May 14, 1998

Patti Thomas, RN
344 E Custer
Rapid City, SD 57701

Dear Patty,

At the recent meeting of the South Dakota Board of Nursing conducted on April 16-17, 1998, the Board considered your closure of probation as defined in your Stipulation and Order, dated September 15, 1993.

After review of your progress, the Board determined that you successfully completed the requirements of the probationary period and approved closure of the disciplinary action against your license effective April 16, 1998. You may return your SD current renewal certificate stamped "probation", and we can reissue a "clean" certificate to you, if you desire. Otherwise, an unexpired certificate will be issued to you when you renew your license.

On behalf of the Board of Nursing, I wish you well in your future nursing career. Best regards!

Sincerely,

Diana Vanden Woude, RN, MS
Executive Secretary
SOUTH DAKOTA BOARD OF NURSING

IN THE MATTER OF THE LICENSURE PROCEEDINGS

RE: PATRICIA K. THOMAS, R.N.,
a/k/a PATTY THOMAS, R.N.,
License No. R025672,
Licensee.

WHEREAS, Patricia K. Thomas, R.N., aka Patty Thomas, R.N. ("Licensee"), is licensed to practice as a registered nurse in the State of South Dakota and holds License number R025672; and

WHEREAS, allegations have been made that on or about January 6, 1993, at approximately 4:30 a.m. while employed at Rapid City Regional Hospital in Rapid City, South Dakota, Licensee made a medication error by injecting Morphine 10 mg instead of an ordered drug Demerol 10 mg into an IV tubing of a five-year old patient, Adam Tucker, and Licensee had placed the narcotic Morphine in an unlocked patient's drawer approximately four hours earlier in the evening, rather than wasting the drug at a time when it was determined not to administer it; and that the Morphine was improperly documented on the controlled substance administrative record as having been wasted when in fact it was at least in part administered; that upon discovery of the medication error, although Licensee took action to clear the IV tubing of any remaining narcotics, Licensee did not remain with the patient, perform an ongoing assessment and evaluation of the patient, contact any physicians, or discuss the administration of Narcan as an antidote to the Morphine, despite the fact that Licensee knew or should have
known of the life-threatening nature of the medication error, and that Licensee, in her shift-change report, failed to report the medication error and that at approximately 7:40 a.m. on January 6, 1993, a "Code Blue" was called on the patient Adam Tucker, but Licensee failed to communicate the medication error to the attending physician or anyone else during the "Code Blue," and that before leaving her shift on January 6, 1993, Licensee failed to document the medication error in her nursing notes and failed to document assessment intervals following the medication error, and that Licensee made no entries in the nursing notes of patient, Adam Tucker, before Licensee left her shift for the period following midnight of January 6, 1993, and that entries were not made until she was called back to Rapid City Regional Hospital approximately ten hours after she left the hospital, and that Adam Tucker subsequently died with the autopsy stating that the cause of death was "anoxic encephalopathy due to cardiorespiratory arrest due to Morphine administration," and that Licensee did not appropriately safeguard the health and safety of the patient, act in response to, or otherwise appropriately act in a manner required under SDCL 36-9-49, in violation of SDCL 36-9-49(5), (7), and (10) and ARSD 20:48:04:01; and Licensee did not properly perform the nursing responsibilities as required under Section 4.2 of the Standards of Practice and Professional Code of Behavior of the American Nurses Association pursuant to ARSD 20:48:04:01, and that Licensee's conduct was inconsistent with the health or safety of the persons entrusted to Licensee's care, and violates the statutes and rules.
regulating the practice of nursing, and was grossly unprofessional and incompetent; and the Licensee has agreed to voluntarily surrender her nursing license under the terms and conditions hereof; and

WHEREAS, by entering into a stipulated agreement to resolve these allegations, Licensee is not admitting the truth of the allegations; and

WHEREAS, the Licensee recognizes and agrees that these matters, if true, are of a nature which would constitute grounds for the discipline of her license to practice nursing in South Dakota under SDCL § 36-9-49(5), (7) and (10); and

WHEREAS, the South Dakota Board of Nursing (herinafter "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, the Licensee has requested the Board's Executive Secretary to present this Stipulation to the Board for action and recognize that the Board may approve this Stipulation, reject it, or modify it; and

WHEREAS, in the event the Board, in its discretion does not approve this settlement or a lesser resolution 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 the case proceeds to hearing, Licensee will assert

STATE OF SOUTH DAKOTA

MICROFILM CERTIFICATE OF AUTHENTICITY

THIS IS TO CERTIFY THAT THE MICROGRAPHIC IMAGE APPEARING ON THIS SIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SECTION 1-27-4 OF THE SOUTH DAKOTA CODED LAWS. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF ADMINISTRATIVE RULES OF SOUTH DAKOTA 10-34-01 AND 1601-10 FOR MICROGRAPHIC REPRODUCTIONS.

[Signature]
[Date: 25-6-1977]
[City: Aberdeen]
[State: South Dakota]
no claim that the Board was prejudiced by its review and discussion of this Stipulation or of any of the records or information relating hereto; and

WHEREAS, a complaint has been filed against Licensee and a hearing examiner appointed, but the Licensee has expressed a desire to resolve this matter without the necessity to complete formal disciplinary proceedings and hearings; and

WHEREAS, it is the intent of this Stipulation to provide for a settlement of the licensing issues presented in a professional manner, without the necessity of further hearings and proceedings herein, to resolve the complaint against Licensee with no further involvement of the hearing examiner, 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 admits that during the term of her employment at Rapid City Regional Hospital in Rapid City, South Dakota, she made a medication error by injecting Morphine 10 mg instead of an ordered drug Demerol 10 mg into an IV tubing of a five-year old patient, Adam Tucker. In addition, allegations have been made as described above, and that Licensee did not appropriately safeguard the health and safety of the patient, act in response to, or otherwise appropriately act in a manner required under SDCL 36-9-49, in violation of SDCL 36-9-49(5), (7), and (10) and ARSD 20:48:04:01; and Licensee did not properly perform the nursing
responsibilities as required under Section 4.2 of the Standards of Practice and Professional Code of Behavior of the American Nurses Association pursuant to ARSD 20:48:04:01, and that Licensee's conduct was inconsistent with the health or safety of the persons entrusted to Licensee's care, and violates the statutes and rules regulating the practice of nursing, and was grossly unprofessional and incompetent; and the Licensee has agreed to voluntarily surrender her nursing license under the terms and conditions hereof.

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 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 voluntarily and without duress or compulsion. Licensee also agrees that the Board's Executive Secretary 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. Licensee's license to practice nursing shall be suspended for an indefinite period subject to reinstatement as described below. Licensee shall within ten days of the date of this Order, furnish her license to the South Dakota Board of Nursing along with any renewal documentation or renewal certificate. Licensee may apply to have her license reinstated after January 1, 1996.
following completion of the terms and conditions set forth in paragraph 5 below. Licensee shall not be required to pay a renewal fee during the period of suspension.

5. Conditions for Reinstatement. If the Licensee requests reinstatement, the Licensee shall bear the burden of presenting the information showing that her license should be reinstated following January 1, 1996, described in paragraph 4 above. In order to prove that her license should be reinstated, Licensee must provide the Board with a written request for reinstatement, and shall personally appear before the Board at the time of the request for reinstatement.

In addition to Licensee’s application for reinstatement, Licensee shall document compliance with the following:

1) Licensee will notify the Board of any employment, including changes in employment.

2) Licensee shall arrange with the Board staff a pre-reinstate-ment meeting no sooner than forty-five (45) days and no later than fifteen (15) days prior to her application for reinstatement being heard at a Board meeting. It will be the obligation of the Licensee to schedule this meeting at such time and place as the Board staff would reasonably designate.

Furthermore, the Licensee will submit a self-evaluation report to the Board office prior to the application for reinstatement. The report shall provide and/or address:

a) Nursing ethics and the requirements that the nurse acts to safeguard the client and the public when health care and safety are affected by incompetent, unethical or illegal practice by any person, and nursing responsibility and accountability; and

b) Licensee’s future professional goals for nursing;

c) Any other information which the Licensee believes would assist the Board in its ultimate review of the case.
References/resources utilized in the report shall be documented.

3) In addition, if Licensee has seen any psychiatrists, psychologists, during the period of her suspension, they shall submit a report regarding Licensee's mental health status, treatment, and prognosis in relation to Licensee's ability to safely practice as a nurse including:

a) Verification that the mental health professional has seen a copy of this Stipulation and Order;

b) Diagnosis and treatment plan;

c) Current stability on Licensee's medications, if any;

d) Licensee's ability to practice as a professional nurse;

e) Any other information which the reporter believes would assist the Board in its ultimate review of the case.

4) Licensee shall at any time during the period of suspension, upon reasonable notice and stated reasons, 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 in the terms of this suspension, and shall appear in person before the Board to petition for reinstatement.

5) Licensee shall provide documentation of completing a refresher course approved by the Board within the six-month period prior to her request for reinstatement. The refresher course shall include theory and clinical components. Documentation shall include written objectives, instructors' qualifications in the subject, such as education and experience; method used to evaluate learning; written statement of participation provided by the instructor or a designee; and written evidence of successful completion. The refresher course shall be pre-approved by the Board or its representatives, and shall be completed no later than the date of the request for reinstatement, and no earlier than six (6) months prior to the date of the request for reinstatement.

6) Licensee shall not violate any law or regulation regarding the practice of nursing.

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

8) Licensee shall bear all Licensee's costs reasonably incurred in carrying out the provisions of this Stipulation.
6. **Additional Probation After Reinstatement.** If the Licensee is reinstated, Licensee will be placed on probationary status for an additional period of twenty-four (24) months employment in nursing practice from the date of the reinstatement being approved by the Board, with the following probationary terms and conditions to be completely followed by the Licensee as follows:

1. Licensee will notify the Board of any employment in the healthcare field, including changes in employment. Furthermore, the Licensee will inform any current or prospective employer with whom she seeks employment as a nurse, as to the fact that she is on probation, and would further agree that any such employer would, during the first year of probation, be required to provide quarterly reports to the Board as to her progress as an employee, and during the balance of the probationary period provide reports on a basis of every six (6) months. The reports shall provide and/or address:

   a. In the first report, evidence that Licensee's supervisor has received a copy of the order within ten days of service or within ten days Licensee beginning a new employment;
   
   b. Licensee's attendance and reliability;
   
   c. Licensee's ability to practice professional nursing;
   
   d. Licensee's ability to carry out assigned functions, including clinical judgment, decision-making, and critical-thinking skills and crisis management;
   
   e. Licensee's ability to handle stress;
   
   f. Number of hours Licensee worked during the reporting period;
   
   g. Any other information which the supervisor believes would assist the Board in its ultimate review of the case.

2. That the Licensee shall not be employed by a temporary agency.

3. Licensee shall observe the following employment restrictions:
a. May not hold a charge or supervisory position for one year from the date of reinstatement;

b. May only practice under on-site supervision of a registered nurse in good standing with the Board, or a medically-trained person approved in advance by the Board, for a minimum of one year.

4. Licensee shall arrange with the Board staff probationary meetings once every quarter for the first year and once every six (6) months for the balance of the probationary period, which may be by telephone. It will be the obligation of the Licensee to schedule these meetings at such time and place as the Board staff would reasonably designate.

The Licensee will submit a self-evaluation report to the Board office every six (6) months during the probation. The report shall provide and/or address:

a. Licensee's ability to manage patient care, including the ability to set priorities, apply clinical judgment and critical-thinking skills, ethical decision-making and management of patient crises.

b. Licensee's professional employment status, including employer support, peer support, ability to handle stress; and

c. Licensee's future professional goals for nursing;

d. Any other information which the Licensee believes would assist the Board in its ultimate review of the case.

5. Licensee shall provide documentation of completing twenty (20) contact hours of continuing education in nursing ethics, the Code for Nurses with Interpretive Statements, or other coursework which relates to the alleged violations during the eighteen (18) months following her reinstatement. Documentation shall include written objectives; instructors' qualifications in the subject, such as education and experience; method used to evaluate learning; written statement of participation provided by the instructor or a designer; and written evidence of successful completion. The continuing education activity shall be pre-approved by the Board or its representatives.

6. Licensee shall not violate any law or regulation regarding the practice of nursing.

7. Within ten (10) days of the effective date of the order of reinstatement, the Licensee's renewal certificate will be returned and stamped "probation."
8. Licensee shall notify the Board, in writing, within one (1) week of any change in nursing employment, personal address and/or telephone number.

9. If any condition of the probation is violated, the Licensee agrees that the Board may take such actions as the Board deems necessary up to and including a total and complete revocation of her licensing rights as a nurse in South Dakota.

10. Licensee shall execute all release of information forms as may reasonably be required by the board or its designee.

11. Licensee shall pay for all Licensee's costs and expenses in carrying out any conditions of the probation.

12. Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, they must first be approved by the Board. If Licensee fails to receive such approval, none of the time spent out-of-state will be credited to the fulfillment of the terms and conditions of this Order.

13. In the event that the Licensee does not work in nursing within two (2) years of the effective date of the Order of reinstatement, Licensee may, at Licensee's option, petition the Board for re-evaluation of the probationary conditions.

14. Licensee shall at any time during the period of probation, 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 in the terms of this probation.

7. 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.

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STATE OF SOUTH DAKOTA

MISUOFLM CERTIFICATE OF AUTHENTICITY

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[Signature]

[Signature]

[Date]

[Name]
NOW, THEREFORE, the foregoing Stipulation 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 15th day of September, 1993.

Patricia Thomas
Patricia K. Thomas, R.N.,
aka Patty Thomas, R.N., Licensee

The South Dakota Board of Nursing meeting on the 15th day of September, 1993, (approved)(rejected) the attached Stipulation (as written) (with the following modifications):
and issued its order of probation consistent herewith as follows:

IT IS HEREBY ORDERED that the above Stipulation is adopted shown herein by the South Dakota Board of Nursing this 15th day of September, 1993, by vote of 7-yes, 3-abstentions.

Diana Vander Woude RN, MS
Diana Vander Woude, Executive Secretary