

SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE LICENSURE
PROCEEDINGS

RE: TERESA M. GALLAGHER, L.P.N.

License No. P007404,

Licensee.

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

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The South Dakota Board of Nursing’s (“Board”) hearing on the Summary Suspension of the license of Teresa M. Gallagher, L.P.N., license number P007404, (“Licensee”), came on for hearing before the South Dakota Board of Nursing at its office in Sioux Falls, South Dakota, on June 20, 2007, at 1:00 p.m. Licensee, Teresa Gallagher, did appear in person to present evidence on her behalf. The Board appeared by and through its attorney, Kristine Kreiter O’Connell.

The Board considered the evidentiary testimony of Licensee, Teresa Gallagher. The Board also considered the Affidavit of Andrew Albers 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 Teresa Gallagher is licensed to practice as a Licensed Practical Nurse

in the State of South Dakota and holds license number P007404.

2. That the Licensee has been practicing as a Licensed Practical Nurse since receiving her training in 1984. Her most recent employment was with the Tekawitha Nursing Home in Sisseton, South Dakota, a position she has had for sixteen years.

3. On or about September 29, 2006, Licensee was arrested for a third offense DUI, a felony.

4. Licensee's prior DUI arrests and convictions occurred in Roberts County, South Dakota, in 1999, and in Traverse County, South Dakota, in 2002.

5. Following her September 29, 2006, arrest, Licensee took a thirty (30) day leave of absence from her employment to attend in-patient alcohol treatment at Keystone. She began her treatment on or about October 5, 2006.

6. Following in-patient alcohol treatment, Licensee returned home and shortly thereafter drank alcohol resulting in a positive breathalyzer test, a violation of her court ordered probation. Incarceration followed.

7. Licensee attended an Informal Meeting with the South Dakota Board of Nursing staff on February 13, 2007, to discuss her situation. She was provided information on the Health Professionals Assistance Program, ("HPAP").

8. Licensee did not contact HPAP for any information until a week before her Formal Hearing.

9. Licensee has sporadically attended Sunday evening AA meetings since her

alcohol treatment at Keystone.

10. Licensee's alcohol issues have not been fully or satisfactorily addressed.

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

CONCLUSIONS OF LAW

1. That 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 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(2), (4) and (10).

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 the Licensee's license to practice as a Licensed Practical Nurse in the State of South Dakota is hereby suspended.

2. That the Licensee may petition for reinstatement of her license at any time for "good cause" pursuant to SDCL § 36-9-57, which would include full and compliant participation in the Health Professionals Assistance Program.

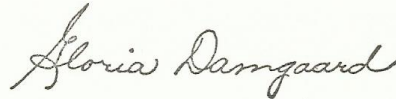
3. That the Licensee shall turn in her license to the Board of Nursing within

ten (10) days from the date of this Order.

4. That the Licensee is hereby notified that any practice as or holding herself out as a Licensed Practical Nurse during the term of this suspension is a violation of SDCL § 36-9-69.

Dated this 20th day of June, 2007.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, Executive Director

The above Findings of Fact, Conclusion of Law, and Order of Suspension were adopted by the South Dakota Board of Nursing on this 20th day of June, 2007, by a vote of 11-0.

Dated this 20th day of June, 2007.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, Executive Director