

**SOUTH DAKOTA BOARD OF NURSING
AND
SOUTH DAKOTA DEPARTMENT OF HEALTH**

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IN THE MATTER OF THE LICENSURE :
PROCEEDINGS :

RE: SHEILA STANDING BEAR, UMA,	:	VOLUNTARY SURRENDER
UDA, CNA,	:	CONSENT ORDER
	:	OF UMA, UDA AND CNA
UMA Registration No. M0006314,	:	REGISTRATIONS
UDA Registration No. D0000081,	:	
CNA Registration No. A044462,	:	

Registrant.

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WHEREAS, Sheila Standing Bear, UMA, UDA, CNA (“Registrant”), is registered as an unlicensed medication aide (“UMA”), an unlicensed diabetic aide (“UDA”), and a certified nursing assistant (“CNA”) in the State of South Dakota and holds UMA registration number M0006314, UDA registration number D0000081, and CNA registration number A044462; and

WHEREAS, on or about March 8, 2018, the South Dakota Board of Nursing (“Board”) received a complaint alleging weeks of poor job performance against the Registrant. The complaint cited medication administration errors, the charting of fictitious blood sugars, and shift abandonment; and

WHEREAS, the Registrant’s CNA registration is outside the jurisdiction of the Board. The Board contacted the South Dakota Department of Health (“Department”) which has jurisdiction over CNAs. The Board advised the Department that the Board was seeking a voluntary surrender of the Registrant’s UMA and UDA registrations and advised that the Board sought a request to relinquish her CNA registration as part of this voluntary surrender; 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 UMA and UDA practices and practitioners; and

WHEREAS, the Department has the obligation to protect the public from unsafe CNA practices and practitioners; and

WHEREAS, Registrant agrees that the matters under investigation would be of a nature that would constitute grounds for the discipline of her UMA, UDA and CNA registrations in South Dakota; and

WHEREAS, the Registrant agrees that she enters into this Voluntary Surrender Consent Order of UMA, UDA and CNA Registrations voluntarily and without duress or compulsion, in full understanding of the legal consequences of this document and her rights; therefore,

IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

1. That the Board and the Department have jurisdiction over the person of the Registrant and the subject matter of this Voluntary Surrender Consent Order of UMA, UDA and CNA Registrations.
2. That on or about March 8, 2018, the Board received a complaint alleging weeks of poor job performance against the Registrant. The complaint cited medication administration errors, the charting of fictitious blood sugars, and shift abandonment.

Registrant's CNA registration is outside the jurisdiction of the Board. The Board contacted the Department which has jurisdiction over CNAs. The Board advised the Department that the Board was seeking a voluntary surrender of the Registrant's UMA and UDA

registrations and advised that the Board sought a request to relinquish her CNA registration as part of this voluntary surrender.

3. That the Registrant has been given an opportunity to discuss this Voluntary Surrender Consent Order of UMA, UDA and CNA Registrations with an attorney of Registrant's choice, and is aware of her right to a hearing in this matter, and of her rights under the United States and South Dakota Constitutions, laws, rules and/or regulations. Registrant hereby voluntarily waives all such rights to a hearing, notice, appearance, or any other rights under said Constitutions, laws, rules and/or regulations. Registrant also agrees that the Board's Executive Director or her designee may present this Voluntary Surrender Consent Order of UMA, UDA and CNA Registrations to the Board and to the Department and disclose to the Board and to the Department all items of the investigation, including, but not limited to, any communications with Registrant.

4. That the Registrant may apply to have her registrations reinstated for good cause shown.

5. That if the Registrant requests reinstatement, Registrant has the burden of presenting information showing that Registrant's registrations should be reinstated.

6. That it is further stipulated and agreed that this Voluntary Surrender Consent Order of UMA, UDA and CNA Registrations is being entered into voluntarily by the Registrant and without threats or coercion and is entered into after the Registrant has been given ample opportunity to consider these matters and to discuss this Voluntary Surrender Consent Order of UMA, UDA and CNA Registrations with an attorney of Registrant's choice and that the

Registrant has a full understanding of the legal consequences of this Voluntary Surrender Consent Order of UMA, UDA and CNA Registrations and of the Registrant's rights to a formal hearing on these matters, which rights are hereby waived by the signing of this Voluntary Surrender Consent Order of UMA, UDA and CNA Registrations.

7. Registrant understands that during the period of this Voluntary Surrender that she is ineligible to work in any nursing role, including that of a UMA, UDA or CNA.

8. This action is reportable discipline and will be published in the Board's newsletter and posted on its website and reported into applicable databases as required by law.

10. That the Board may enter an Order consistent with the terms of this stipulation. NOW, THEREFORE, the foregoing Voluntary Surrender Consent Order of UMA, UDA and CNA Registrations is entered into and is respectfully submitted to the Board and to the Department with the request that the Board and the Department adopt its terms as an Order of the Board and the Department in the above matter.

Dated this 7th day of July, 2018.


Sheila Standing Bear

The South Dakota Board of Nursing met on the 13th day of September, 2018, and approved the attached Voluntary Surrender Consent Order of UMA, UDA and CNA Registrations as written by a vote of 6 - 0 and issued its Order as follows:

IT IS HEREBY ORDERED that the above Voluntary Surrender Consent Order of UMA, UDA and CNA Registrations is adopted as shown herein by the South Dakota Board of Nursing and the South Dakota Department of Health this 13th day of September, 2018.

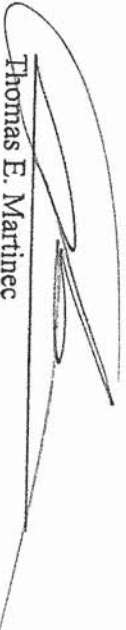
Dated this 14th day of September, 2018.

SOUTH DAKOTA BOARD OF NURSING


Gloria Damgaard, RN, MS
Executive Director

Dated this 14th day of September, 2018.

SOUTH DAKOTA DEPARTMENT OF HEALTH


Thomas E. Martinec
Deputy Secretary of Health