



("HPAP"). Coley had advised Licensee that she was in gross non-compliance of the conditions of HPAP in not reporting the suspension from her job and her arrest for DWI; and

WHEREAS on September 26, 2005, Board Staff contacted Licensee requesting that she sign a refrain from practice and appear for an Informal Meeting. At that time Licensee admitted to probation violations. Board Staff sent Licensee a letter advising Licensee of the Informal Meeting scheduled for October 26, 2005; and

WHEREAS on September 28, 2005, Licensee returned a signed voluntary refrain from practice statement; and

WHEREAS Licensee did not appear for her Informal Meeting and Board Staff's attempts to contact her have been unsuccessful; and

WHEREAS based upon the above conduct, Board Staff has concluded that the public health, safety and welfare requires emergency action in that Licensee's actions may endanger the health and safety of those persons who are or will be entrusted to her care in the future; and

WHEREAS the South Dakota Board of Nursing ("Board") has a 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.

NOW THEREFORE IT IS HEREBY ORDERED:

1. That the Board has jurisdiction of the Licensee and the subject matter of this Order.
2. That based on the above, the Board specifically finds that the public health, safety and welfare requires emergency action against Licensee's license.
3. That based on the above, the Board specifically finds that the Licensee has not observed the terms and conditions set forth in her Participation Agreement with HPAP and that the actions of Licensee endangers the public health, safety and welfare, and imperatively requires emergency action in that Licensee's may endanger the health and safety of those persons who are or will be entrusted to her care in the future and that these are matters of a nature that would constitute further grounds for discipline of her license to practice nursing under SDCL § 36-9-49.
4. Based upon these findings, Licensee's license to practice nursing in South Dakota is hereby summarily suspended. Licensee may petition according to SDCL § 36-9-57 for reinstatement of her license at anytime for "good cause" and upon the completion of all terms and conditions of her probation and HPAP, their evaluation and subsequent clearance.
5. That Licensee shall turn in her license to the Board within ten (10) days from the date of this Order and it shall be kept by the Board until further action on this matter.

6. Licensee is hereby notified that any practice of or holding herself out as a practical nurse during the terms of this Order of Summary Suspension is a violation of SDCL § 36-9-68.

The South Board of Nursing at its meeting on the 14th day of November, 2005, approved this Order of Summary Suspension as written without modifications and issues its Order of Summary 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 14th day of November, 2005, by a vote of 10-0.

SOUTH DAKOTA BOARD OF NURSING

Gloria Damgaard  
Gloria Damgaard, Executive Secretary

**NOTICE OF HEARING**

The South Dakota Board of Nursing ("Board") pursuant to SDCL §§ 1-26-16, 1-26-27, and 1-26-29, hereby provides this Notice of Hearing to Patricia Eagle, LPN, License No. P005307 ("Licensee") as follows:

1. Hearing on the Order of Summary Suspension will take place before the Board on February <sup>Tues</sup> 7, 2005, at 2:00 o'clock p.m. at Anderson Bldg. in Basement Conference Room Pierre, South Dakota. 445 East Capitol Ave.  
Pierre, SD.
2. This matter is an adversarial proceeding and Licensee has the right to be present at the hearing and to be represented by an attorney. These due process rights will

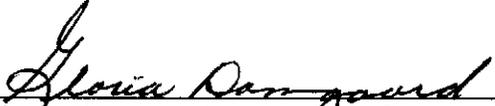
be forfeited if they are not exercised at the hearing.

3. Licensee has a right to request that the agency use the Office of Hearing Examiners for this proceeding by giving notice of the request to the Board no later than ten (10) days after the service of this Notice of Hearing on Order of Summary Suspension.

4. A decision issued by the Board after the hearing may be appealed to the circuit court and to the state Supreme Court as provided by law.

Dated this 21st day of November, 2005.

SOUTH DAKOTA BOARD OF NURSING

  
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Gloria Damgaard, Executive Secretary