

SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE LICENSURE :
PROCEEDINGS :

RE: SARAH HILLS, RN :

DOH 19-07

License No.: R044347, :

ORDER OF SUSPENSION

Licensee. :

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The South Dakota Board of Nursing, having separately entered Findings of Fact and Conclusions of Law following a contested case hearing before the Board on April 16, 2019, and having verbally ordered on the 16th day of April, 2019, to suspend Licensee's South Dakota license and order an evaluation under SDCL 36-9-49.1, hereby issues Licensee this Order of Suspension for violation of SDCL § 36-9-49 consistent with the Board's Findings of Fact and Conclusions of Law, incorporated herein by reference.

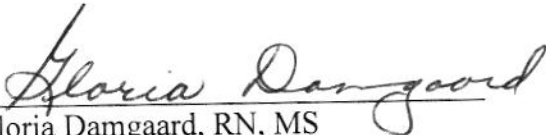
It is hereby ORDERED:

1. Licensee's license to practice as a registered nurse in the State of South Dakota is hereby suspended.
2. Licensee is hereby notified that any practice of or holding herself out as a registered nurse during the term of this suspension is in violation of SDCL § 36-9-68.
3. Licensee is ordered to submit to an examination under SDCL 36-9-49.1 and, following the results of the examination, the Board will reconsider this Order of Suspension.

Order of Suspension
Licensee: Sarah Hills, RN

Dated this 21st day of May, 2019.

SOUTH DAKOTA BOARD OF NURSING


Gloria Damgaard, RN, MS
Executive Director

SOUTH DAKOTA BOARD OF NURSING

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License No.: R044347,	:	FINDINGS OF FACT
	:	AND CONCLUSIONS OF LAW
Licensee.	:	

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The South Dakota Board of Nursing (“Board”) noticed a contested case hearing in the above licensure proceedings, specifically for the Complaint and Notice of Hearing dated March 14, 2019, to be held on April 16, 2019, at 9:00 a.m.

The South Dakota Board of Nursing presided over the proceedings, along with Administrative Law Judge Catherine Williamson, Office of Hearing Examiners. Licensee Sarah Hills, RN, appeared personally at the hearing, *pro se*. Michele Munson, the attorney prosecuting the licensing matter, presented evidence to the Board on the Complaint. The proceeding was transcribed by a court reporter. At the hearing, the Board considered the testimony from witnesses, including Licensee, as well as exhibits offered during the hearing, argument of counsel, and the entire record before the Board.

Pursuant to SDCL 1-26-25, the Board issues its final decision in writing through these written Findings of Fact and Conclusions of Law set forth separately from its written Order issued pursuant to these Findings of Fact and Conclusions of Law.

Being charged with the statutory obligation to protect the public health, safety and welfare set forth in ARSD 20:48:04:01, *et al.*, including the protection of the public from unsafe nursing practices and practitioners, by clear and convincing evidence, the Board hereby makes the following:

FINDINGS OF FACT

1. Licensee is licensed to practice as a registered nurse in the State of South Dakota and holds license number R044347.
2. Licensee, while working as a registered nurse for Avera Sacred Heart in Yankton, South Dakota, engaged in abnormal charting and medication scanning and had controlled substance usage that was six standard deviations above the mean compared to the rest of the nurses on the same unit.
3. Licensee's Pyxis report for a six week time frame confirmed three separate instances of controlled medications pulled from Pyxis without an associated patient administration. One instance was four days after the last known administration.
4. Licensee's Pyxis report confirmed two instances of inappropriate wasting of medications and three instances of an entire dose being wasted. The Pyxis report confirmed four instances of a late administration of a medication by Licensee.
5. Licensee's peer reported to Licensee's supervisor that Licensee charted giving patient 4mg morphine every two hours during the night, but when the Licensee's peer came on the day shift, the patient was alert and had no signs of receiving medication.

6. When Licensee's employer brought its concerns to Licensee's attention, Licensee "flew off the handle" and was extremely emotional. Licensee resigned on the spot.

7. Board staff sent a written notice of the complaint regarding Licensee to the Licensee and requested an informal meeting with Licensee on January 18, 2019. Licensee did not respond to Board staff.

8. Board staff made two attempts to contact the Licensee by telephone and again got no response from Licensee.

9. The Board considered and ordered summary suspension of Licensee's License on March 13, 2019, due to the public health, safety, and welfare imperatively requiring emergency action.

10. Licensee was later personally served with the summary suspension, complaint, and notice of hearing.

11. Licensee appeared at the hearing and testified during the hearing that she admittedly suffers from mental health stressors and conditions for which she requires and receives professional treatment, including counseling and prescription medications.

12. Licensee became emotional, including crying, during her testimony and admitted that her mental health stressors and conditions very well could have interfered with her ability to practice nursing safely.

13. Licensee admitted that she practiced nursing after the Board summarily suspended her license, but she did not have personal knowledge of the summary suspension when she practiced without a license.

14. Licensee denied diverting prescription medications through her employment as a nurse.

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 ARSD 20:48:04:01.
2. Under SDCL 36-9-49(5), the Board of Nursing may take disciplinary or corrective action if Licensee negligently, willfully, or intentionally acted in a manner inconsistent with the health or safety of persons entered to Licensee's care.
3. Under SDCL 36-9-49(10), the Board of Nursing may take disciplinary or corrective action if Licensee is guilty of unprofessional or dishonorable conduct.
4. Under SDCL 36-9-49.1, the Board of Nursing may take disciplinary or corrective action pursuant to SDCL 36-9-49 upon a showing that the physical or mental condition of the Licensee endangers the health or safety of those persons who are or will be entrusted to Licensee's care.
5. The Board has a statutory obligation to protect the public health, safety and welfare set forth in SDCL § 36-9-1.1, including the protection of the public from unsafe nursing practices and practitioners.
6. Under SDCL 1-26-29, if the Board finds that public health, safety, or welfare require action, including suspension of a license, suspension may be ordered even on an emergency basis.

7. The Board concludes that, given the evidence presented and Licensee's own admissions at the hearing, Licensee has a mental condition that, if left untreated, endangers the health and safety of those persons who are or will be entrusted to Licensee's care.

8. The Board concludes that, without a further investigation into Licensee's mental health and ability to practice nursing safely, the Board does not have the ability to sufficiently protect the public health, safety and welfare.

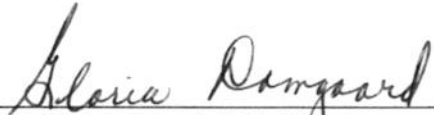
9. The Board concludes that suspension of Licensee's license, at this time, is needed to protect the public health, safety and welfare.

10. Pursuant to SDCL 36-9-49.1, the Board concludes that an examination of Licensee's mental health and fitness to practice nursing safely, by a Board-approved provider, and at the Board's expense, is required before the Board further considers whether continued suspension or reinstatement of Licensee's license is warranted.

11. The South Dakota Board of Nursing, at the hearing on the 16th day of April, 2019, by a vote of 9-0, decided based on these Findings of Fact and Conclusions of Law to issue an Order of Suspension. Such Order of Suspension shall be separately entered.

Dated this 21st day of May, 2019.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, RN, MS
Executive Director