



a single state RN license only with continued HPAP as adopted by the Board. The Order was adopted on April 17, 2015; and

WHEREAS, the Licensee was compliant with all of the terms and conditions of HPAP and maintained employment; and

WHEREAS, in December 2015, Licensee tested positive for Tramadol. HPAP was not aware of this prescription and Licensee, thus, was non-compliant with his Participation Agreement for not notifying HPAP within 24 hours; and

WHEREAS, on June 3, 2016, Licensee had a positive drug screen for Oxycodone for which he had no prescription. Based on that, Licensee signed a Voluntary Refrain from Practice; and

WHEREAS, on or about July 19, 2016, HPAP notified the Board of Licensee's unsuccessful discharge from HPAP; and

WHEREAS, 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, Licensee agrees that the matter as reported would be of a nature that would constitute grounds for the discipline of his license to practice nursing in South Dakota under SDCL § 36-9-49; and

WHEREAS, the Licensee agrees that he enters into this Voluntary Surrender Consent Order voluntarily and without duress or compulsion, in full understanding of the legal consequences of this document and his rights; 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 Voluntary Surrender Consent Order.

2. That on or about January 24, 2014, the Board accepted a Voluntary Surrender Consent Order signed by the Licensee on January 15, 2014, arising out of his diversion of controlled substances from his employer's facility for his own use.

The Voluntary Surrender Consent Order suspended the Licensee's then CRNA license for an indefinite period subject to a reinstatement request pursuant to SDCL § 36-9-57 as the Board in its discretion may determine.

The Licensee made a reinstatement request dated March 30, 2015, which was presented to the Board on April 17, 2015. Licensee provided documentation supporting his request and also provided documentation from the HPAP, supporting the Licensee's request.

The Board, having considered the Licensee's request, the statements and documents provided by the Licensee, previous orders, and the HPAP report, granted the Licensee a single state RN license only with continued HPAP as adopted by the Board. The Order was adopted on April 17, 2015.

The Licensee was compliant with all of the terms and conditions of HPAP and maintained employment.

In December 2015, Licensee tested positive for Tramadol. HPAP was not aware of this prescription and Licensee, thus, was non-compliant with his Participation Agreement for not notifying HPAP within 24 hours.

On June 3, 2016, Licensee had a positive drug screen for Oxycodone for which he had no prescription. Based on that, Licensee signed a Voluntary Refrain from Practice.

On or about July 19, 2016, HPAP notified the Board of Licensee's unsuccessful discharge from HPAP.

The Licensee agrees that he will surrender his South Dakota RN nursing license at this time 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 his right to a hearing in this matter, and of his 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 his 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, pursuant to SDCL § 36-9-57, to have his 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. Licensee understands that during the period of this Voluntary Surrender that he is ineligible to work in any nursing role, including that of a nurse aide, nurse assistant, or medication assistant/aide.

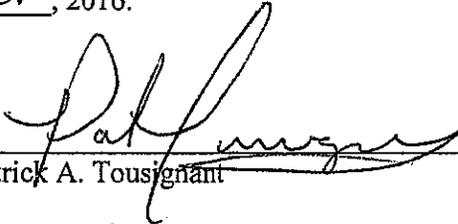
9. This action is reportable discipline and will be published in the Board's newsletter and posted on its website and reported into the National Practitioner Data Bank (NPDB) as required by law.

10. 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.

Voluntary Surrender Consent Order  
Licensee: Patrick A. Tousignant, RN

Dated this 4<sup>th</sup> day of October, 2016.

  
Patrick A. Tousignant

The South Dakota Board of Nursing met on the 8<sup>th</sup> day of September, 2016, and approved the above Voluntary Surrender Consent Order as written by a vote of 7-0 and issued its Order as follows:

IT IS HEREBY ORDERED that the above Voluntary Surrender Consent Order is adopted as shown herein by the South Dakota Board of Nursing this 6<sup>th</sup> day of October, 2016.

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