

answered questions in regards to the HPAP report and recommendation. Licensee also provided testimony and answered questions of the Board; and

WHEREAS, the Board had considered the Licensee's request, the statement and documents provided by the Licensee, the previous Order, and the HPAP report, as well as Licensee's own testimony, and on January 22, 2009, had approved a motion for an Order of Reinstatement; and

WHEREAS, prior to the entry of said Order, the Board, on January 29, 2009, was presented new information that had become available to HPAP subsequent to the reinstatement hearing of January 22, 2009. The information revealed that Licensee, in a random drug screen dated January 21, 2009, had a positive test for methadone. This had been prescribed to him for chronic elbow pain on January 20, 2009. The Licensee had failed to provide a valid script for this medication within the 24 hour period required under his participation agreement with HPAP; and

WHEREAS, as a result of this information, the Board, on February 2, 2009, moved to rescind the Order of Reinstatement of January 22, 2009, and to deny reinstatement of the Licensee's nursing license; and

WHEREAS, the Licensee renewed his reinstatement request in writing, dated August 31, 2010, and personally appeared before the Board on November 19, 2010, at which time the matter of the Licensee's reinstatement was again presented to the Board. The Licensee presented documentation supporting his reinstatement. The Board was also

provided with an evaluation report from HPAP dated November 1, 2010. Char Skovlund of HPAP provided testimony and answered questions in regards to the HPAP report and recommendations. Licensee also provided testimony and answered questions of the Board; and

WHEREAS, the Board has considered the Licensee's renewed request for reinstatement, the statement and documents provided by the Licensee, the previous Orders, the HPAP reports, as well as Licensee's own testimony and, being fully advised in the premises;

NOW THEREFORE IT IS HEREBY ORDERED:

1. That the Board has jurisdiction over the person of the Licensee and the subject matter of this Order.
2. That the Licensee's license to practice as a registered nurse in the State of South Dakota is hereby reinstated and placed on probationary status for sixty (60) months of active practice as a registered nurse.
3. The Board hereby mandates Licensee's continued participation in the Health Professionals Assistance Program for a period of five (5) years without credit for time of previous successful participation in the program.
4. All probationary terms and conditions, as well as clearance to return to employment, and any restrictions on access to narcotics, shall be set by the HPAP, and the Licensee shall fully comply with all of these terms and conditions.

5. After verification from the HPAP that the Licensee has completed all monitoring terms, the Licensee may petition the Board for closure of his probation. The Licensee is not entitled to early closure of probation. The duration of the terms of probation, as set by the HPAP, shall not be less than the initial terms of sixty (60) months, and it is recognized that the Board may require additional probationary time or additional terms upon completion of HPAP. Additionally, Licensee shall comply with the following conditions during his probation:

CONDITIONS

1. Licensee shall at any time during the period of probation report in person to such meetings of the Board or to its designated representative as directed and otherwise fully cooperate with the Board or its representatives in terms of this probation.
2. The Licensee shall notify the Board, as well as the HPAP, in writing, within one (1) week of any change in nursing employment, personal address, and/or telephone number.
3. Licensee shall pay for all costs and expenses in carrying out conditions of probation.
4. That within ten (10) days of the effective date of this order, Licensee shall be issued his R.N. license by the Board office and it is to be stamped "PROBATION".
5. If the Licensee violates and terms of this probation, the Licensee agrees that the Board may take such action against Licensee's license as the Board deems necessary,

up to and including an immediate suspension, additional probationary terms, revocation, or other disciplinary action.

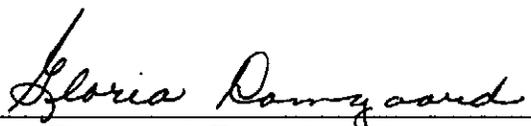
6. Licensee shall not violate any law or regulation regarding the practice of nursing.

7. The Licensee shall not practice nursing in any State other than South Dakota which is a party state to the Nurse Licensure Compact, without prior written authorization from both the Board and the Nursing Regulatory Authority in the party state in which the Licensee desires to practice.

8. This probation also effects Licensee's practice privilege to practice in South Dakota should Licensee change his home state under the Nurse Licensure Compact and Licensee's practice privilege is subject to the same requirements set forth in this order as his South Dakota license.

IT IS HEREBY ORDERED that the above Reinstatement Order with Probation was adopted by the South Dakota Board of Nursing on the 19th day of November, 2010, by a vote of 8 - 0.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, Executive Director