

protection of the public from unsafe nursing practice and practitioners, the Board hereby makes the following:

FINDINGS OF FACT

1. That Bruce A. Williams is licensed to practice as a Registered Nurse in the state of South Dakota and holds license No. R-027485.
2. That Licensee was the Administrator and Director of Nursing of the Ellen Stephen Hospice and Home Care, Inc., located in Kyle, South Dakota.
3. That on July 31, 1998, the Licensee was found guilty of resisting, opposing and obstructing arrest, failure to stop, and assault of a Federal Officer. Licensee was sentenced to one year and one day in Federal Prison.
4. That on October 22, 1998, the licensee signed a Voluntary Surrender with the South Dakota Board of Nursing.
5. That on August 9, 1999, the Licensee requested reinstatement of his nursing license and it was granted with probationary conditions.
6. On January 24, 2002, the Board cleared the probationary condition of Licensee's license.
7. That in June, 2005, Licensee failed to disclose disciplinary information on his application for licensure which resulted in a verbal warning by the Board.
8. That the Ellen Stephen Hospice and Home Care, Inc., has been in and out of compliance with the South Dakota Department of Health between 2001 and 2004.

9. On June 6, 2005, the South Dakota Department of Health received a complaint in regards to the Hospice side of Licensee's agency.

10. That on June 6, 2006, South Dakota Department of Health conducted an inspection survey of the Ellen Stephen Hospice in Kyle, South Dakota.

11. As a result of the inspection, the Department of Health found that the Hospice was out of compliance on ten standards.

12. The conditions out of compliance on the June 6, 2005, inspection included, but are not limited to, the following:

- A. The Hospice did not have a Social Worker.
- B. There were no assessment for or provisions for occupational therapy, speech therapy, or dieticians.
- C. The R.N. Director, Bruce Williams, failed to develop and implement plans of care that meet acceptable standards of care including assessments, skin care, doctor's orders signed, wound care and documentation.
- D. There were no plan of care for patients.
- E. There were no in-service training of employees or aides.
- F. There were no quality assurance program.

- G. There were no self assessment of patient response, patient satisfaction information, nor interdisciplinary team conferences or meetings.
- H. Volunteer requirements were not meet in that there were no training, documentation, records, or staff coordination.
- I. There were no bereavment services, including clergy or social worker.
- J. There were no medical social services.
- K. There were no counseling services including bereavement, dietary, home health or home maker.

13. The Licensee, as Administrator and Director of Nursing, admitted to all of the deficiencies identified by the Department of Health.

14. Licensee was given time to bring his Hospice agency into compliance with the recommendations of the Department of Health.

15. On October 13, 2005, the Department of Health made a repeat survey of the Hospice and found six conditions still out of compliance.

16. The Center for Medicare and Medicaid services (CMS) was notified, and the Hospice agency lost it's federal accreditation on November 3, 2005, with its Medicare Provider Agreement being terminated.

17. On January 10, 2006, the South Dakota Department of Health did a survey of the Home Health care side of the Ellen Stephen Agency.

18. The Home Health side of the agency had numerous deficiencies which included, but were not limited to the following:

- A. There were no comprehensive plan of care of the patient.
- B. The Registered Nurse, Bruce Williams, failed to follow acceptable professional standards in regards to hand washing, infection control, blood glucose monitoring, wound care, diabetic teaching, dietary information, and wound assessment.
- C. The agency had no administrative lines of control or authority for the delegation of patient care responsibilities.
- D. Education for nursing staff was inadequate.
- E. There were no annual evaluation of the agency.
- F. There was a lack of care plans established by a physician.
- G. There was a lack of outcome Assessment Information Sets as required by CMS.
- H. There were no meetings for the operation of the agency within the past seventeen months.
- I. Forms were not complete to address patient care needs.

J. The Licensee failed to follow accepted standards of nursing practice in regards to documentation, doctors orders, training, compliance, clinical records, education, assessments and follow-up, drug regime reviews, teaching and documentation.

19. Licensee as Administrator and Director of Nursing of the agency, admitted to all of the deficiencies that were identified by the Department of Health.

20. On January 27, 2006, the Department of Health advised the Licensee, by letter, that he was out of compliance and advised him what steps needed to be taken to correct the deficiencies. Licensee was given until March 1, 2006, to comply.

21. On April 4, 2006, the Department of Health sent an eight page letter to Licensee detailing specifically what plans of action needed to be taken in order to get into compliance.

22. The Department of Health was trying to help the Licensee achieve and maintain adequate standards for his Hospice and Home Health agency.

23. That Licensee failed to submit a plan of correction, and consequently the Home Health side of Ellen Stephen had it's Medicare Provider Agreement terminated on April 18, 2006.

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

CONCLUSIONS OF LAW

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

2. The Licensee's conduct as identified in the Findings of Fact are inconsistent with the health and safety of persons entrusted to his care and violates the statutes, rules, and regulations regarding the practice of nursing and are in violation of SDCL § 36-9-49(5) and (10).

3. That ARSD 20:48:04:01(1)(d) provides that the Board recognizes the "Standards of Clinical Nursing Practice," 2004, and the "Code for Nurses With Interpretive Statement," 2001, as published by the American Nurse's Association as criteria for assuring safe and effective practice following licensure. The code of ethics requires 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 Facts and Conclusions of Law, the South Dakota Board of Nursing hereby orders:

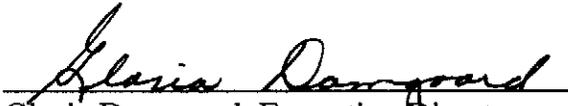
1. That the Licensee's license to practice nursing in the State of South Dakota is hereby revoke.

2. That the Licensee may petition pursuant to SDCL § 36-9-57 for reinstatement of his license and any time for "good cause."

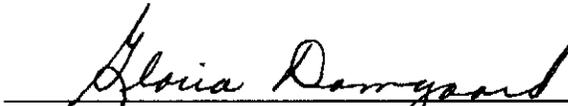
3. The Licensee shall turn in his license to the Board of Nursing within ten (10) days of this Order.

4. The Licensee is hereby notified that any practice as or holding himself out as a registered nurse during the term of this revocation is a violation of SDCL § 36-9-69.

Dated this 13th day of September, 2006.


Gloria Damgaard, Executive Director
South Dakota Board of Nursing

The above captioned Findings of Fact and Conclusions of Law were adopted by the South Dakota Board of Nursing on the 13th day of September, 2006, by a vote of 10-0.


Gloria Damgaard, Executive Director
South Dakota Board of Nursing