

**SOUTH DAKOTA BOARD OF NURSING**

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**SD BOARD OF NURSING**

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IN THE MATTER OF THE LICENSURE :  
PROCEEDINGS :

RE: JENNIFER JEAN WYMAN, RN :

**VOLUNTARY SURRENDER  
CONSENT ORDER**

License No. R034619,

Licensee.

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WHEREAS, Jennifer Jean Wyman, RN (“Licensee”), is licensed to practice as a registered nurse in the State of South Dakota and holds License number R034619; and

WHEREAS, on or about May 14, 2010, the South Dakota Board of Nursing (“Board”) received correspondence advising that the Licensee had left her employment at a long term care facility and had entered into a detox program for addiction to prescription medications. Licensee signed a Voluntary Refrain from Practice with the Board.

Thereafter, Licensee returned to Florida where she was also licensed as a registered nurse. Once in Florida, Licensee began Suboxone therapy; and

WHEREAS, on September 15, 2010, the Board mandated the Licensee into the Health Professionals Assistance Program (“HPAP”) and contacted the Florida Intervention Project for Nurses (“IPN”) as the Board had been advised that the Licensee wanted to renew her Florida license and resume her nursing practice there. As the Board had mandated Licensee into HPAP, the Board was willing to allow Licensee to participate in

the Florida IPN instead, to which IPN agreed. Licensee was advised by the Board that her participation in IPN was mandatory in order to maintain an active unencumbered single state license in South Dakota. On October 19, 2010, IPN received the required paperwork from the Licensee. On December 22, 2010, the Licensee was advised that in order to be compliant with IPN she must enter an intensive outpatient treatment program by January 5, 2011; and

WHEREAS, on January 12, 2011, Licensee was discharged from the IPN program for failure to engage in the required intensive outpatient treatment. Despite sliding scale fees for this program, Licensee indicated her failure to comply was due to financial constraints; and

WHEREAS, Licensee returned to South Dakota in August 2011. On September 30, 2011, the Florida Board of Nursing advised the Board that Licensee's Florida license was null and void due to her non-compliance with IPN; and

WHEREAS, on October 21, 2011, Licensee contacted the South Dakota HPAP to discuss getting enrolled. Licensee again signed a Voluntary Refrain from Practice. Licensee was advised that in order to be fully enrolled in HPAP, she needed a new drug and alcohol assessment. Licensee did not undergo the assessment and on November 28, 2011, was issued a Letter of Reprimand by the Board for failure to be completely enrolled and participating in HPAP, and for not completing the required assessment; and

WHEREAS, as of this date, Licensee has been non-compliant with HPAP.

WHEREAS, Licensee has agreed that she would surrender her South Dakota nursing license; 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 matters under investigation would be of a nature that would constitute grounds for the discipline of her license to practice nursing in South Dakota under SDCL § 36-9-49; and

WHEREAS, the Licensee agrees that she enters into this Voluntary Surrender Consent Order voluntarily and without duress or compulsion, in full understanding of the legal consequences of this document and her 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 May 14, 2010, the Board received correspondence advising that the Licensee had left her employment at a long term care facility and had entered into a detox program for addiction to prescription medications. Licensee signed a Voluntary Refrain from Practice with the Board. Thereafter, Licensee returned to Florida where she was also licensed as a registered nurse. Once in Florida, Licensee began Suboxone therapy.

On September 15, 2010, the Board mandated the Licensee into the HPAP and contacted the Florida IPN as the Board had been advised that the Licensee wanted to renew her Florida license and resume her nursing practice there. As the Board had mandated Licensee into HPAP, the Board was willing to allow Licensee to participate in the Florida IPN instead, to which IPN agreed. Licensee was advised by the Board that her participation in IPN was mandatory in order to maintain an active unencumbered single state license in South Dakota. On October 19, 2010, IPN received the required paperwork from the Licensee. On December 22, 2010, the Licensee was advised that in order to be compliant with IPN she must enter an intensive outpatient treatment program by January 5, 2011.

On January 12, 2011, Licensee was discharged from the IPN program for failure to engage in the required intensive outpatient treatment. Despite sliding scale fees for this program, Licensee indicated her failure to comply was due to financial constraints.

Licensee returned to South Dakota in August 2011. On September 30, 2011, the Florida Board of Nursing advised the Board that Licensee's Florida license was null and void due to her non-compliance with IPN.

On October 21, 2011, Licensee contacted the South Dakota HPAP to discuss getting enrolled. Licensee again signed a Voluntary Refrain from Practice. Licensee was advised that in order to be fully enrolled in HPAP, she needed a new drug and alcohol assessment. Licensee did not undergo the assessment and on November 28, 2011, was

issued a Letter of Reprimand by the Board for failure to be completely enrolled and participating in HPAP, and for not completing the required assessment.

As of this date, Licensee has been non-compliant with HPAP.

Licensee has agreed that she would surrender her South Dakota nursing license 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 her right to a hearing in this matter, and of her 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 her 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 to have her 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.

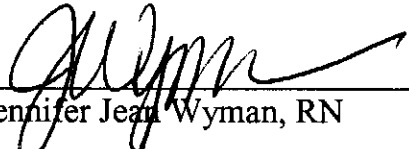
8. Licensee understands that during the period of this Voluntary Surrender that she is ineligible to work in any nursing role, including that of a nurse aide, nurse assistant, or medication assistant/aide.

9. This action is reportable discipline and will be published in the Board's newsletter and posted on its website and reported into the Healthcare Integrity and Protection Data Bank (HIPDB) and 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.

Dated this 28 day of February, 2013.

  
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Jennifer Jean Wyman, RN

The South Dakota Board of Nursing meeting on the 1<sup>st</sup> day of ~~February~~<sup>March</sup>, 2013, approved the attached Voluntary Surrender Consent Order as written by a vote of 10-0 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 4<sup>th</sup> day of ~~February~~<sup>March</sup>, 2013.

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