

SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE LICENSURE :
PROCEEDINGS :

RE: NICHOLE SOLOMON, RN :

License No. R033973 :

Licensee. :

**STIPULATION AND
ORDER FOR PROBATION**

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WHEREAS, Nichole Solomon, RN (“Licensee”), is licensed to practice as a Registered Nurse in the State of South Dakota and holds License Number R033973;

WHEREAS, while working at a long term care facility in December 2019, Licensee was alleged to have engaged in verbal communications and physically interacted with residents in a manner that was considered insensitive or which could have been less forceful;

WHEREAS, based on the information provided to the Board, the Board has determined that the complaint and allegations concerning the Licensee, if established consistent with the applicable burden of proof, would provide grounds for imposing discipline pursuant to SDCL § 36-9-49(5) and (10);

WHEREAS, Licensee’s conduct as stated would be inconsistent with the health or safety of persons entrusted to her care and would violate the rules and statutes regulating the practice of nursing in violation of SDCL § 36-9-49(5) and (10);

WHEREAS, the Licensee recognizes that the 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;

WHEREAS, the South Dakota Board of Nursing ("Board") has a statutory authority, and duty, to regulate and oversee the professional practice of nursing pursuant to SDCL § 36-9-1 *et seq.*;

WHEREAS, Licensee and the Board have each expressed a desire to resolve this matter without the necessity of formal disciplinary proceedings and hearings and have therefore agreed to resolve this matter consistent with, and pursuant to, ARSD 20:48:08:12(3); and

WHEREAS, it is the intent of this Stipulation and Order for Probation 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 hereon, and to provide for a responsible resolution.

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

A. That the Board has jurisdiction over the person of the Licensee and the subject matter of this Stipulation and Order for Probation.

B. The Licensee admits and agrees that her alleged actions and omissions in December of 2019 are of a nature that would constitute grounds for the discipline of Licensee's license to practice as a nurse in the State of South Dakota under SDCL § 36-9-49(5) and (10).

C. The Licensee understands that Licensee has a right to a contested case hearing pursuant to SDCL Chapter 1-26 regarding this matter and that such rights 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 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 and entry of an Order for Probation.

E. The Licensee has been given the opportunity to discuss this agreed-upon disposition with an attorney of Licensee's choice and is aware of her rights as outlined herein. 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. The Licensee acknowledges and understands that, should Licensee violate any provision of Licensee's Probation, 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. That that date this Stipulation is approved by the Board, Licensee's license to practice nursing is placed on probationary status.

H. The probationary terms and conditions set by the Board in this Stipulation and Order for Probation shall be completely followed by the Licensee.

CONDITIONS

1. Licensee shall not be employed at, or provide nursing services to, any long-term care residents or facilities.
2. Licensee shall notify the Board, in writing, within one (1) week of any change in nursing employment, personal address, and/or telephone number.
3. For the next two (2) years following entry of the Order for Probation, Licensee shall provide quarterly reports from her immediate work supervisor as well as a self-report in the form, and content, as required by the Board.
4. Licensee shall, at all times 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.
5. Notwithstanding anything in this Stipulation and Order for Probation to the contrary, should the Licensee be convicted of a felony, which would be grounds for discipline under SDCL § 36-9-49, 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 referenced in this Stipulation and Order for Probation, 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. Pursuant to the Nurse Licensure Compact uniform licensing requirements, this Probation will limit Licensee to a single-state license.

10. This Probation also affects Licensee's privilege to practice in South Dakota should Licensee change her home state under the Nurse Licensure Compact and 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 and Order for Probation 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, is void, 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 10th day of March, 2020.


Nichole Solomon, RN (R033973)

