SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE LICENSURE PROCEEDINGS RE: CHERYL HEPP, License No.: SD R024222 and CR000517, Licensee.	: : : : : :	**AGREED UPON DISPOSITION FOR MANDATED PARTICIPATION IN HEALTH PROFESSIONALS ASSISTANCE PROGRAM (HPAP) AND STAYED SUSPENSION AND WAIVER OF HEARING**

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WHEREAS, Cheryl Hepp ("Licensee"), is licensed to practice as a registered nurse in the State of South Dakota and holds License numbers R024222 and CR000517;

WHEREAS, the South Dakota Board of Nursing ("Board") received a written complaint pursuant to SDCL § 36-1C-2, alleging Licensee violated SDCL § 36-9-49 (4) and (10), in that Licensee engaged in unsafe nursing practices and unprofessional conduct when she was under the influence of alcohol while practicing as a nurse, and/or that Licensee has become addicted to habitual use of intoxicating liquors to such an extent as to result in incapacitation from the performance of professional duties without a monitoring program in place.

WHEREAS, based on the information provided to the Board, the Board has determined that clear and convincing evidence exists showing Licensee's condition has interfered with Licensee's ability to practice nursing safely under SDCL § 36-9-49(4); and that Licensee engaged in unsafe nursing practices or unprofessional or dishonorable conduct in violation of SDCL § 36-9-49 (10); and that, without proper treatment and supervision, Licensee's physical or mental condition may endanger the health or safety of a person who is or will be entrusted to the Licensee's care under SDCL § 36-9-49.1;

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 SDCL § 36-1C-6.

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 to provide a responsible resolution;

WHEREAS, Licensee hereby agrees to be mandated into the Health Professionals Assistance Program ("HPAP") with terms and conditions to be determined by HPAP; and that contact information for HPAP can be found through the following website: https://www.mwhms.com/hpap;

WHEREAS, Licensee hereby agrees to a Suspension of Licensee's South Dakota license, such Suspension to be stayed so long as Licensee is not unsuccessfully discharged by HPAP. If HPAP issues Licensee an unsuccessful discharge, Licensee's license is automatically and immediately suspended and the stay is lifted. When Licensee is successfully discharged from HPAP, the stayed suspension terminates;

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

WHEREAS, Licensee understands that a stayed suspension is reportable discipline which will be published in the Board's newsletter, posted on its website, and reported into the National Practitioner Data Bank (NPDB) as required by law. As the stayed suspension is reportable

discipline, Licensee is required to provide an affirmative response to inquiries of disciplinary action on further renewals and other nursing related inquiries;

WHEREAS, Licensee understands that participation in HPAP is mandatory in order to maintain a single-state license in South Dakota. To meet the terms of this agreement, Licensee must be 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, even noncompliance less than an unsuccessful discharge, 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 the facts stated above. Licensee agrees to the terms of this Agreed Upon Disposition but such does not, by signing this Agreed Upon Disposition, admit to the facts stated herein.

3. Licensee recognizes that this matter is of a nature that could constitute grounds for discipline of Licensee's license to practice as a nurse in the State of South Dakota under SDCL § 36-9-49 and/or SDCL § 36-9-49.1.

4. 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 SDCL § 36-1C-6 by an agreed upon issuance of a Mandated Participation in Health Professionals Assistance Program (HPAP) and Stayed Suspension.

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.

7. If Licensee violates any provision of Licensee's HPAP participation agreement, Licensee understands that the Board will be notified and the Licensee may be subject to discipline and reporting as determined by the Board.

8. If Licensee is unsuccessfully discharged from HPAP, Licensee's license will be immediately and automatically suspended, without the necessity of further notice, hearing, or findings and conclusions, such being waived through this Agreed Upon Disposition.

NOW, THEREFORE, the foregoing Agreed Upon Disposition for Mandated Participation in HPAP, Stayed Suspension and Waiver of Hearing 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 29 day of March, 2022.

Cheryl Hepp

Cheryl Hepp, Licensee

SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE LICENSURE PROCEEDINGS	:	**ORDER FOR MANDATED PARTICIPATION IN HEALTH PROFESSIONALS ASSISTANCE PROGRAM (HPAP) AND STAYED SUSPENSION**
RE: CHERYL HEPP,	:	
License No.: SD R024222 and CR000517,	:	
Licensee.	:	

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The South Dakota Board of Nursing met on the 11th day of May, 2022, to consider the above Licensee's Agreed Upon Disposition for Mandated Participation in Health Professionals Assistance Program (HPAP) and Stayed Suspension. The Board, by a vote of 9 - 0, agreed to accept and adopt the Licensee's Agreed Upon Disposition and issue this Mandated Participation in Health Professionals Assistance Program (HPAP) and Stayed Suspension.

IT IS HEREBY ORDERED that the South Dakota Board of Nursing accepts, adopts, and incorporates Licensee's Agreed Upon Disposition into this Mandated Participation in Health Professionals Assistance Program (HPAP) and Stayed Suspension by reference, the same as if all such terms were set forth herein.

Dated this 11th day of May, 2022.

SOUTH DAKOTA BOARD OF NURSING

Linda Young

Linda Young, RN, MS, FRE
Executive Director