practices and practitioners.

NOW THEREFORE IT IS HEREBY ORDERED:

1. That the Board has jurisdiction of the Licensee and the subject matter of this Order.
2. That based on the above, the Board specifically finds that the public health, safety and welfare require emergency action against Licensee's license.
3. That based on the above, the Board specifically finds that the Licensee's actions endanger the public health, safety and welfare, and imperatively requires emergency action in that Licensee may endanger the health and safety of those persons who are or will be entrusted to her care in the future and that these are matters of a nature that would constitute further grounds for discipline of her license to practice nursing under SDCL § 36-9-49.
4. Based upon these findings, Licensee's license to practice nursing in South Dakota is hereby summarily suspended. Licensee may petition according to SDCL § 36-

9-57 for reinstatement of her license at any time for "good cause". This Order also affects licensee's privilege to practice in South Dakota. Should licensee change her home state under the Nurse Licensure Compact, then licensee's practice privilege is subject to the same requirements as set forth in this order as her South Dakota license.

5. That Licensee shall turn in her license to the Board within ten (10) days from the date of this Order and it shall be kept by the Board until further action on this matter.

6. Licensee is hereby notified that any practice of or holding herself out as a Registered nurse during the terms of this Order of Summary Suspension is a violation of SDCL § 36-9-68.

The South Board of Nursing at its meeting on the 2nd day of November, 2007, approved this Order of Summary Suspension as written without modifications and issues its Order of Summary Suspension consistent herein as follows:

IT IS HEREBY ORDERED that the above is adopted as an Order of the South Dakota Board of Nursing this 2nd day of November, 2007, by a vote of

9-0.

SOUTH DAKOTA BOARD OF NURSING


Gloria Damgaard, Executive Director

NOTICE OF HEARING

The South Dakota Board of Nursing ("Board") pursuant to SDCL §§ 1-26-16, 1-26-27, and 1-26-29, hereby provides this Notice of Hearing to Elizabeth Soholt, RN, License No. R-034121 ("Licensee") as follows:

1. Hearing on the Order of Summary Suspension will take place before the Board on January 30, 2007, at 9 o'clock p.m. at 4305 S. Louise Avenue, Suite 201 in Sioux Falls, South Dakota.

2. This matter is an adversarial proceeding and Licensee has the right to be present at the hearing and to be represented by an attorney. These due process rights will be forfeited if they are not exercised at the hearing.

3. Licensee has a right to request that the agency use the Office of Hearing Examiners for this proceeding by giving notice of the request to the Board no later than ten (10) days after the service of this Notice of Hearing on Order of Summary Suspension.

4. A decision issued by the Board after the hearing may be appealed to the circuit court and to the state Supreme Court as provided by law.

Dated this 13th day of November, 2007.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, Executive Director