

SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE :

LICENSURE PROCEEDINGS :

RE: BARBARA JEAN WELCH;

a/k/a BARBARA JEAN HOFFMAN; :

a/k/a BARBARA JEAN YOUNG, RN,

FINDINGS OF FACT,

CONCLUSIONS OF LAW

AND ORDER OF DENIAL

Applicant.

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The South Dakota Board of Nursing’s (“Board”) complaint against Barbara Jean Welch a/k/a Barbara Jean Hoffman, a/k/a Barbara Jean Young, RN (“Applicant”), came on for hearing before the South Dakota Board of Nursing at its office in Sioux Falls, South Dakota, on September 15, 2005, at 3:30 p.m. Applicant, Barbara Jean Welch, having received notice of the hearing, and having been given the opportunity to confront Board witnesses and to present evidence on her behalf, did not appear in person nor by an attorney. The Board appeared by and through its attorney, Kristine Kreiter O’Connell.

The Board considered the investigative evidentiary testimony of Board counsel, the Exhibits marked 1, 2, and 3, and other documents on file in this case; and being charged with the statutory obligation to protect the public health, safety and welfare as set forth in SDCL § 36-9, including the protection of the public from unsafe nursing practices and practitioners, the Board hereby makes the following:

FINDINGS OF FACT

1. That on February 1, 2005, Barbara Jean Welch; a/k/a Barbara Jean Hoffman, a/k/a Barbara Jean Young (“Applicant”) submitted an application for professional nurse licensure to the South Dakota Board of Nursing.
2. On the application, Applicant denied each and every question regarding previous or current disciplinary action against her license and signed an Affidavit claiming her answers to be true and correct.
3. Upon investigation, the Board staff found, amongst other things, that Applicant is the subject of a Complaint against her RN License (License No. RN105234) in the State of Arizona with Complaint and Notice of Hearing being issued on April 6, 2005. (The Board incorporates by reference as if fully set forth herein the factual allegations and alleged violations as set forth in that Complaint – Complaint No. 0402033; Docket No. 05A-0402033.)
4. Following an investigation, the Board staff issued to Applicant a notice calling for her appearance at an Informal Meeting scheduled for June 20, 2005, at 1:00 p.m. Applicant did not appear for that meeting.
5. The Board considered Applicant’s application for RN nursing licensure at its meeting of June 30, 2005.
6. Applicant intended to procure licensure through fraud and misrepresentation which is in violation of SDCL, § 36-9-49(1) and (7).

From the foregoing Findings of Fact, the Board draws the following:

CONCLUSIONS OF LAW

1. The South Dakota Board of Nursing has jurisdiction and authority over this matter pursuant to SDCL §§ 36-9-1.1 and 36-9-49.
2. That Applicant's conduct as identified in the Findings of Fact are in violation of SDCL §§ 36-9-49(1) and (7).
3. That ARSD 20:48:04:01(1)(d) provides that the Board recognizes the "Standards of Clinical Nursing Practice," 1991, and the "Code for Nurses With Interpretive Statement," 1985, as published by the American Nurse's Association as criteria for assuring safe and effective practice following licensure. The code of ethics requires an RN to function within an established legal guideline and uphold the basic standards of nursing practice.

THEREFORE, let an Order be entered accordingly:

ORDER

Based on the Findings of Fact and Conclusions of Law, the South Dakota Board of Nursing hereby orders:

1. That Applicant's application for license to practice nursing in the State of South Dakota is hereby denied.
2. That Licensee is hereby notified that any practice as or holding himself out as a registered nurse in the State of South Dakota is a violation of SDCL § 36-9-68.

Dated this 15th day of September, 2005.

Gloria Damgaard
Gloria Damgaard, Executive Secretary
South Dakota Board of Nursing

The above Findings of Fact and Conclusions of Law and Order were
adopted by the South Dakota Board of Nursing on the 15th day of
September, 2005, by a vote of 10-0.

Dated this 23rd day of September, 2005.

Gloria Damgaard
Gloria Damgaard, Executive Secretary
South Dakota Board of Nursing