

**SOUTH DAKOTA BOARD OF NURSING**

0-0

IN THE MATTER OF THE LICENSURE PROCEEDINGS

RE: NICOLE BRANDT, LPN

License No. P011711,

Licensee.

:  
:  
:  
:  
:

**AGREED UPON DISPOSITION FOR PROBATION AND MANDATED PARTICIPATION IN HEALTH PROFESSIONALS ASSISTANCE PROGRAM (HPAP) AND WAIVER OF HEARING**

0-0

WHEREAS, Nicole Brandt (“Licensee”), is licensed to practice as a licensed practical nurse in the State of South Dakota and holds license number P011711;

WHEREAS, the Board received a complaint alleging Licensee engaged in conduct violating SDCL § 36-9-49 (2) and/or (4);

WHEREAS, based on the information provided to the Board, the Board has determined that evidence exists showing Licensee either has been convicted of a felony; or has become addicted to the habitual use of intoxicating liquors or controlled drugs to such an extent as to result in incapacitation from the performance of professional duties in violation of its policy as well as SDCL § 36-9-49 (4);

WHEREAS, the Board has a statutory obligation to protect the public health, safety and welfare set forth in SDCL § 36-9-1.1, including the protection of the public from unsafe nursing practices and practitioners;

WHEREAS, Licensee and the Board have agreed to resolve the complaint received regarding Licensee in the manner set forth in this agreed-upon disposition and waiver of hearing pursuant to ARSD 20:48:08:12(3);

WHEREAS, it is the intent of this agreement to provide for a resolution of the licensing issues presented by the Licensee's conduct, in a professional manner, without the necessity of further proceedings herein, and for a responsible resolution;

WHEREAS, the Licensee hereby agrees to Probation and mandated participation with the Health Professionals Assistance Program ("HPAP"), with terms and conditions to be determined by HPAP;

WHEREAS, per the Nurse Licensure Compact Regulations, the Licensee understands that one mandated into such a program as HPAP will be granted a single-state license only;

WHEREAS, Licensee understands that participation in HPAP is mandatory in order to maintain an active, unencumbered, single-state license in South Dakota. To meet the terms of this agreement, Licensee must be enrolled and demonstrating active participation in HPAP within five (5) business days of Licensee signing this Agreed Upon Disposition; and

WHEREAS, Licensee agrees and understands that any failure to comply with any aspect of the HPAP program and its contract will be reported to the Board for further action as deemed appropriate by the Board.

NOW, THEREFORE, it is hereby stipulated and agreed as follows:

1. The Board has jurisdiction over the person of the Licensee and the subject matter of this Order.
2. The Board asserts and the Licensee admits to the facts stated herein.

3. The Licensee recognizes that this matter is of a nature that would constitute grounds for discipline of Licensee's license to practice as a nurse in the State of South Dakota under SDCL § 36-9-49 (2) and/or (4).

4. The Licensee understands that Licensee has a right to a contested hearing case pursuant to SDCL Ch. 1-26 regarding this matter and that such rights under SDCL Ch. 1-26 include, but are not limited to: a contested case hearing before the Board, to be present at the contested case hearing, to be represented by legal counsel, to introduce evidence and testimony on Licensee's behalf, to call witnesses, to cross-examine witnesses, to inspect all documentary evidence submitted to the Board, and to appeal the Board's decision to the South Dakota Circuit Court and Supreme Court, as provided by law.

5. By entering into this agreed-upon disposition with the Board, Licensee hereby knowingly and voluntarily waives the above rights and agrees that this matter will be resolved according to the procedures outlined in ARSD 20:48:08:12(3) by an agreed upon issuance of Probation and Mandated Participation in Health Professionals Assistance Program (HPAP).

6. Licensee has been given the opportunity to discuss this agreed-upon disposition with an attorney of Licensee's choice and is aware of Licensee's rights as outlined above. Licensee voluntarily waives all such rights to a hearing, notice, appearance, or other rights. Licensee is entering into this agreed-upon disposition voluntarily and without duress or compulsion.