



included a treatment report from Dr. Scott Pribyl, Ed.D. and documentation evidencing completion of workplace harassment sensitivity training; and

WHEREAS, the Licensee personally appeared before the Board with his attorneys, Richard L. Johnson and Erin M. Johnson, to present his reinstatement request. The Licensee presented additional documentation supporting his reinstatement, including an annual performance review dated June 23, 2011, a recognition by his former nursing employer dated May 9, 2011, a printout of appointments Licensee had at the VA Medical Center in 2013, and a ratings decision from the South Dakota Department of Veteran Affairs dated April 1, 2013. Dr. Scott Pribyl provided testimony and answered questions in regard to his treatment of the Licensee and his recommendations for follow-up treatment. The Licensee also provided testimony and answered questions of the Board; and

WHEREAS, the Board has considered the Licensee's Petition, the previous Orders, the documents provided by the Licensee, the testimony of Dr. Pribyl, 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 twelve (12) months of active practice as a registered nurse.
3. All probationary terms and conditions will be set by the South Dakota Board of Nursing (see below), and the Licensee shall fully comply with all of those terms and conditions. At the end of the 12-month monitoring period, the Licensee may petition the Board for closure of this probation. The Board will then reevaluate the probation to be sure that the Licensee has completed all monitoring terms as required by the Board.

Licensee is not entitled to early closure of probation. It is recognized that the Board may require additional probationary times or additional terms following the one-year period. The Licensee shall comply with the following conditions during his probation:

**CONDITIONS**

1. That the 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, in writing, within one (1) week of any change in nursing employment, personal address, and/or telephone number.

3. The Licensee shall provide a quarterly report to the Board of Nursing in regards to any follow up therapy sessions with Dr. Pribyl or other therapist, as well as follow up with his therapist at the VA.

4. When the Licensee returns to nursing practice, he is required to meet weekly for supervision with a senior nurse administrator, preferably of the female gender, to review his cases as well as his interaction with other female co-workers. The result of these meetings shall be included in the Licensee's quarterly report.

5. Licensee shall pay for all costs and expenses of carrying out conditions of probation.

6. 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".

7. 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.

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

9. 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.

10. 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 18th day of July, 2013 by a vote of 7 - 1, with one recusal.

SOUTH DAKOTA BOARD OF NURSING

Gloria Damgaard by  
Gloria Damgaard, RN, MS      *K. Tinklenberg*  
Executive Director