

**SOUTH DAKOTA BOARD OF NURSING**

\*\*\*\*\*

IN THE MATTER OF THE  
LICENSURE PROCEEDINGS

VOLUNTARY SURRENDER  
AND CONSENT ORDER

RE: Kelly Bales, RN  
License No. R027213

Licensee,

\*\*\*\*\*

WHEREAS, Kelly Bales, RN ("Licensee"), is licensed to practice as a registered nurse in the State of South Dakota and holds license no. R027213; and

WHEREAS, Licensee has been arrested for and charged with possession of a controlled substance with intent to sell and is currently in custody in the Beadle County Jail; and

WHEREAS, it has been alleged that the Licensee was in possession of methamphetamines; and

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

WHEREAS, the alleged violations, if true, would violate SDCL § 36-9-49 and the Licensee is now requesting to voluntarily surrender her nursing license; and

WHEREAS, the parties hereto desire to resolve the issues presented by this action, without the necessity of further hearings and proceedings herein, and to provide for a responsible solution thereto; and

WHEREAS, the Licensee agrees that this Agreement is entered into by her voluntarily, in full understanding of the legal consequences of this document, and of her rights, which she hereby waives in the signing of this Agreement; and

WHEREAS, SDCL § 36-9-57 provides that any suspended license may be reissued at the discretion of the South Dakota Board of Nursing, upon the finding of good cause. Nothing in the Stipulation shall be deemed to be in agreement as to the action the Board may or may not take with respect to any subsequent request for reissuance of the said license.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

1. That the Licensee waives all procedural requirements of state and federal constitutions, laws and regulations, including, but not limited to, the procedural requirements of SDCL § 36-9 and 1-26 for the purposes of this temporary surrender.

2. That the South Dakota Board of Nursing has jurisdiction over the person of the Licensee and the subject matter of this Agreement.

3. That this Agreement is entered into voluntarily by the Licensee, without duress. The Licensee has had the opportunity to have her attorney review this Agreement and consult with her attorney regarding this Agreement and its consequences.

4. That the Licensee's license to practice nursing in South Dakota is voluntarily surrendered and the Licensee's license status shall be placed on the status of a surrendered license and suspended indefinitely, pending investigation of the allegations and the outcome of the criminal proceeding.

5. That the Licensee shall surrender her license to the Board within ten (10) days of the date of this Order being approved by the Board.

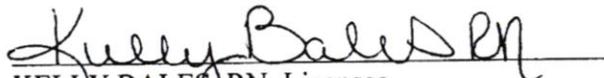
6. Licensee shall keep the Board informed of her current status and telephone number.

7. That the Licensee has had an opportunity to discuss this Stipulation with an attorney of Licensee's choice and is aware of her rights in this matter, including her right to a hearing, and all rights under the United States and South Dakota constitutions, laws, rules and/or regulations.

Licensee hereby voluntarily waives all such rights to a hearing, notice, appearance, or any other rights under said constitutions, laws, rules and/or regulations. Licensee is entering into this Stipulation and Order voluntarily, without duress or compulsion. Licensee also agrees that the Board's executive secretary or her designee may present this Stipulation to the Board and disclose to the Board all items of her investigation, including, but not limited to, any communications with the Licensee.

NOW, THEREFORE, the Licensee consents to the entry of aforesaid terms and conditions and the same are respectfully submitted to the South Dakota Board of Nursing for the purposes of allowing the said terms to become an Order of the Board, and Licensee submits herewith her license to be suspended indefinitely, pending investigation of the allegations.

Dated this 20<sup>th</sup> day of July, 1998.

  
KELLY BALES, RN, Licensee

  
JACK DER HAGOPIAN, Attorney

Approved by the South Dakota Board of Nursing this 16 day of July, 1998.

  
Diana Vander Woude, Executive Secretary