

**SOUTH DAKOTA BOARD OF NURSING**

\*\*\*\*\*

**IN THE MATTER OF THE  
LICENSURE PROCEEDINGS**

**RE: KELLY BALES, R.N.**

**License No. R-027213**

**Licensee.**

**ORDER OF  
REINSTATEMENT  
WITH  
PROBATION**

\*\*\*\*\*

WHEREAS, pursuant to a voluntary surrender consent order dated Feb. 3, 2000, the nursing license of KELLY BALES, R.N., ("Licensee"), License number R-027213 was suspended for commission of the felony of keeping a place for the use or sale of controlled substances in violation of SDCL 22-42-10, and

WHEREAS, said Licensee has petitioned the Board pursuant to the Stipulation and Order 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 January 25, 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 February 1, 2002, 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 for employers and any other 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, and would further agree that any such employer would, during the first year 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, evidence that Licensee's supervisor has received a copy of the order within ten (10) days of service or within ten (10) days of Licensee beginning a new employment;
  - b) Licensee's attendance and reliability;
  - c) Licensee's ability to practice nursing;
  - d) Licensee's ability to carry out assigned functions; including clinical judgment, decision-making skills and crisis management; medication administration and ethical decision making skills;
  - 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 this probationary order, the Nurse Practice Act, or South Dakota law immediately.
3. Licensee shall not be employed by a temporary agency.
4. Licensee shall observe the following employment restrictions: (a) may not hold a charge or

supervisory position; and (b) may only practice under the direct on premises on-site supervision of a registered nurse in good standing with the Board for the first six (6) 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 year 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 professional employment status, including employer support, peer support;
  - b) Licensee's future professional goals for nursing;
  - c) Licensee's future personal goals; and
  - d) 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 suspension/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. Licensee shall begin or continue involvement in Alanon meetings at least <sup>2-25-02</sup> ~~twice~~ weekly for the first year of her probation and weekly thereafter, and shall furnish satisfactory evidence of attendance to Board staff.
16. An Alanon sponsor shall be identified and shall submit quarterly reports to the Board attesting to the Licensee's level of participation in the program.
17. During the period of probation, the Licensee will submit to such testing of body fluids, on a random basis, as may be requested by the Board, within four (4) hours of the request by the Board, with the understanding that if such tests would ever indicate the use of a non-prescribed controlled substance or alcohol, 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 directly to the Board
18. The Licensee shall submit the results of all drug tests submitted to the Department of Corrections Parole Services to the Board. Additionally, the Licensee shall submit a release from Parole Supervision from her Parole officer upon her release from parole and shall comply with any conditions of parole or any subsequent probation. If Licensee is placed upon probation upon her release from parole, she shall furnish the Board with any probationary reports from her probation officer.
19. Licensee shall commit no violations of law or regulation regarding the practice of nursing.
20. Licensee shall abstain completely from the personal use of alcoholic beverages or 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.

21. Licensee shall execute all release of information forms as may be required by the Board or its designee.
22. Notwithstanding anything to the contrary herein, if the Licensee is ever again 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.
23. Licensee shall provide evidence of satisfactorily completing the South Dakota Board of Nursing Self-Study Ethics Module to the approval of the Board of Nursing Staff within three (3) months from the date of this order.

Dated this 6 day of February, 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 25th day of January, 2002, by a vote of 6 - yes.

2 - absent  
Diana VanderWoude  
Executive Secretary, Diana Vander Woude