

were admitted without objection. Exhibits 6 through 8 were introduced into evidence by the Licensee and admitted without objection. The entire hearing was audio recorded.

At the close of testimony, the Board moved into executive session, pursuant to SDCL § 1-25-2 on motion duly made and unanimously carried, to deliberate regarding it's decision.

At the close of deliberation, the Board came back into open session with parties present where one motion was made by the Board: "That the South Dakota Board of Nursing reinstate the R.N. license of Ann Mechtenberg on probationary status with quarterly reports from self, employer, and treating professional. We will re-evaluate in 1 year". This motion was adopted on a vote of 7 to 0.

The Board considered the evidentiary testimony of the witness, the Exhibits admitted into evidence, and other documents on file, and being charged with the statutory obligation to protect the public safety and welfare as set forth in SDCL chapter 36-9, the Board hereby makes the following:

FINDINGS OF FACT

1. That Ann M. Mechtenberg ("Licensee") is licensed to practice as a registered nurse in the state of South Dakota and holds license number R-028205.
2. That the Licensee received her associate RN degree from Dakota Wesleyan University on July 1, 1995.

3. That the Licensee was issued her South Dakota RN license in November, 1995.
4. That following licensure, the Licensee has worked primarily in long term care facilities including Covington Heights, Dow Rummel, and Prince of Peace all in Sioux Falls, South Dakota before becoming a traveling nurse with Dakota Medical Temps, where she accepted assignments in Arizona and Utah.
5. During the early part of her nursing career, Licensee experienced marital problems. It was also stressful for her to raise a young daughter. She was also addressing her own mental health issues.
6. One reason Licensee became a traveling nurse was due to finances. In 2006, Licensee returned to South Dakota.
7. Licensee has been prescribed medications including Prozac, Buspar for anxiety, and Cylert for ADD symptoms and adult ADHD.
8. Licensee has been on the above medications for a period of over 10 years.
9. The Licensee, on or about December 2005, quit taking her medications due to mental and financial difficulties. At that time, Licensee also stopped treatment with her health care providers.
10. On or about February 24, 2006, the Board of Nursing received a complaint from Navaho Indian Health that Licensee submitted fraudulent letters of reference to

secure employment.

11. Licensee admitted to the fraudulent use of reference letters to obtain employment.

12. The South Dakota Board of Nursing issued a Letter of Reprimand with Remediation to the Licensee on June 22, 2006, as a result of the letter of reference complaint.

13. Licensee completed all her remediation modules.

14. On April 7, 2007, the South Dakota Board of Nursing received a complaint from Licensee's then employer, Palisades Manor of Garretson, South Dakota in regards to medication error, alleged diversion of narcotics, sleeping on the job, not responding to patient's lights, leaving medication doors open, not documenting appropriately, and other intervention issues.

15. On June 24, 2007, the Board of Nursing received another complaint from Licensee's then employer, Canton Good Samaritan Center, alleging unsafe practice issues, including medication errors, incorrect counting of narcotics, and laboratory errors.

16. An Informal Meeting was held with the Licensee and members of Board staff on July 25, 2007. Licensee did admit to the list of unsafe nursing practice issues as identified at the Palisades Manor and Canton Good Samaritan Center. Licensee admitted to having mental and physical health concerns that had affected her nursing practice.

17. Licensee suffers from sleep apnea, which has not been treated due to lack of health insurance. The sleep apnea causes difficulty for the Licensee to work at night.

18. Licensee was issued a Summary Suspension of her license on November 13, 2007.

19. Due to the depression issues, Licensee underwent a psychiatric evaluation with Dr. Bahnson on December 12, 2007.

20. Since August, 2007, Licensee has been treating with a primary care physician for medication administration.

21. For the past two months, Licensee has been treating with a psychologist to address her mental health issues.

22. Licensee is seeing a physician to address her sleep apnea so that she may have optimal functioning.

23. Licensee is currently working in an assisted living center as a residential assistant. She has been working there since August, 2007. Her duties include medication administration, cooking, laundry, and resident hygiene.

24. Licensee has been a Certified Med Aide since August, 2007.

25. Licensee is currently back on a regime of appropriate medications to address her mental health issues and is receiving appropriate followup.

26. Licensee's testimony was credible.

27. Licensee presented well, she was well groomed, was articulate, and had appropriate affect and communication at the hearing.

28. Licensee has got herself back on a healthy tract.

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

CONCLUSIONS OF LAW

1. That the Board has jurisdiction and authority over this matter pursuant to SDCL §§ 36-9-1.1 and 36-9-49.
2. That the Licensee has provided proof to the Board that she is not currently a danger to the health and safety of persons entrusted to her care.
3. That the Licensee's license should remain on a probationary status in order to monitor her emotional and psychological well-being.

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 Licensee's license to practice as a registered nurse in the State of South Dakota is hereby reinstated.
2. That the Licensee's license shall be placed on probationary status with the

following terms:

- A. That the Licensee is required to submit self reports to the Board on a quarterly basis for a period of one (1) year.
 - B. That Licensee shall see that her employer also submits quarterly reports to the Board of Nursing for a period of one (1) year.
 - C. That the Licensee provide to the Board quarterly reports from any and all treating professionals for a period of one (1) year.
3. That the Licensee shall notify the Board within one (1) week of any change in nursing employment, personal address, or telephone number.
 4. Licensee shall pay for all costs and expenses in carrying out any conditions of the probation.
 5. Within ten (10) days of the effective date of this Order, the Licensee will be issued a renewal certificate which will be stamped "PROBATION".
 6. If Licensee violates any terms of this probation, the Licensee agrees that the Board may take such action against Licensee's license as the Board deems proper, up to and including an immediate suspension, additional probation terms, revocation, or other disciplinary action.

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

8. 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 nursing regulatory authority in the party state in which the Licensee desires to practice.

9. This probation also effects Licensee's practice privilege in South Dakota should Licensee change her home state under the Nurse Licensure Compact, and Licensee's practice privilege is subject to the same requirements as set forth in this Order of probation as her South Dakota license.

10. The Board of Nursing will reevaluate Licensee's probation following one year of reporting to determine whether the probationary status of her license may be removed.

Dated this 9th day of Sept., 2008.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, Executive Director

The above Findings of Fact , Conclusion of Law, and Order of Reinstatement with Probation were adopted by the South Dakota Board of Nursing on this 9th day of Sept., 2008, by a vote of 8-0.

Dated this 15th day of Sept., 2008.

SOUTH DAKOTA BOARD OF NURSING

Gloria Damgaard
Gloria Damgaard, Executive Director