SOUTH DAKOTA BOARD OF NURSING

* * * * * * * * * * * * * * * * * *

IN THE MATTER OF THE
LICENSURE PROCEEDINGS

RE: MARY SUE ROFRANO, R.N.
License No. R-023318

Licensee.

* * * * * * * * * * * * * * * * * *

ORDER

WHEREAS, MARY SUE ROFRANO, R.N. ("Licensee"), has applied for a renewal of her license to practice as a registered nurse in the State of South Dakota (License number R-023318); and

WHEREAS, Licensee was found guilty for failing to uphold the autonomous wishes of a cognizant resident of the Bennett County Nursing Home who refused treatment, and two (2) separate patient care incidents involving substandard care at the Rosebud Hospital; and

WHEREAS, the South Dakota Board of Nursing and Licensee entered into a Voluntary Surrender and Consent Order dated November 19, 1998; and

WHEREAS, such Voluntary Surrender and Consent Order provided that Licensee’s license was suspended indefinitely pending Licensee’s application for reinstatement; and

WHEREAS, Licensee has applied for reinstatement; and

WHEREAS, Licensee had the option, but did not appear in person before the South Dakota Board of Nursing on Thursday, July 15, 1999, and the Board having considered the application and being fully advised, upon motion, made, seconded and unanimously approved.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:
1. That the South Dakota Board of Nursing has jurisdiction over the person of MARY SUE ROFRANO and the subject matter of this Order;

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

a. Licensee will notify the Board of any employment in the health care 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 subject matter and the nature of the proceedings and the Order. Licensee would further agree that any such employer would during the twenty-four (24) month probationary period, 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:

1) In the first report, evidence that Licensee's employer and supervisor have received a copy of the Order within ten (10) days of service or within ten (10) days of Licensee beginning a new employment;

2) Licensee's attendance and reliability;

3) Licensee's ability to practice professional nursing;

4) Licensee's ability to carry out assigned functions, including the management of uncooperative or difficult patients;

5) Licensee's ability to handle stress;

6) Number of hours Licensee worked during the reporting period;

7) Any other information which the employer and supervisor believe would assist the Board in its ultimate review of the case. The employer and supervisor agree to report any allegations of suspected abuse within forty-eight (48) hours to the Board.

b. Licensee shall not be employed by a temporary or home care agency.

c. Licensee shall not be placed in a supervisory/charge position for six (6) months.
d. Licensee shall arrange with the Board staff probationary meetings once every three (3) months during the probationary period. Thereafter, probationary meetings will be arranged by the Licensee every six (6) months for the balance of the probationary period. It will be the obligation of the Licensee to schedule these meetings 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 each probationary meeting. The report shall provide and/or address:

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

   b. Licensee's future professional goals for nursing;

   c. Licensee's future personal goals;

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

   e. 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;

   f. Licensee shall not violate any law or regulation regarding the practice of nursing. Licensee shall execute all release of information forms as may be required by the Board or its designee;

   g. That the Licensee shall submit copies of all reports submitted to the South Dakota Board of Nursing;

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

   i. Licensee's reinstated license certificate filed in the Board office shall be stamped "PROBATION" during the duration of the probationary period;
j. Licensee shall notify the Board, in writing, within one (1) week of any change in
nursing employment, personal address and/or telephone number;

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

l. In the event that the Licensee does not work in nursing within two (2) years of the
effective date of the Order, Licensee may petition the Board for reevaluation of the probationary
conditions;

m. If Licensee obtains a license issued solely or under joint regulatory powers by the
Board, other than the license to which this Order 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;

n. Notwithstanding anything in this Order to the contrary, should the Licensee be
convicted of a felony which would be grounds for discipline under SDCL §36-9-49, either relating
to the allegations herein or to any other actions or omissions of Licensee, the Licensee agrees that
the Board may take further action against her license, including, but not limited to, immediate
suspension, additional probation terms, or an additional length of probation, or other disciplinary
action. Licensee agrees to immediately inform the Board of the outcome of any criminal charges
presently or hereafter pending against Licensee;

o. Should South Dakota enter into a multi-state compact, all provisions and conditions
of this Order shall carry over to any license or privilege to practice that the Licensee receives pursuant
to said multi-state compact; and

p. 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.

q. Licensee resides out of state and has requested that the Board approve her out-of-state practice of residence as credited towards fulfillment of these terms and conditions. Before such out-of-state practice of residence can be credited toward fulfillment of these terms and conditions, they must first be approved by the Board staff in writing. If the Licensee fails to receive such approval, none of the time spent will be credited toward fulfillment of the terms and conditions of this Order.

NOW, THEREFORE, the foregoing Order is entered in the above matter.

Dated this 24th day of August, 1999.

Diane Vander Woude, Executive Secretary