

practices and practitioners, the Board hereby makes the following:

FINDINGS OF FACT

1. That Steven Courson is licensed to practice as a registered nurse in the State of South Dakota and hold license number R-031667.
2. That the Licensee has been practicing as a Registered Nurse in the State of Nebraska on a practice privilege under the Nurse Compact Act.
3. Licensee suffered a motor vehicle accident fourteen years ago and has had multiple surgeries over the years requiring the administration of Morphine drips for pain relief. He suffers from chronic pain.
4. That while working at the Children's Hospital in Omaha, Nebraska, on or before June 6, 2005, the Licensee diverted Morphine and injected the medication in order to deal with the stress of a critically ill child being admitted.
5. Licensee reported his diversion and use of Morphine to his boss at the Children's Hospital in Omaha and resigned his employment on June 17, 2005.
6. On June 6, 2005, the Licensee made a self report to the South Dakota Board of Nursing Staff that he diverted Morphine while in the employment of Children's Hospital in Omaha.
7. Licensee attended an Informal Meeting with the South Dakota Nursing staff on July 13, 2005, at which time he again admitted to the diversion of Morphine.

8. Licensee began participating in the Licensed Assistant's Program in the state of Nebraska, participated in the Methodist Addiction Services Program, and also participated in the Criminal Diversion Program in the state of Nebraska.

9. Licensee, after his disclosure to the South Dakota Board of Nursing, contacted Mike Coley of the South Dakota Health Professional's Assistance Program ("HPAP").

10. On July 13, 2005, Licensee signed a Voluntary Refrain from Practice with the South Dakota Board of Nursing.

11. On September 1, 2005, Licensee signed a Participation Contract with HPAP.

12. On September 15, 2005, the South Dakota Board of Nursing mandated Licensee into HPAP.

13. On September 27, 2005, HPAP advised that the Licensee was able to return to practice. On that date, the South Dakota Board of Nursing released the Licensee from his Voluntary Refrain and issued him a nursing license conditioned upon his continued compliance with all aspects of HPAP.

14. On November 21, 2005, the state of Nebraska filed a Petition for Adverse Action under the Nurse Licensure Compact regarding the occurrence of diversion that had transpired with the Licensee in June, 2005.

15. On December 27, 2005, the Nebraska Health and Human Services Regulation and Licensure entered an Order on Agreed upon Settlement with the Licensee that placed the Licensee's privilege to practice in Nebraska on a 30 day suspension and a probationary term of 5 years of monitoring to be done by the state of Nebraska.

16. Licensee is on numerous prescription medications for his anxiety disorder and bipolar diagnosis, and his chronic pain.

17. Licensee had numerous medications in his medicine cabinet at home, many for which he did not have current prescriptions.

18. On October 5, 2006, during a drug screen, Licensee tested positive for Lorazepam, Oxazepam and Proxoxophene. He had no prescription which contained Proxoxophene.

19. On October 12, 2006, Licensee had another positive drug screen which included Temazepam, Oxazepam, Clonazepam and Proxoxophene.

20. A retest of the drug screen on October 17, 2006, was positive for Oxazepam, Clonazepam, but was negative for Proxoxophene.

21. Licensee indicates that he does not know why he tested positive for the Proxoxophene.

22. Licensee believes that a disgruntled coworker had possibly laced his Mountain Dew while at work in an attempt to have him fired.

23. On November 16, 2006, the state of Nebraska reported to HPAP that the Licensee had a positive drug screens.

24. HPAP advised the South Dakota Board of Nursing of possible relapse by Licensee.

25. On November 17, 2006, the Licensee admitted to the South Dakota Board of Nursing staff to a relapse. Said Licensee was asked to refrain from practice and to attend an Informal Meeting of the South Dakota staff until a full investigation of diversion could be conducted.

26. Licensee refused to refrain from practice and attend an Informal Meeting.

27. The South Dakota Board of Nursing entered an Order of Summary Suspension and Notice of Hearing, said Order being entered on December 14, 2006.

28. That on January 4, 2007, the Licensee entered into an agreed upon settlement with the State of Nebraska, voluntarily surrendering his license for a minimum period of 2 years, with possible reinstatement of his privilege to practice under the Nurse License Compact in Nebraska, to be left to the discretion of the Nebraska Board of Nursing.

From the following Findings of Facts, the Board draws the following:

CONCLUSIONS OF LAW

1. The South Dakota Board of Nursing 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 inconsistent with the health and safety of persons entrusted to his care and violates the statutes, rules, and regulations regarding the practice of nursing and are in violation of SDCL § 36-9-49(4), (5), (7) and (10).

THEREFORE, let an Order be entered accordingly:

ORDER

Based on the Findings of Facts 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 suspended for a minimum of 2 years.
2. That the Licensee may petition pursuant to SDCL § 36-9-57 for reinstatement of her license following the period of suspension for "good cause."
3. The Licensee shall turn in his license to the Board of Nursing within ten (10) days of this Order.
4. That 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.

The South Board of Nursing at a meeting on the 6th day of February, 2007, approved this Order Suspension as written without modifications and issues its Order of Suspension consistent herein as follows:

IT IS HEREBY ORDERED that the above is adopted as an Order of the South
Dakota Board of Nursing this 6th day of February, 2007, by a vote of
8-0.

SOUTH DAKOTA BOARD OF NURSING

Gloria Damgaard
Gloria Damgaard, Executive Director