

SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE LICENSURE :
PROCEEDINGS :

RE: REBEKAH J. STALLINGS, R.N. :

**ORDER OF SUMMARY
SUSPENSION AND NOTICE OF
HEARING**

License No. R031565,

Licensee.

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WHEREAS, Rebekah J. Stallings, R.N., (“Licensee”), is licensed to practice as a registered nurse in the State of South Dakota and hold license number R031565; and

WHEREAS, on or about May 28, 2008, the South Dakota Board of Nursing (“Board”) received a letter from the South Dakota Health Professionals Assistance Program (“HPAP”) notifying it that the Licensee had failed to comply with any and all terms of her Participation Agreement with the HPAP program.

In the letter from HPAP, the Board learned that Licensee was a voluntary participant in HPAP and had signed the Participation Agreement on January 24, 2008. Since entering HPAP and completing treatment for alcohol dependency at the Keystone Treatment Center, the Licensee has struggled with compliance in all aspects of her Participation Agreement with HPAP.

As Licensee was not successful in maintaining sobriety, HPAP discharged her from the program and referred her case to the Board for investigation and possible

disciplinary action.

Licensee was terminated by her employer in June of 2008.

Since the receipt of this file, Board staff have not been successful in their efforts to contact the Licensee. Licensee has not contacted the Board office, nor has she contacted HPAP; and

WHEREAS, based upon the affidavit of Kathleen Rausch and the above stated conduct, the Board has concluded that the public health, safety, and welfare require emergency action, in that Licensee's actions may endanger the health and safety of those who are or will be entrusted to her care in the future; and

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

NOW THEREFORE IT IS HEREBY ORDERED:

1. That the Board has jurisdiction of the Licensee and the subject matter of this Order.
2. That based on the above, the Board specifically finds that the public health, safety, and welfare require emergency action against Licensee's license.
3. That based on the above, the Board specifically finds that the Licensee's actions endanger the public health, safety, and welfare, and imperatively require

emergency action in that Licensee may endanger the health and safety of those persons who are or will be entrusted to her care in the future and that these are matters of a nature that would constitute further grounds for discipline of her license to practice nursing under SDCL § 36-9-49(5), (7), and (10).

4. Based upon these findings, Licensee's license to practice nursing in South Dakota is hereby summarily suspended. Licensee may petition according to SDCL § 36-9-57 for reinstatement of her license at any time for "good cause". This Order also affects Licensee's privilege to practice in South Dakota. Should licensee change her home state under the Nurse Licensure Compact, then Licensee's practice privilege is subject to the same requirements as set forth in this order as her South Dakota license.

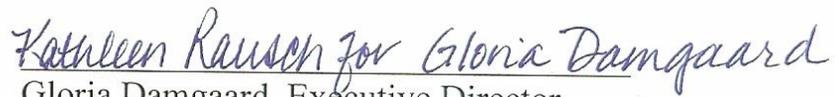
5. That Licensee shall turn in her license to the Board within ten (10) days from the date of this Order and it shall be kept by the Board until further action on this matter.

6. Licensee is hereby notified that any practice of or holding herself out as a registered nurse during the terms of this Order of Summary Suspension is a violation of SDCL § 36-9-68.

The South Board of Nursing at its meeting on the 20th day of June 2008 approved this Order of Summary Suspension as written without modifications and issues its Order of Summary Suspension consistent herein as follows:

IT IS HEREBY ORDERED that the above is adopted as an Order of the South Dakota Board of Nursing this 20th day of June, 2008, by a vote of 7-0.

SOUTH DAKOTA BOARD OF NURSING


Gloria Damgaard, Executive Director

NOTICE OF HEARING

The South Dakota Board of Nursing (“Board”) pursuant to SDCL §§ 1-26-16, 1-26-27, and 1-26-29, hereby provides this Notice of Hearing to Rebekah J. Stallings, RN, License No. R031565 (“Licensee”) as follows:

1. Hearing on the Order of Summary Suspension will take place before the Board on November _____, 2008, at _____ o’clock a.m. at the Board of Nursing office located at 4305 S. Louise Avenue, Suite 201 in Sioux Falls, South Dakota.
2. This matter is an adversarial proceeding and Licensee has the right to be present at the hearing and to be represented by an attorney. These due process rights will be forfeited if they are not exercised at the hearing.

3. Licensee has a right to request that the agency use the Office of Hearing Examiners for this proceeding by giving notice of the request to the Board no later than ten (10) days after the service of this Notice of Hearing on Order of Summary Suspension.

4. A decision issued by the Board after the hearing may be appealed to the circuit court and to the state Supreme Court as provided by law.

Dated this 30th day of June, 2008.

SOUTH DAKOTA BOARD OF NURSING

Kathleen F. Rausen for Gloria Damgaard
Gloria Damgaard, Executive Director