

SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE LICENSURE :
PROCEEDINGS :

RE: KELLI L. HAMMER DOSCH, R.N. :
License No. R-029778, :
Licensee. :

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER OF SUSPENSION**

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The South Dakota Board of Nursing's ("Board") Order of Summary Suspension of the licence of Kelli L. Hammer Dosch, R.N., license Number R-029778 ("Licensee"), came on for hearing before the South Dakota Board of Nursing at its offices in Sioux Falls, South Dakota on September 12, 2006 at 1:00 p.m. Licensee, Kelli L. Dosch, 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 or by an attorney. The Board appeared by and through its attorney, Kristine Kreiter O'Connell.

The Board considered the evidentiary testimony of Andrew Albers. The Board also considered the exhibits, numbered 1 through 5, entered into evidence, the Order of Summary Suspension and other documents on file in this case, and being charged with the statutory obligation to protect the public safety and welfare set forth in SDCL 36-9,

including the protection of the public from unsafe nursing practice and practitioner, the Board hereby makes the following:

FINDINGS OF FACT

1. That Kelli L. Hammer Dosch, R.N. is licensed to practice as a Registered Nurse in the State of South Dakota and holds license Number R-029778 ("Licensee")
2. That on January 17, 2003, the South Dakota Board of Nursing staff, pursuant to disciplinary investigation and an Informal Meeting (held on June 24, 2004) ordered non-disciplinary monitoring of the Licensee.
3. That as a result of the Informal Meeting, the Licensee was to submit to the Board, psychiatric/psychological reports and self reports on a quarterly basis for a period of two years.
4. The purpose of the monitoring was to assure Licensee's safe performance of her duties as a Registered Nurse.
5. Licensee has not been compliant with the Board's Order.
6. Licensee's non-compliance included, but was not limited to: failure to provide a physicians report in March, 2004; the June, 2004, reports were received one month late; the September, 2004, self report was received four months late; no physician report was received in September, 2004; the December, 2004, self and physician reports were received one month late; and no reports were received in September, 2005.

7. The licensee was issued a warning letter by Board staff on January 18, 2005, for her non-compliance.
8. The licensee was issued another non-compliance letter on October 12, 2005.
9. On January 23, 2006, Board staff sent a letter to the licensee regarding her continuing lack of compliance. She was advised that a formal hearing would be scheduled if she failed to comply. Additional investigation was commenced.
10. Licensee obtained Registered Nurse licensure in the state of Iowa on June 16, 2002. At that time, she allowed her South Dakota nursing license to lapse.
11. Licensee then returned to South Dakota and submitted a Lapsed License Application to the South Dakota Board of Nursing on July 1, 2004. In that application licensee made a negative response to a question that asked whether she was presently being investigated or had disciplinary action against her license.
12. Licensee's nursing license in Iowa had been indefinitely suspended on September 9, 2004, for drug abuse and diversion.
13. Licensee did not disclose this information on her July 1, 2004 renewal application to the South Dakota Board of Nursing.
14. Licensee again submitted a renewal application to the South Dakota Board of Nursing on June 23, 2006, and again made negative responses to all questions regarding any action taken against her license in any state.

From the following 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. The Licensee's conduct as identified in the Findings of Fact are inconsistent with the health and safety of persons entrusted to her care and violates the statutes, rules, and regulations regarding the practice of nursing and are in violation of SDCL § 36-9-49(4)(5)(6)(7) and (10).

THEREFORE, let an Order be entered accordingly:

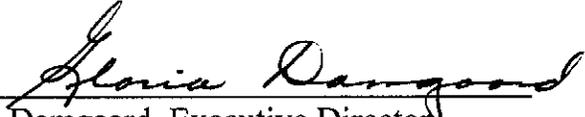
ORDER

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

1. That the Licensee's license to practice nursing in the State of South Dakota is hereby suspended.
2. That the Licensee may petition pursuant to SDCL § 36-9-57 for reinstatement of her license and any time for "good cause."
3. The Licensee shall turn in her license to the Board of Nursing within ten (10) days of this Order.

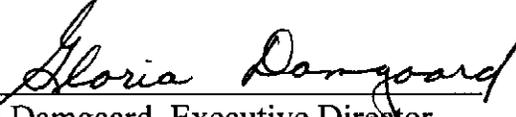
4. The Licensee is hereby notified that any practice as or holding herself out as a registered nurse during the term of this revocation is a violation of SDCL § 36-9-69.

Dated this 13th day of September, 2006.



Gloria Damgaard, Executive Director
South Dakota Board of Nursing

The above captioned Findings of Fact and Conclusions of Law were adopted by the South Dakota Board of Nursing on the 13th day of September, 2006, by a vote of 10-0.



Gloria Damgaard, Executive Director
South Dakota Board of Nursing