

SOUTH DAKOTA BOARD OF NURSING

0-0

IN THE MATTER OF THE	:	
LICENSURE PROCEEDINGS	:	
RE: LITA RUNNING HAWK, RN	:	FINDINGS OF FACT,
	:	CONCLUSIONS OF LAW
License No. R-028182	:	AND ORDER OF
	:	SUSPENSION
Licensee.	:	

0-0

The Order of Summary Suspension of the license of Lita Running Hawk, RN, License No. R-028182 (“Licensee”) came on for hearing before the South Dakota Board of Nursing (“the Board”) at its office in Sioux Falls, South Dakota, on November 18, 2004, at 2:00 o’clock p.m. Licensee, Lita Running Hawk, having received Notice of the Hearing, and having been given the opportunity to confront Board witnesses and to present evidence on her behalf, did not appear in person nor by an attorney. The Board appeared by and through its attorney, Kristine Kreiter O’Connell.

The Board considered the evidentiary testimony of Nancy Bohr, RN, MBA, MSN, the Affidavit, Orders, 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 for unsafe nursing practices and practitioners, the Board hereby makes the following:

FINDINGS OF FACT

1. That Lita Running Hawk is licensed to practice as a registered nurse in the State of South Dakota and holds license #R-028182.

2. That on or about April 5, 2004, Licensee's employer reported to the South Dakota Board of Nursing that the Licensee had a positive urinalysis for alcohol which was the third positive test while being enrolled in the Health Professionals Assistance Program ("HPAP").

3. On April 14, 2004, HPAP advised the Board that Licensee's physician and counselor had made a recommendation that Licensee was ready to return to employment.

4. The Board of Nursing, based on that information, set up an informal meeting with the Licensee and Board staff on April 23, 2004. At the conclusion of the informal meeting, it was recommended that the Licensee coordinate with Mike Coley for return to practice to provide assurances that she was fully involved in HPAP. The Board staff encouraged the Licensee to obtain the support she needed to pursue her goals to abstain from alcohol use.

5. On May 19, 2004, Mike Coley advised the Board that Licensee had agreed to enter in-patient treatment and continue her enrollment in HPAP until cleared.

6. On July 15, 2004, the matter of the Licensee was presented to the Board and it was moved and seconded that the Licensee be mandated to continue HPAP. The motion carried.

7. On September 2, 2004, the Board received a copy of a letter to the Licensee from HPAP discharging her from the HPAP program due to gross non-compliance of reporting a clinical stipulation of her HPAP monitoring contract. Mike Coley of HPAP reported that he was not in a position where he could report to the Board that the Licensee was stable, alcohol free, and able to return to nursing.

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

CONCLUSION OF LAW

1. The South Dakota Board of Nursing has jurisdiction and authority over this matter pursuant to SDCL §§ 36-9-1.1, 36-9-49, and SDCL § 36-9-49.1

2. That Licensee's conduct as identified in the Findings of Fact are in violation of SDCL §§ 36-9-49(4)(5)(7) and (10).

3. That ARSD 20:48:04:01(1)(d) provides that the Board recognizes the "Standards of Clinical Nursing Practice," 1991, and the "Code for Nurses With Interpretive Statement," 1985, as published by the American Nurse's Association as a criteria for assuring safe and effective practice following licensure. The code

of ethics require an RN to function within an established legal guideline and uphold the basic standards of nursing practice.

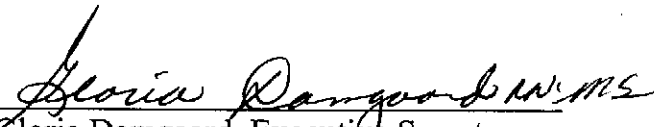
THEREFORE, let an Order be entered accordingly:

ORDER

Based on the Findings of Fact and Conclusions of Law, South Dakota Board of Nursing HEREBY ORDERS:

1. That the Licensee's license to practice nursing in the State of South Dakota is hereby suspended.
2. The Licensee may petition according to SDCL § 36-9-57 for reinstatement of her license at any time for "good cause" and upon the completion of the recommendation made by HPAP, this evaluation to subsequent clearance.
3. The Licensee shall turn her license in to the Board of Nursing within ten (10) days from the date of this Order.
4. Licensee is hereby notified that any practice as or holding herself out as a registered nurse during this term of suspension is a violation of SDCL § 36-9-68.

Dated this 18th day of November, 2004.


Gloria Damgaard, Executive Secretary
South Dakota Board of Nursing

The above captioned Findings of Fact and Conclusions of Law and Order
were adopted by the South Dakota Board of Nursing on the 18th day of
November, 2004, by a vote of 9 yes - 0 no.

Gloria Damgaard, RN:MS
Gloria Damgaard, Executive Secretary
South Dakota Board of Nursing