



regarding the outcome of Licensee's criminal charges sent by the Bon Homme County State's Attorney. Ms. Lee presented information on behalf of her client. The Licensee also provided testimony and answered questions of the Board; and

WHEREAS, on April 21, 2010, the Board issued an Order of Reinstatement with Probation and Remediation for said Licensee; and

WHEREAS, on or about December 1, 2011, the Board received a complaint that Licensee, while employed full time in the home of client for a home health agency, violated her probation by bringing her own personal issues into the home and involving the family. Licensee also had a male friend over to her home work sites, allowing him to enter the home without knocking. Licensee also left a client home to retrieve a forgotten cell phone and documented care being delivered at the time she was absent. Licensee also took narcotic prescription medications during work hours when she was told not to do so; and

WHEREAS, the Licensee, based upon the allegations agreed that she would surrender her South Dakota nursing license. Licensee signed a Voluntary Surrender Consent Order on March 12, 2012, which was accepted by the Board on February 22, 2012; and

WHEREAS, said Voluntary Surrender Consent Order suspended the Licensee's RN license for an indefinite period of time subject to reinstatement request pursuant to SDCL § 36-9-57 as the Board in its discretion may determine; and

WHEREAS, Licensee made a reinstatement request, in writing, dated May 3, 2016, and received by the Board on May 26, 2016, at which time the matter of Licensee's reinstatement was presented to the Board. The Licensee also submitted evidence of her participation in the

Health Professionals Assistance Program (“HPAP”) for which Licensee had been enrolled and had signed a three-year participation agreement on July 7, 2015. The Licensee also provided evidence of attending individual and group therapy programs, the maintenance of employment since October 2012, and evidence of compliance with all requirements of the HPAP program; and

WHEREAS, the Board has considered the Licensee’s request, the documents submitted, 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 as a single state license.
3. The Board hereby mandates Licensee’s continued participation in HPAP.
4. All terms and conditions as well as clearance to return to employment and any restrictions on access to narcotics shall be set by the HPAP, and the Licensee shall fully comply with all of those terms and conditions.
5. Additionally, Licensee shall comply with the following conditions during the term of this order:

## CONDITIONS

1. Licensee shall at any time during the term of this order 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 order.
2. The Licensee shall notify the Board, as well as the HPAP, in writing, within one (1) week of any change in nursing employment, personal address, and/or telephone number.
3. Licensee shall pay for all costs and expenses in carrying out conditions of HPAP.
4. That within ten (10) days of the effective date of this order, Licensee shall be issued her single state RN license by the Board office.
5. During the term of this order, the Licensee is to immediately inform the Board of the outcome of any criminal charges presently or hereafter pending against the Licensee, and whether the Licensee has been convicted, pled no contest, *nolo contendere*, pled guilty to or been granted a deferred judgment or adjudication, suspended imposition of sentence with respect to a felony, misdemeanor or petty offense, other than minor traffic violations, that have not previously been reported to the Board.
6. If the Licensee violates any terms of this order, the Board may take such action against Licensee's license as the Board deems necessary, up to and including an immediate suspension, additional terms, revocation, or other disciplinary action.
7. Licensee shall not violate any law or regulation regarding the practice of nursing.

8. 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.

9. This order also affects Licensee's practice privilege to practice in South Dakota should Licensee change her home state under the Nurse Licensure Compact and Licensee's practice privilege is subject to the same requirements set forth in this order as her South Dakota license.

IT IS HEREBY ORDERED that the above Order of Reinstatement with Mandated HPAP was adopted by the South Dakota Board of Nursing on the 9<sup>th</sup> day of June, 2016, by a vote of 9-0

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, RN, MS  
Executive Director