

Board of Nursing on or about September 16, 2009 for Licensee's unprofessional conduct arising out of poor nursing care and false documentation while working at the Rosebud Hospital. The Licensee had also given false testimony during an Informal Meeting with the South Dakota Board of Nursing.

Board investigators conducted an Informal Meeting with the Licensee at the Board of Nursing's office on January 21, 2010, to discuss the Sioux San complaint. Said Minutes of the Informal Meeting are hereby incorporated as if fully set forth herein.

At the Informal Meeting the Licensee indicated that she had been reassigned by her employer to outpatient care because of concerns that were raised concerning her patient care. She admitted to being under stress while under investigation for issues at the Rosebud Hospital and felt that treatment at Sioux San was all in retaliation.

The OIG was advised of Licensee's practice issues. Licensee has since been removed from federal service effective December 10, 2009; and

WHEREAS, based upon the affidavit of Kathleen Rausch and the above stated conduct, the Board has concluded that the public health, safety, and welfare require emergency action, in that Licensee's actions may endanger the health and safety of those who are, or will be, entrusted to her care in the future; and

WHEREAS, the Board has a statutory obligation to protect the health, safety, and welfare as set forth in SDCL §36-9, including the protection of the public from unsafe nursing practices and practitioners.

NOW THEREFORE IT IS HEREBY ORDERED:

1. That the Board has jurisdiction of the Licensee and the subject matter of this Order.

2. That based on the above, the Board specifically finds that the public health, safety, and welfare require emergency action against Licensee's license.

3. That based on the above, the Board specifically finds that the Licensee's actions endanger the public health, safety and welfare, and imperatively require emergency action in that Licensee may endanger the health and safety of those persons who are or will be entrusted to her care in the future and that these are matters of a nature that would constitute further grounds for discipline of her license to practice nursing under SDCL § 36-9-49(5), (7), and (10).

4. Based upon these findings, Licensee's license to practice nursing in South Dakota is hereby summarily suspended. Licensee may petition according to SDCL § 36-9-57 for reinstatement of her license at any time for "good cause". This Order also affects Licensee's privilege to practice in South Dakota. Should licensee change her home state under the Nurse Licensure Compact, then Licensee's practice privilege is subject to the same requirements as set forth in this Order as her South Dakota license.

5. That Licensee shall turn in her license to the Board within ten (10) days from the date of this Order and it shall be kept by the Board until further action on this matter.

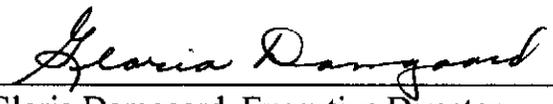
6. Licensee is hereby notified that any practice of or holding herself out as a registered nurse during the terms of this Order of Summary Suspension is a violation of SDCL § 36-9-68.

7. That this action is reportable discipline and will be published in the Board's newsletter, posted on its website, and reported into the HIPDB and NPDB data banks as required by law.

The South Board of Nursing at its meeting on the 26th day of February 2010 approved this Order of Summary Suspension as written without modifications and issues its Order of Summary Suspension consistent herein as follows:

IT IS HEREBY ORDERED that the above is adopted as an Order of the South Dakota Board of Nursing this 26th day of February, 2010 by a vote of 9 -- 0.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, Executive Director

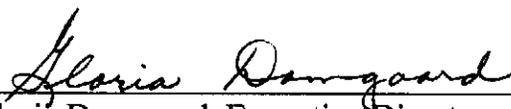
NOTICE OF HEARING

The South Dakota Board of Nursing (“Board”) pursuant to SDCL §§ 1-26-16, 1-26-27, and 1-26-29, hereby provides this Notice of Hearing to Krista D. Horvath, RN, License No. R035899 (“Licensee”) as follows:

1. Hearing on the Order of Summary Suspension will take place before the Board on April 22nd, 2010, at 9:30 o’clock a.m. at the offices of the South Dakota Board of Nursing, 4305 S. Louise Avenue, Suite 201 in Sioux Falls, South Dakota.
2. This matter is an adversarial proceeding and Licensee has the right to be present at the hearing and to be represented by an attorney. These due process rights will be forfeited if they are not exercised at the hearing.
3. Licensee has a right to request that the agency use the Office of Hearing Examiners for this proceeding by giving notice of the request to the Board no later than ten (10) days after the service of this Notice of Hearing on Order of Summary Suspension.
4. A decision issued by the Board after the hearing may be appealed to the circuit court and to the state Supreme Court as provided by law.

Dated this 17th day of March, 2010.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, Executive Director