

proceedings, an employer report, and letters of recommendation and support. The Board was also provided with an evaluation report from the Health Professionals Assistance Program (“HPAP”) dated February 26, 2013. Maria Eining 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 request, the statement and documents provided by the Licensee, the previous Order, the HPAP report, as well 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 a period of 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 with credit given 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 those terms and conditions.

5. After verification from HPAP that the Licensee has completed all monitoring terms, the Licensee may petition the Board for a closure of this probation. The Licensee is not entitled to early closure of probation. The duration of the terms of probation as set by HPAP shall be no less than the initial terms of sixty (60) months with credit being given for time already served in HPAP. 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 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 RN license by the Board office and it is to be stamped "PROBATION".
5. If the Licensee violates any terms of this probation, the Board may take such action against Licensee's license as the Board deems necessary, up to and including 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 affects 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 28th day of February, 2013 by a vote of 9-0, one recusal.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, RN, MS
Executive Director
South Dakota Board of Nursing