

SOUTH DAKOTA BOARD OF NURSING

**RECEIVED
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SD BOARD OF NURSING**

**IN THE MATTER OF THE
LICENSURE PROCEEDINGS
RE: DARLA WILSON, LPN**

STIPULATION AND ORDER

**License No. P-003481
Licensee.**

WHEREAS, DARLA WILSON, L.P.N., ("Licensee"), holds a license to practice as a licensed practical nurse in the State of South Dakota (License number P-003481); and

WHEREAS, Licensee has admitted to committing medication errors with documentation errors and failing to properly dispose of a controlled substance during her employment at the Bethesda Home and Therapy Service in Beresford, South Dakota, specifically on April 28, 2004, and Licensee has also been in the Health Professionals Assistance Program ("HPAP") since November, 2001. Licensee agrees such conduct violated SDCL 36-9-49 (5),(7) and (10), in that such conduct would be inconsistent with the health and safety of persons entrusted to her care, would violate provisions of the rules and statutes regulating the practice of nursing, and would be unprofessional.

WHEREAS, the Licensee recognizes that these matters, 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; and

WHEREAS, the South Dakota Board of Nursing (hereinafter "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discretion, does not approve this settlement or a lesser remedy than indicated in this settlement, this Stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced by either party.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 this case proceeds to hearing, Licensee will assert no claim that the Board was prejudice by its review and discussion of this Stipulation or any of the records or information relating hereto; and

WHEREAS, the Licensee has expressed a desire to resolve this matter without the necessity of additional formal disciplinary proceedings and hearings; and

WHEREAS, it is the intent of this Stipulation to provide for a settlement of the licensing issues presented by the Licensee's conduct, in a professional manner, without the necessity of further hearings and proceedings herein, 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 has admitted to committing medication errors with documentation errors and failing to properly dispose of a controlled substance during her employment at the Bethesda Home and Therapy Service in Beresford, South Dakota, specifically on April 29, 2004, and Licensee has also been in the Health Professionals Assistance Program ("HPAP") since November, 2001. Licensee agrees such conduct violated SDCL 36-9-49 (5),(7) and (10), in that such conduct would be inconsistent with the health and safety of persons entrusted to her care, would violate provisions of the rules and statutes regulating the practice of nursing, and would be unprofessional.

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 is placed upon a probationary status for a period of twenty-four (24) months of employment in nursing practice from the date of this Stipulation being approved by the Board, which probationary terms and conditions shall be completely followed by the Licensee and which probationary terms and conditions shall be set by the HPAP and which monitoring conditions shall be fully complied with by Licensee. Specifically, in addition to all other conditions as set by HPAP which shall include a modified HPAP Agreement, Licensee must also follow all the following terms and conditions:

CONDITIONS:

1. The Licensee will not have access to narcotic keys or administer controlled substances for at least a minimum of six (6) months from the date her modified HPAP agreement is signed. At the end of the six months, compliance with the HPAP monitoring contract will be reviewed by the HPAP Director and Board of Nursing to determine whether this condition shall be modified so that Licensee may have access to narcotic keys or administer controlled substances.
2. Licensee shall not be employed by a temporary agency.
3. A report shall be submitted by any and all physicians and/or dentists or other health care professionals with prescribing authority who have prescribed mood-altering chemicals for the

Licensee during the period of probation. A report is due within 30 days of the prescription and shall provide and/or address

a) The name, dosage, frequency and purpose for the mood-altering chemical prescribed for Licensee

b) Confirmation that the reporter has been informed of Licensee's chemical dependency history; and

c) 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 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.

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

6. Licensee shall execute all release of information forms as may be required by the Board or its designee.

7. Within ten (10) days of the effective date of the order, Licensee shall submit her current renewal certificate to the Board office to be 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. Licensee shall abstain completely from the personal use of alcoholic beverages or the personal use or possession of controlled substances as defined in South Dakota law, and dangerous drugs as defined by law, or any drugs requiring a prescription, except as otherwise provided herein.

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

11. 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 prior to leaving the state. If Licensee fails to receive such approval before leaving the state, none of the time spent out-of-state will be credited to the fulfillment of the terms and conditions of this Order.

12. If Licensee obtains a license issued solely or under joint regulatory powers by the Board, other than the license to which this Stipulation refers, at any time during the period of the probation, the terms of this probation shall apply to the other or additional licenses issued by the Board.

13. All provisions and conditions of this Stipulation shall carry over to any license or privilege to practice that the Licensee receives pursuant to the multi-state nursing compact.

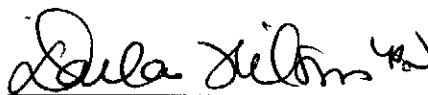
14. Licensee shall not practice nursing in any state other than South Dakota which is a party state to the Nurse Licensure Compact without prior written authorization from both the Board and the nursing regulatory authority in the party state in which the Licensee desires to practice.

15. If Licensee does not work in nursing within two (2) years of the effective date of this Order, Licensee may petition the Board for reevaluation of the probationary conditions.

16. If any condition of this 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 Licensee's licensing rights as a nurse in South Dakota.

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 4th day of June, 2004.



DARLA WILSON, L.P.N – License P-003481

The South Dakota Board of Nursing meeting on the 15th day of July, 2004,

(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 as an Order of the South Dakota Board of Nursing this 15th day of July, 2004, by vote of 6 yes 0 no.

Gloria Damgaard
Gloria Damgaard, Executive Secretary