

SOUTH DAKOTA BOARD OF NURSING

**IN THE MATTER OF THE
LICENSURE PROCEEDINGS**

RE: KATINA K. DEYOUNG, R.N.

License No. R-027851

Licensee.

**ORDER OF
REINSTATEMENT
WITH
PROBATION**

KATINA K. DEYOUNG, RN, Licensee, is licensed to practice as a registered nurse in the State of South Dakota and holds license number R-027851; and

WHEREAS, pursuant to Stipulation and Order dated and approved the 19th day of April, 2001, the Licensee's license was placed on probation for a period of twenty four (24) months of employment in nursing practice; and

WHEREAS, Licensee was required to observe the following employment restrictions: (a) may only practice under the on-site supervision of a registered nurse in good standing with the Board for a minimum of six months of active practice in nursing. The supervising nurse shall be primarily one (1) person, who may periodically delegate to other qualified personnel; and (b) may only administer controlled substances under the direct supervision of another nurse for a period of six (6) months; and

WHEREAS, on August 16, 2001, Diana Vander Woude and Carey Duffy during an inspection of the Letcher, South Dakota, Storla Sunset Manor nursing home where Licensee was working discovered clear and convincing evidence that Licensee was violating the described

probationary restrictions and had violated such restrictions on a consistent basis, all as more fully described in the affidavit of Diana VanderWoude on file herein; and

WHEREAS, on the 20th of September, 2001, pursuant to notice, the Board considered the probation violations, made findings of fact, conclusions of law, and entered its order suspending Licensee's license to practice nursing; and

WHEREAS, on July 18, 2002, licensee voluntarily appeared before the Board at its meeting and requested reinstatement "for good cause" shown, and acknowledged her probation violations, and presented the Board with testimony and documentary evidence, and the Board considered the evidence presented; and

WHEREAS, said Licensee has petitioned the Board for reinstatement and has complied with all provisions for reinstatement; and

WHEREAS, the Board has considered the request for reinstatement and Licensee's voluntary appearance at the Board Meeting on July 18, 2002, and is fully advised;

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. Licensee's license to practice nursing is reinstated as of July 25, 2002, subject to the submission of the appropriate forms and fees, and placed upon a probationary status for a period of thirty six (36) months of active practice as a nurse and employment in nursing practice and during such time Licensee shall fully comply with the following terms and conditions of probation:

CONDITIONS:

1. Licensee shall sign a release of information authorizing her employer to release any information reasonably requested by the Board related to Licensee's employment or the performance of the conditions of this stipulation. Information to be submitted directly to the Board office.
2. Licensee will notify the Board of any employment in the healthcare field, including changes in employment. Furthermore, the Licensee will inform any current or prospective employer with whom she seeks employment as a nurse, as to the subject matter and the nature of the proceedings and the Stipulation. Licensee would further agree that any such employer would, during the first eighteen (18) months of probation, be required to provide quarterly reports to the Board as to her progress as an employee, and during the balance of the probationary period provide reports on a basis of every six (6) months. The reports shall provide and/or address:
 - a) In the first report, **which shall be due prior to the Licensee's beginning new employment**, evidence that Licensee's supervisor has received a copy of the order and that the supervisor agrees to comply with the reporting and supervision requirements of this order;
 - b) Licensee's attendance and reliability;
 - c) Licensee's ability to practice nursing;
 - d) Licensee's ability to carry out assigned functions; including the handling of controlled substances;
 - e) Licensee's ability to handle stress;
 - f) Licensee's sobriety;
 - g) Number of hours Licensee worked during the reporting period;
 - h) Any other information which the supervisor believes would assist the Board in its ultimate review of the case.
 - i) The employer shall agree to report any concerns or violations of the Stipulation and Order, including narcotic discrepancies to the Board of Nursing immediately.
3. Licensee shall not be employed by a temporary agency.
4. Licensee shall observe the following employment restrictions: (a) will not have access to narcotics for the first six months of her probation; (b) may only administer controlled

substances under the direct supervision of another nurse for the second six months of her probation; (c) may not hold a charge or supervisory position for the first 12 months of her probation; and (d) may only practice under the direct on-site (“in the building”) supervision of a registered nurse in good standing with the Board and with no prior encumbrances on her nursing license for the first twelve (12) months of her probation. The supervising nurse shall be primarily one (1) person, who may periodically delegate to other qualified personnel.

5. Licensee shall arrange with the Board staff probationary meetings once every three (3) months during the first 18 months of probation. Thereafter, probationary meetings will be arranged by the Licensee every six (6) months for the balance of the probationary period. It will be the obligation of the Licensee to schedule these meetings at such time and place as the Board staff would reasonably designate.

Furthermore, the Licensee will submit a self-evaluation report to the Board office prior to each probationary meeting. The report shall provide and/or address:

- a) Licensee’s use of any over the counter drugs and/or other drugs prescribed by a health care provider or dentist and the circumstances surrounding any use;
 - b) Licensee's professional employment status, including employer support, peer support, ability to handle stress, and management of controlled substances;
 - c) Licensee's future professional goals for nursing;
 - d) Licensee's future personal goals; and
 - e) Any other information which the Licensee believes would assist the Board in its ultimate review of the case.
6. Licensee shall at any time 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 suspension/probation.
 8. Within ten (10) days of the effective date of the Order, the Licensee shall submit her current certificate to the South Dakota Board of Nursing office to be stamped “probation”.
 9. Licensee shall notify the Board, in writing, within one (1) week of any change in nursing employment, personal address and/or telephone number.
 10. Licensee shall pay for all costs and expenses in carrying out any conditions of the probation.
 11. Before any out-of-state practice or residence can be credited toward fulfillment of these

terms and conditions, they must first be approved by the Board prior to leaving the state. If Licensee fails to receive such approval before leaving the state, none of the time spent out-of-state will be credited to the fulfillment of the terms and conditions of this Order.

12. If any condition of the probation after reinstatement is violated, the Licensee agrees that the Board may take such actions as the Board deems necessary up to and including a total and complete revocation of Licensee's licensing rights as a nurse in South Dakota.
13. If Licensee obtains a license issued solely or under joint regulatory powers by the Board other than the license to which this Stipulation refers in the above-captioned paragraphs, at any time during the period of probation, the terms of this probation shall apply to the other or additional license(s) issued by the Board.
14. All provisions and conditions of this Stipulation shall carry over to any license or privilege to practice in South Dakota that the Licensee receives pursuant to the multi-state nursing compact (SDCL 36-9-92).
15. During the period of probation, the Licensee will submit to such testing of body fluids, on a random basis, as administered by the Health Professionals Assistance Program, ("HPAP"), with the understanding that if such tests would ever indicate the use of a non-prescribed controlled substance, that the Licensee would then agree to a total and complete revocation of her licensing rights as a South Dakota nurse. The blood and/or urine screens shall be:
 - a) Observed in their drawing
 - b) Handled through legal chain of custody methods
 - c) Paid for by Licensee; and
 - d) Results reported to the Board by HPAP.
16. Licensee shall commit no violations of law or regulation regarding the practice of nursing.
17. Licensee shall abstain completely from the personal use, possession, or sale of controlled substances, as defined by South Dakota law, and dangerous drugs as defined by law, and any drugs requiring a prescription, except as otherwise provided herein.
18. Licensee shall execute all release of information forms as may be required by the Board or its designee.
19. Notwithstanding anything to the contrary herein, if the Licensee is ever convicted of a felony, Licensee agrees that the Board may take further action against her license, including but not limited to, immediate revocation, suspension, or other disciplinary action. Licensee shall immediately inform the Board of the charges and outcome of any criminal charges hereafter pending against Licensee.

Dated this 24th day of July, 2002.

SOUTH DAKOTA BOARD OF NURSING

Diana VanderWoude
Executive Secretary, Diana Vander Woude

The above-captioned Order was adopted by the South Dakota Board of Nursing on the
18th day of July, 2002, by a vote of 8 yes
0-no.

Diana VanderWoude
Executive Secretary, Diana Vander Woude