

SOUTH DAKOTA BOARD OF NURSING

RECEIVED

APR 27 1998

SD BOARD OF NURSING

IN THE MATTER OF THE
LICENSURE PROCEEDINGS

RE: NORA KILLSPOTTED,
License No. P007575

ORDER SUSPENDING
LICENSE INDEFINITELY

Licensee.

The above-captioned matter having come on for hearing before the South Dakota Board of Nursing on April 16, 1998, at 9:30 a.m. at the Westward Ho Country Club, Sioux Falls, South Dakota, and Nora Killspotted, ("Licensee") having received notice of said hearing and of the Complaint against her as evidenced by Exhibits 1 through 3 introduced into evidence at the hearing; and Licensee not appearing in person, by counsel or by telephone, the South Dakota Board of Nursing having appeared by its attorney, Terry N. Prendergast, and by witness, Mona Hohman, R.N., M.S., Nursing Practice Specialist, who gave testimony and opportunity being afforded to Licensee to present evidence on the issues of fact and argument on the issues of law or policy before the hearing and Licensee having waived said rights in not being present and the Board, through its counsel, Terry N. Prendergast, having introduced evidence and documentation, the Board having heard the evidence and reviewed the record and fully reviewed this matter, the Board now makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

- (i) On or about December of 1997 and January of 1998, while employed at the Clarkson Mountain View Guest Home, Rapid City, South Dakota, as an L.P.N., Licensee had excessive absenteeism and was under the influence of alcohol at work;
- (ii) Licensee also completed treatment at Addiction Family Resources in Belle Fourche on December 19, 1997;
- (iii) Licensee was contacted by the Health Professionals Assistance Program, but failed to appear at that program;
- (iv) Licensee agreed to undergo a chemical dependency assessment and have the results of the assessment forwarded to the Health Professionals Assistance Program, but did not do so;
- (v) Licensee was scheduled for an informal meeting on Tuesday, March 3, 1998, at the South Dakota Board of Nursing office and was mailed letters to her last known address and the United States Postal Service attempted three times to contact Licensee without success;
- (vi) Licensee has not kept the Board office informed of her last known address as is required by rule;

CONCLUSIONS OF LAW

1. Licensee's conduct as stated in the Findings of Fact would be in violation of SDCL § 36-9-49(4), (5), (7) and (10).
2. That the Code of Ethics requires the licensed practical nurse to function within established legal guidelines and uphold the law.
3. Licensee's actions as stated in the Findings have violated the law, thus violating SDCL § 36-9-49(4), (5), (7) and (10), and amount to unprofessional or dishonorable conduct and could have endangered the health and safety of those entrusted to her care.
4. Licensee's conduct is grounds for suspension of her license in South Dakota.

ORDER

IT IS HEREBY ORDERED that Licensee's license in South Dakota is suspended for an indefinite period of time; and

IT IS FURTHER ORDERED that Licensee may apply for reinstatement for good cause at any future Board meeting, with or without conditions pursuant to SDCL § 36-9-57;

IT IS HEREBY ORDERED that the above Order is adopted as shown herein by the South Dakota Board of Nursing on the 16th day of April, 1998, by a vote of *8-yes.*
1-abstention

SOUTH DAKOTA BOARD OF NURSING

By *Diana Vanderwoude RN, MS*
Diana Vander Woude, Executive Secretary