

entered into a Consent Agreement with the Alaska Board of Nursing on February 2, 2018, receiving a public reprimand and probation arising out of her child neglect case;

WHEREAS, Licensee returned to South Dakota and on or about April 21, 2017, and applied for a South Dakota nursing license; and

WHEREAS, Licensee has signed a participation agreement and is enrolled with the Health Professionals Assistance Program (“HPAP”); and

WHEREAS, based on the information provided to the Board, the Board has determined that Licensee’s conduct is in violation of its policy as well as SDCL § 36-9-49(6) in that Licensee had disciplinary action taken in another state; and

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 Board has a statutory obligation to protect the public health, safety and welfare as 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 Director to present this Stipulation to the Board for action and recognizes that the Board may approve this Stipulation, reject it, or modify it; 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. The South Dakota Board asserts and the Licensee admits to the facts stated herein.
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 of 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. That from the date this Stipulation is approved by the Board, Licensee's license to practice nursing is placed upon a probationary status for an indefinite period of active practice as a nurse or employment in nursing practice. The probationary terms and conditions set by the Board shall be completely followed by the Licensee. In addition, probationary terms and monitoring conditions shall be set by HPAP and Licensee shall fully comply with these terms

and conditions. After verification from HPAP that Licensee has fully completed all monitoring terms, Licensee may petition the Board for closure of her probation. The duration of the terms of probation will be set by HPAP. It is recognized that the Board may require additional probationary time or additional terms upon the completion of HPAP. Additionally, Licensee shall comply with the following during her probation:

CONDITIONS:

1. 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.
2. Licensee shall notify the Board as well as HPAP, in writing, within one (1) week of any change in nursing employment, personal address and/or telephone number.
3. Licensee shall pay for all costs and expenses in carrying out any conditions of the probation.
4. During the term of this probation, the Licensee is to immediately inform the Board of the outcome of any criminal charges presently or hereafter pending against the Licensee, and whether the Licensee has been convicted, pled no contest, *nolo contendere*, pled guilty to or been granted a deferred judgment or adjudication, suspended imposition of sentence with respect to a felony, misdemeanor or petty offense, other than minor traffic violations, that have not previously been reported to the Board.
5. Notwithstanding anything in this Stipulation and Order to the contrary, should the Licensee be convicted of a felony, which would be grounds for discipline under SDCL § 36-9-

49(2), either relating to the allegations which led to this probation or to any other actions or omissions of the Licensee, the Licensee agrees that the Board may take further action against Licensee's license, including, but not limited to immediate suspension. Licensee agrees to immediately inform the Board of the outcome of any criminal charges presently or hereafter pending against Licensee.

6. If Licensee violates any terms of this probation, the Licensee agrees that the Board may take such actions against Licensee's license, as the Board deems necessary, up to and including an immediate suspension, additional probation terms, revocation or other disciplinary action.

7. 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 license(s) issued by the Board.

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

9. 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.

10. This Stipulation and Order is subject to public reporting.

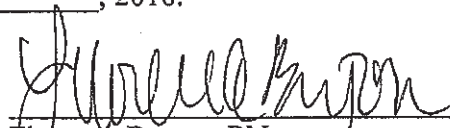
11. This probation also affects Licensee's practice privilege to practice in South Dakota should Licensee change her home state under the Nurse Licensure Compact and

Stipulation and Order for Probation with Mandated HPAP
Licensee: Florence Burton, RN

Licensee's practice privilege is subject to the same requirement set forth in this Order as her South Dakota license.

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 14 day of May, 2018.




Florence Burton, RN

The South Dakota Board of Nursing met on the 19th day of April, 2018, and approved the issuance of the above Stipulation by a vote of 7-0. THEREFORE;

IT IS HEREBY ORDERED that the above Stipulation and Order for Probation with Mandated HPAP is adopted as an Order of the South Dakota Board of Nursing this 17th day of May, 2018.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, RN, MS
Executive Director