

WHEREAS the Licensee made a reinstatement request, in writing, dated October 29, 2006, and personally appeared before the Board on February 6, 2007, at which time the matter of Licensee's reinstatement was presented to the Board. Licensee presented court documents, HPAP letters, statements, and provided testimony and answered questions of the Board; and

WHEREAS the Board has considered the Licensee's request, the documents submitted, statements and Licensee's own testimony 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 an RN in South Dakota shall be reinstated and placed on a probationary status for sixty (60) months of active practice as an RN or employment as an RN. Probationary terms and conditions set by the Board shall be completely followed by the Licensee. In addition, probationary terms and monitoring conditions as well as clearance to return to employment, shall be set by the HPAP and the Licensee shall fully comply with these terms and conditions. After verification from the HPAP that the Licensee has completed all monitoring terms, the Licensee may petition the Board for closure of his probation. The Licensee is not entitled to early closure of probation. The duration of the terms of probation as set by the HPAP

shall not be less than the initial term of sixty (60) months, and it is recognized that the Board may require additional probationary time or additional terms upon completion of HPAP. Additionally, Licensee shall comply with the following conditions during his probation:

CONDITIONS:

1. Licensee shall at any time during the period of 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 probation.
2. 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 any conditions of the probation.
4. Within ten (10) days of the effective date of this Order, Licensee shall be issued his RN license by the Board office and it is to be stamped "PROBATION".
5. Notwithstanding anything in this Stipulation and Order to the contrary, should the Licensee be convicted of a felony, which would be grounds for discipline under SDCL § 36-9-49, either relating to the allegations which led to this probation or to

any other actions or omissions of the Licensee, the Licensee agrees that the Board may take further action against Licensee's license, including, but not limited to immediate suspension. Licensee agrees to immediately inform the Board of the outcome of any criminal charges presently or hereafter pending against Licensee.

6. If Licensee violates any terms of this probation, the Licensee agrees that the Board may take such actions against Licensee's license, as the Board deems necessary, up to and including an immediate suspension, additional probation terms, revocation or other disciplinary action.

7. If Licensee obtains a license issued solely or under joint regulatory powers by the Board, other than the license to which this Order refers, at any time during the period of the probation, the terms of this probation shall apply to the other or additional license(s) issued by the Board.

8. Licensee shall not violate any law or regulation regarding the practice of nursing.

9. 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.

10. This probation also affects Licensee's practice privilege to practice in South Dakota should Licensee change his home state under the Nurse Licensure Compact and

Licensee's practice privilege is subject to the same requirement set forth in this Order as his South Dakota license.

11. The Licensee shall have no access to narcotics or any mood altering drugs for a period of one year of active practice as a registered nurse.

12. If Licensee wishes to reactivate his CNP license, such a request will need to be made to both the Board of Medicine and the Board of Nursing.

IT IS HEREBY ORDERED that the above Reinstatement Order of RN License Only with Probation was adopted by the South Dakota Board of Nursing on the _____ day of February, 2007, by a vote of _____.

SOUTH DAKOTA BOARD OF NURSING

Gloria Damgaard, Executive Director