

SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE LICENSURE :
PROCEEDINGS :

DOH 18-10

RE: KAYLA NELSON, LPN, :
License No. P010875. :

**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 Kayla Nelson, LPN, license number P010875 ("Licensee") came on for hearing before the Board at its office in Sioux Falls, South Dakota, on September 13, 2018, at 9:00 a.m. Administrative Law Judge Catherine Duenwald presided over the hearing. The proceeding was transcribed by a court reporter.

Licensee, having been served with the Order of Summary Suspension and Notice of Hearing along with the Affidavit of Francie Miller by regular and certified mail, with noted delivery of certified mail, 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.

The Board considered the evidentiary testimony of Board Investigator, Francie Miller. The Board also considered the Board's exhibits numbered 1 and 2 that were entered into evidence. The Board 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 Kayla Nelson is licensed to practice as a practical nurse in the State of South Dakota and holds license number P010875.
2. That on or about April 3, 2018, the Board was notified that the Licensee has been terminated from her employment in a long term care facility due to a positive drug test collected on March 28, 2018.
3. The drug results were positive for methamphetamines, benzodiazepines, and methadone.
4. The Board Investigator was advised of this complaint and began her investigation.
5. That the Board Investigator sent written notice to the Licensee regarding an informal meeting but received no response from Licensee.
6. That the Board Investigator also made numerous attempts to contact the Licensee by telephone and again no response from Licensee.

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 (4), (5), (7), and (10) in that the Licensee has negligently, willfully, or intentionally acted in a manner inconsistent with the health or safety of persons entrusted to her care.

THEREFORE, let an order be entered accordingly.

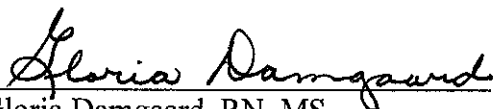
ORDER

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

Dated this 25th day of September, 2018.

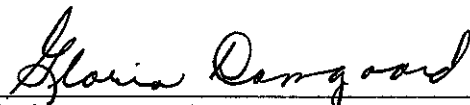
SOUTH DAKOTA BOARD OF NURSING


Gloria Damgaard, RN, MS
Executive Director

The South Dakota Board of Nursing, at the hearing on the 13th day of September, 2018, approved this Order of Suspension as written by a vote of 6-0, 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 25th day of September, 2018.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, RN, MS
Executive Director