

SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE LICENSURE :
PROCEEDINGS :

RE: CASTLE R. KELLY, R.N. :

**VOLUNTARY SURRENDER
CONSENT ORDER**

License No. R-029598, :

Licensee. :

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WHEREAS, Castle R. Kelly, R.N. (“Licensee”), is licensed to practice as a registered nurse in the State of South Dakota and holds License number R-029598; and

WHEREAS, on or about July 12, 2011, the South Dakota Board of Nursing (“Board”) summarily suspended the license of the Licensee following the receipt of complaints arising out of Licensee’s substance abuse disorder and mental health issues. The Affidavit of Kathleen J. Rausch and the Order of Summary Suspension and Notice of Hearing are hereby incorporated as if set forth fully herein. After the issuance of the summary suspension, Licensee contacted the Board on July 18, 2011, requesting to participate in the Informal Meeting with the Board staff to discuss her situation. Licensee did attend that meeting on July 25, 2011, and has agreed to voluntarily surrender her license in order to address her current issues; and

WHEREAS, Licensee has agreed that she would surrender her South Dakota nursing license; and

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

WHEREAS, Licensee agrees that the matters under investigation would be of a nature that would constitute grounds for the discipline of her license to practice nursing in South Dakota under SDCL § 36-9-49; and

WHEREAS, the Licensee agrees that she enters into this Voluntary Surrender Consent Order voluntarily and without duress or compulsion, in full understanding of the legal consequences of this document and her rights; therefore,

IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

1. That the Board has jurisdiction over the person of the Licensee and the subject matter of this Voluntary Surrender Consent Order.
2. That on or about July 12, 2011, the Board summarily suspended the license of the Licensee following the receipt of complaints arising out of Licensee's substance abuse disorder and mental health issues. After the issuance of the summary suspension, Licensee contacted the Board on July 18, 2011, requesting to participate in the Informal Meeting with the Board staff to discuss her situation. Licensee did attend that meeting on July 25, 2011, and has agreed to voluntarily surrender her license in order to address her current issues, and now intends to leave the profession of nursing as a registered nurse.

3. That the Licensee has been given an opportunity to discuss this Voluntary Surrender Consent Order with an attorney of Licensee's choice, and is aware of her right to a hearing in this matter, and of her 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 also agrees that the Board's Executive Director or her designee may present this Voluntary Surrender Consent Order to the Board and disclose to the Board all items of her investigation, including, but not limited to, any communications with Licensee.

4. That the Licensee's license to practice nursing in South Dakota and her privilege to practice nursing pursuant to the Nurse Licensure Compact shall be surrendered and the Board shall suspend said license for an indefinite period from the date of this Order. Licensee may apply to have her license reinstated for good cause shown.

5. That nothing in this Voluntary Surrender Consent Order should imply that the Licensee shall be reinstated. Licensee recognizes that the reinstatement terms, as well as the requirements for reinstatement, are at the sole discretion of the Board.

6. That if the Licensee requests reinstatement, Licensee has the burden of

presenting information showing that Licensee's license should be reinstated.

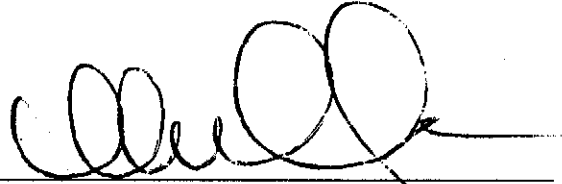
7. That it is further stipulated and agreed that this Voluntary Surrender Consent Order is being entered into voluntarily by the Licensee and without threats or coercion and is entered into after the Licensee has been given ample opportunity to consider these matters and to discuss this Voluntary Surrender Consent Order with an attorney of Licensee's choice and that the Licensee has a full understanding of the legal consequences of this Voluntary Surrender Consent Order and of the Licensee's rights to a formal hearing on these matters, which rights are hereby waived by the signing of this Voluntary Surrender Consent Order.

8. This action is reportable discipline and will be published in the Board's newsletter and posted on its web site and reported into the Healthcare Integrity and Protection Data Bank (HIPDB) and National Practitioner Data Bank (NPDB) as required by law.

9. That the Board may enter an Order consistent with the terms of this Stipulation.

NOW, THEREFORE, the foregoing Voluntary Surrender Consent Order is entered into and is respectfully submitted to the Board with the request that the Board adopt its terms as an Order of the Board in the above matter.

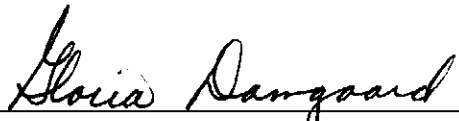
Dated this _____ day of July, 2011.



Castle R. Kelly, R.N.

The South Dakota Board of Nursing meeting on the 13th day of September 2011, approved the attached Voluntary Surrender Consent Order as written and issued its Order as follows:

IT IS HEREBY ORDERED that the above Voluntary Surrender Consent Order is adopted as shown herein by the South Dakota Board of Nursing this 13th day of September, 2011, by vote of 11-0.



Gloria Damgaard, Executive Director
South Dakota Board of Nursing