

SOUTH DAKOTA BOARD OF NURSING

**IN THE MATTER OF THE
LICENSURE PROCEEDINGS**

RE: KELLY BALES, R.N.

License No. R-027213

Licensee.

**ORDER OF
REINSTATEMENT
WITH
PROBATION**

WHEREAS, pursuant to a voluntary surrender consent order dated Feb. 3, 2000, the nursing license of KELLY BALES, R.N., ("Licensee"), License number R-027213 was suspended for commission of the felony of keeping a place for the use or sale of controlled substances in violation of SDCL 22-42-10, and

WHEREAS, said Licensee has petitioned the Board pursuant to the Stipulation and Order for reinstatement and has complied with all provisions for reinstatement; and

WHEREAS, the Board has considered the request for reinstatement and Licensee's voluntary appearance at the Board Meeting on January 25, 2002, and is fully advised;

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That the Board has jurisdiction over the person of the Licensee and the subject matter of this Order.
2. Licensee's license to practice nursing is reinstated as of February 1, 2002, and placed upon a probationary status for a period of thirty six (36) months of active practice as a nurse and employment in nursing practice and during such time Licensee shall fully comply with

the following terms and conditions of probation:

CONDITIONS:

1. Licensee shall sign a release of information for employers and any other information reasonably requested by the Board related to Licensee's employment or the performance of the conditions of this stipulation. Information to be submitted directly to the Board office.
2. Licensee will notify the Board of any employment in the healthcare field, including changes in employment. Furthermore, the Licensee will inform any current or prospective employer with whom she seeks employment as a nurse, as to the subject matter and the nature of the proceedings and the Stipulation, and would further agree that any such employer would, during the first year of probation, be required to provide quarterly reports to the Board as to her progress as an employee, and during the balance of the probationary period provide reports on a basis of every six (6) months. The reports shall provide and/or address:
 - a) In the first report, evidence that Licensee's supervisor has received a copy of the order within ten (10) days of service or within ten (10) days of Licensee beginning a new employment;
 - b) Licensee's attendance and reliability;
 - c) Licensee's ability to practice nursing;
 - d) Licensee's ability to carry out assigned functions; including clinical judgment, decision-making skills and crisis management; medication administration and ethical decision making skills;
 - e) Licensee's ability to handle stress;
 - f) Licensee's sobriety;
 - g) Number of hours Licensee worked during the reporting period;
 - h) Any other information which the supervisor believes would assist the Board in its ultimate review of the case.
 - i) The employer shall agree to report any concerns or violations of this probationary order, the Nurse Practice Act, or South Dakota law immediately.
3. Licensee shall not be employed by a temporary agency.
4. Licensee shall observe the following employment restrictions: (a) may not hold a charge or

supervisory position; and (b) may only practice under the direct on premises on-site supervision of a registered nurse in good standing with the Board for the first six (6) months of her probation. The supervising nurse shall be primarily one (1) person, who may periodically delegate to other qualified personnel.

5. Licensee shall arrange with the Board staff probationary meetings once every three (3) months during the first year of probation. Thereafter, probationary meetings will be arranged by the Licensee every six (6) months for the balance of the probationary period. It will be the obligation of the Licensee to schedule these meetings at such time and place as the Board staff would reasonably designate.

Furthermore, the Licensee will submit a self-evaluation report to the Board office prior to each probationary meeting. The report shall provide and/or address:

- a) Licensee's professional employment status, including employer support, peer support;
 - b) Licensee's future professional goals for nursing;
 - c) Licensee's future personal goals; and
 - d) Any other information which the Licensee believes would assist the Board in its ultimate review of the case.
6. Licensee shall at any time during the period of suspension/probation, report in person to such meetings of the Board or to its designated representatives as directed and otherwise fully cooperate with the Board or its representatives in the terms of this suspension/probation.
 8. Within ten (10) days of the effective date of the Order, the Licensee shall submit her current certificate to the South Dakota Board of Nursing office to be stamped "probation".
 9. Licensee shall notify the Board, in writing, within one (1) week of any change in nursing employment, personal address and/or telephone number.
 10. Licensee shall pay for all costs and expenses in carrying out any conditions of the probation.
 11. Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, they must first be approved by the Board prior to leaving the state. If Licensee fails to receive such approval before leaving the state, none of the time spent out-of-state will be credited to the fulfillment of the terms and conditions of this Order.
 12. If any condition of the probation after reinstatement is violated, the Licensee agrees that the