

SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE LICENSURE
PROCEEDINGS

RE: HEATHER S. BENSON, CRNA,

CRNA License No. CR000895,

Licensee.

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**VOLUNTARY SURRENDER
CONSENT ORDER OF
CRNA LICENSE**

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WHEREAS, Heather Benson, CRNA ("Licensee"), is licensed to practice as a certified registered nurse anesthetist in the State of South Dakota and holds License number CR000895; and

WHEREAS, on or about October 20, 2016, the South Dakota Board of Nursing ("Board") was notified by the Health Professionals Assistance Program ("HPAP") of Licensee's failure to comply with the terms and conditions of HPAP. Said failure to comply arises out of Licensee's admitted diversion of propofol while employed as a CRNA in the State of South Dakota; and

WHEREAS, Licensee has agreed that she will surrender her South Dakota CRNA 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 matter as reported 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 of CRNA License 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 of CRNA License.

2. That on or about October 20, 2016, the Board was notified by HPAP of Licensee's failure to comply with the terms and conditions of HPAP. Said failure to comply arises out of Licensee's admitted diversion of propofol while employed as a CRNA in the State of Nebraska.

The Licensee agrees that she will surrender her South Dakota CRNA license at this time and now intends to leave the profession of nursing as a certified registered nurse anesthetist.

3. That the Licensee has been given an opportunity to discuss this Voluntary Surrender Consent Order of CRNA License 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 of CRNA License 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 CRNA license to practice nursing in South Dakota shall be surrendered and the Board shall suspend said CRNA license for an indefinite period from the date of this Order. Licensee may apply, pursuant to SDCL § 36-9-57, to have her CRNA license reinstated for good cause shown.

5. That nothing in this Voluntary Surrender Consent Order of CRNA License 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 of CRNA License 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 of CRNA License 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 of CRNA License 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 of CRNA License.

8. 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.

9. That the Board may enter an Order consistent with the terms of this Stipulation.


NOW, THEREFORE, the foregoing Voluntary Surrender Consent Order of CRNA License 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 14th day of December, 2016.


Heather S. Benson

The South Dakota Board of Nursing met on the 17th day of November, 2016, and approved the above Voluntary Surrender Consent Order of CRNA License as written by a vote of 8-0 and issued its Order as follows:

IT IS HEREBY ORDERED that the above Voluntary Surrender Consent Order of CRNA License is adopted as shown herein by the South Dakota Board of Nursing this 16th day of December, 2016.


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