

SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE LICENSURE :
PROCEEDINGS :

RE: CHRISTOPHER E. KYLE, RN :

License No. R042473 :

Licensee. :

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

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The South Dakota Board of Nursing's ("Board") hearing on the summary suspension of Christopher E. Kyle, RN, license number R042473 ("Licensee") came on for hearing before the Board at its office in Sioux Falls, South Dakota, on February 18, 2016, at 2:00 p.m.

Licensee, having received notice of this hearing as evidenced by a receipt of certified mail dated December 29, 2015, at his last known address in Port Orange, Florida, did not appear in person to present evidence on his behalf or to confront witnesses. The Board appeared by and through its attorney, Kristine K. O'Connell.

The Board considered the evidentiary testimony of Board investigator, Francie Miller. The Board also considered the Board's Exhibit 1 entered into evidence, the Affidavit and other documents on file in this case and being charged with the statutory obligation to protect the public health, safety and welfare 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 Christopher E. Kyle, RN, is licensed to practice as a registered nurse in the State of South Dakota and holds license number R042473.
2. That on or about December 23, 2014, the Board received a complaint regarding the Licensee.
3. The complaint advised that the Licensee was terminated from his employment in a tertiary hospital for suspicion of drug diversion as well as refusal to submit to drug and alcohol testing.
4. That a review of the subpoenaed documents involving the Licensee indicated that his narcotic administration was more than five times higher than the next user.
5. There were four incidents of Licensee's removal of narcotics with no documentation of administration to patients.
6. There were four incidents of Licensee's administration of narcotics without a physician's order.
7. There were two incidents of questionable legibility of narcotic documentation.
8. There were seven incidents where there was no documentation of unused amounts of narcotic wasted with a second signature.
9. During the October 20, 2015, informal meeting with the Licensee, which was held via Skype, the investigator reviewed and discussed the seven charts that were received and reviewed.

10. During the Skype informal meeting, Licensee denied taking drugs for his own use or for someone else.

11. The Licensee stated that these incidents were poor documentation on his part.

12. The Licensee also admitted to the investigator that he was going through a “rough patch mentally” and that he “should have resigned [his] position.”

13. Licensee indicated to the investigator that this period of time was reflected in his poor documentation.

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 is inconsistent with the health and safety of those persons entrusted to his care and violates statutes and rules and regulations regarding the practice of nursing and are in violation of SDCL § 36-9-49 (5) and (10).

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. The Licensee shall turn in his license to the Board within ten (10) days from the date of this order.

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


4. Licensee understands that during the term of this suspension he is ineligible to work in any nursing role, including that of a nurse aide, nurse assistant, or medication assistant/aide.

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

The South Dakota Board of Nursing at its meeting on the 19th day of February, 2016, approved this Order of Suspension as written by a vote of 9-0, 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 31st day of March, 2016.

SOUTH DAKOTA BOARD OF NURSING


Gloria Damgaard, RN, MS
Executive Director