SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE LICENSURE PROCEEDINGS ;

RE: JACLYN LOWITZ, RN ;

License No. R042638, ;

Licensee. ;

AGREED UPON DISPOSITION FOR LETTER OF REPRIMAND WITH REMEDIATION AND WAIVER OF HEARING

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WHEREAS, Jaclyn Lowitz, now known as Jaclyn Houghtaling ("Licensee"), is licensed to practice as a registered nurse in the State of South Dakota and holds license number R042638;

WHEREAS, the South Dakota Board of Nursing ("Board") received a complaint against the Licensee alleging Licensee engaged in conduct in violation of SDCL § 36-9-49 (5), (7), and (10);

WHEREAS, based on the information provided to the Board, the Board has determined that evidence exists showing Licensee may have engaged in substandard care and acted in a manner inconsistent with the health or safety of persons entrusted to Licensee's care in violation of SDCL § 36-9-49 (5) in that Licensee failed to provide or otherwise delegate adequate care for a diabetic patient in Licensee's care; Licensee denies these allegations and enters into this settlement agreement as a compromise of contested issues pursuant to SDCL § 19-19-408;

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 unprofessional nursing practices and practitioners;

WHEREAS, Licensee and the Board have each expressed a desire to resolve this matter without the necessity of additional formal disciplinary proceedings and hearings and have

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therefore 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);

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;

WHEREAS, Licensee understands, pursuant to this Agreed Upon Disposition, that Licensee will be granted a single-state license only; and

WHEREAS, Licensee agrees and understands that any failure to comply with any aspect of the Letter of Reprimand with Remediation will be reported to the Board for further action, including potential disciplinary action, as deemed appropriate by the Board.

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

A. The Board has jurisdiction over the person of the Licensee and the subject matter of this Order.

B. Licensee recognizes that the allegations in the complaint against Licensee, if proven true, are 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 (5). Licensee, however, denies the allegations in the complaint and denies that she has engaged in conduct in violation of SDCL § 36-9-49.

C. Licensee understands that Licensee has a right to a contested 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 a contested hearing before the Board, the right to be present at the contested case hearing, the right to be represented by legal counsel, to introduce evidence and testimony on her 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.

D. By entering into this agreed-upon disposition with the Board, the Licensee hereby knowingly and voluntarily waives the above rights and agrees that this matter will be resolved according to the disciplinary procedures outlined in ARSD 20:48:08:12(3) by an agreed upon issuance of Letter of Reprimand with Remediation.

E. 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.

F. Licensee acknowledges and understands that, should Licensee violate any provision of Licensee's Letter of Reprimand with Remediation, the Board will be notified and the Licensee will be subject to discipline and reporting as determined by the Board as applicable at that time.

G. Licensee shall comply with the following conditions during Licensee's Letter of Reprimand with Remediation:

CONDITIONS

1. Notwithstanding anything in this Agreed Upon Disposition 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 which led to this Disposition 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.

2. The Licensee is to immediately inform the Board of the outcome of any civil lawsuits or 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 until such time as Licensee is granted unrestricted multi-state licensee status by the Board.

3. If Licensee violates any terms of this Disposition, 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, revocation or other disciplinary action.

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

6. Licensee will complete, and pay for all costs associated with completion of, remediation modules as follows: (a) Professional Accountability and Legal Liability for Nurses; (b) Delegation; and (c) Diabetes Education, model 1.) The Many Faces of Diabetes; Cultural Diversity in Patients with Diabetes; 2.) Managing Diabetes with Insulin Analogs and premixed Insulin Analogs; 3.) Diabetic Ketoacidosis in the Adult Patient; 4.) Chronic Complications of Diabetes. Licensee can register for modules (a) and (b) on the NCSBN website. Licensee can register for and complete the diabetes education at http://www.cecity.com/novo/activities28.htm. Licensee understands that it is Licensee's responsibility to register for and successfully complete these courses. Licensee is to provide documentation of successful completion of these courses to the Board within 60 days of the Order being signed. Courses completed by Licensee before the approval of this disposition by the Board but after July 16, 2018 may be counted towards the above requirements.

NOW, THEREFORE, the foregoing Agreed Upon Disposition for Letter of Reprimand with Remediation 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. In the event the Board, in its discretion, does not approve this agreed upon disposition or a lesser remedy than indicated in this agreed upon disposition, this agreed upon disposition is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced by either party. Licensee agrees that if the Board rejects this agreed upon disposition and this case proceeds to hearing, Licensee will assert no claim that the Board was prejudiced by its review and discussion of this agreed upon disposition or any of the records or information relating hereto.

Dated this 4th day of August, 2021.

Jaclyn Lowitz, Licensee

SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE LICENSURE PROCEEDINGS	:	
RE: JACLYN LOWITZ, RN	:	**LETTER OF REPRIMAND WITH REMEDIATION**
License No. R042638,	:	
Licensee.	:	

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The South Dakota Board of Nursing met on the 11th day of August, 2021, to consider the above Licensee's Agreed Upon Disposition for Letter of Reprimand with Remediation and Waiver of Hearing. The Board, by a vote of 7 - 0, agreed to accept and adopt the Licensee's Agreed Upon Disposition and issue this Letter of Reprimand with Remediation.

IT IS HEREBY ORDERED that the South Dakota Board of Nursing accepts, adopts, and incorporates Licensee's Agreed Upon Disposition for Letter of Reprimand with Remediation and Waiver of Hearing by reference, the same as if all such terms were set forth herein.

Dated this 11th day of August, 2021.

SOUTH DAKOTA BOARD OF NURSING

Linda Young

Linda Young, RN, MS
Executive Director