

**SOUTH DAKOTA BOARD OF NURSING**

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IN THE MATTER OF THE LICENSURE  
PROCEEDINGS :

**DOH 17-16**

RE: SHELLEY FOX, LPN, :

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND  
ORDER OF SUSPENSION**

License No. P010132, :

Licensee. :

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The South Dakota Board of Nursing’s (“Board”) March 7, 2018, Order Continuing the Summary Suspension of Shelley Fox, LPN, license number P010132 (“Licensee”) Pending Additional Investigation came on for hearing before the Board at its office in Sioux Falls, South Dakota, on June 28, 2018, at 9:00 a.m.

Licensee, having been served with the continuance as well as the Amended Notice of hearing dated June 6, 2018, at her last known address, did not appear in person or by any other means to present evidence on her behalf or to confront witnesses. The Board appeared by and through its attorney, Kristine K. O’Connell. Administrative Law Judge Catherine Duenwald presided over the proceeding. The proceeding was transcribed by a court reporter.

The Board considered the additional, as well as the initial, evidentiary testimony of Francie Miller, Board Investigator, and the Licensee’s testimony from the first hearing. The Board also considered exhibits numbered 1 and 2 that were entered into evidence, the affidavit, and other public 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 from unsafe nursing practices and practitioners, the Board hereby makes the following:

### **FINDINGS OF FACT**

1. That Shelley Fox is licensed to practice as a practical nurse in the State of South Dakota and holds license number P010132.
2. On or about May 17, 2017, the Board received a complaint from the Licensee's employer, a long term care facility, alleging false documentation and not providing blood glucose monitoring for residents.
3. Upon review of the records by the investigator, it was noted that eight blood glucose readings were not found on the glucometer, but were documented in patient records by the Licensee.
4. On or about May 18, 2017, two blood glucose readings were not found on the glucometer, but were documented in patient records.
5. Information cannot be deleted off of the glucometer.
6. That the long term care facility had only two glucometers in its facility contrary to prior testimony of the Licensee.
7. Licensee was terminated from her employment which was followed by the complaint made to the Board.
8. Licensee had no explanation as to why the glucometers did not have readings of the blood sugars.

9. Licensee failed to return calls to the investigator during the order of continuance for additional investigation.

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's conduct as identified in the findings of fact are in violation of SDCL §§ 36-9-49 (5), (7) and (10) in that Licensee engaged in substandard care and unprofessional conduct.

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 the Licensee's license to practice nursing in the State of South Dakota is hereby indefinitely suspended.

2. That the Licensee is hereby notified that any practice of or holding herself out as a practical nurse during the term of this suspension is in violation of SDCL § 36-9-68.

4. That Licensee may petition for reinstatement of her license at any time for "good cause" pursuant to SDCL § 36-9-57.

Dated this 10<sup>th</sup> day of July, 2018.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, RN, MS  
Executive Director

The South Dakota Board of Nursing, at the hearing on the 28<sup>th</sup> day of June, 2018, approved this Order of Suspension as written by a vote of 7-0, and issues its Order of Suspension consistent herein.

IT IS HEREBY ORDERED that the above Order of Suspension is adopted as an Order of the South Dakota Board of Nursing on this 10<sup>th</sup> day of July, 2018.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, RN, MS  
Executive Director