

SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE LICENSURE
PROCEEDINGS

RE: JEANNE JOSTEN, RN

License No. R033119

Licensee.

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

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WHEREAS, Jeanne Josten ("Licensee"), is licensed to practice as a registered nurse in the State of South Dakota and holds License number R033119;

WHEREAS, the South Dakota Board of Nursing ("Board") received a complaint alleging Licensee violated SDCL 36-9-49(10) by engaging in unsafe, unprofessional or dishonorable conduct;

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

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

WHEREAS, it is the intent of this agreement to provide for a disposition 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 resolution.

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. 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(10), although Licensee does not admit any factual allegations underlying the complaint by entering into this Agreed Upon Disposition.

3. Licensee understands that Licensee has a right to a contested case hearing pursuant to SDCL Ch. 1-26 regarding this matter and that such rights under SDCL Ch. 1-26 include, but are not limited to, the right to be present at the contested case hearing, the right to be represented by legal counsel, to introduce evidence, and testimony on Licensee's behalf, to call witnesses, to cross examine witnesses, and 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.

4. By entering into this agreed-upon disposition with the Board, the Licensee hereby knowingly and voluntarily waives the above rights.

5. 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 hereby 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.

6. The Board and the Licensee hereby agree that this matter will be resolved according to the disciplinary procedures outlined in ARSD 20:48:08:12(3), by the issuance of a Letter of Reprimand and Mandated Participation in the Health Professional Assistance Program (HPAP), adopting this Agreed Upon Disposition.

7. The Licensee hereby agrees to be mandated into the Health Professionals Assistance Program ("HPAP") with terms and conditions to be determined by HPAP;

8. Pursuant to the Nurse Licensure Compact Regulations, Licensee understands that one mandated into such a program as HPAP is granted a single-state license only.

9. 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 ten (10) business days of Licensee signing this Agreed Upon Disposition; and

10. Licensee agrees and understands that any failure to comply with any aspect of the HPAP program and its participating agreement, even noncompliance less than an unsuccessful discharge, will be reported to the Board for further action as deemed appropriate by the Board.

11. Licensee understands that this is final action and 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 this is a reportable discipline, Licensee is required to provide an affirmative response to inquiries of disciplinary action on further renewals and other nursing related inquiries.

NOW, THEREFORE, the foregoing Agreed Upon Disposition for Letter of Reprimand, Mandated Participation in Health Professionals Assistance Program and Waiver of Hearing 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 15th day of April, 2021.


Jeanne Josten, Licensee

SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE LICENSURE
PROCEEDINGS :

RE: JEANNE JOSTEN, RN :

License No. R033119 :

Licensee. :

**LETTER OF REPRIMAND AND
MANDATED PARTICIPATION IN
HEALTH PROFESSIONALS
ASSISTANCE PROGRAM (HPAP)**


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The South Dakota Board of Nursing met on the 12th day of May, 2021, to consider the above Licensee's Agreed Upon Disposition for Letter of Reprimand, Mandated Participation in Health Professionals Assistance Program (HPAP) and Waiver of Hearing. The Board, by a vote of 2 - 0, agreed to accept and adopt the Licensee's Agreed Upon Disposition for Letter of Reprimand and Mandated Participation in Health Professionals Assistance Program (HPAP) and issue this Letter of Reprimand and Mandated Participation in Health Professionals Assistance Program (HPAP).

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

Dated this 13th day of May, 2021.

SOUTH DAKOTA BOARD OF NURSING


Linda Young, RN, MS, FRE
Executive Director