



## ---FINDINGS OF FACT---

1. That Licensee holds a license to practice as a Registered Nurse in the State of South Dakota, License No. R-024750.
2. That Licensee has diverted narcotics from his employer for his own use.
3. That as a result, Licensee signed a refrain from practice and entered the South Dakota Health Professionals Assistance Program (“HPAP”).
4. That on or about May 25, 2005, Licensee was discharged from Keystone after completing an inpatient treatment program.
5. On or about June 6, 2005, the Board staff contacted Licensee in regards to a complaint that it had received regarding Licensee’s practice and the need to set up an Informal Meeting with Board staff.
6. Licensee has expressed indecision about continuing with HPAP as well as the return to his practice of nursing.
7. Licensee was scheduled for an Informal Hearing with the Board on June 20, 2005.
8. Licensee wrote to the Board on June 15, 2005, indicating that he was not able to attend the meeting due to extenuating circumstances.

From the foregoing Findings of Fact, 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, 36-9-49, and 49.1.

2. That Licensee's conduct as identified in the Findings of Fact are in violation of SDCL §§ 36-9-49(4), (5), (7) and (10).

3. That ARSD 20:48:04:01(1)(d) provides that the Board recognizes the "Standards of Clinical Nursing Practice," 1991, and the "Code for Nurses With Interpretive Statement," 1985, as published by the American Nurse's Association as criteria for assuring safe and effective practice following licensure. The code of ethics requires an RN to function within an established legal guideline and uphold the basic standards of nursing practice.

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 Licensee's license to practice nursing in the State of South Dakota is hereby suspended.

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

3. That Licensee shall turn his license in to the Board of Nursing within ten (10) days from the date of this Order.

4. That Licensee is hereby notified that any practice as or holding himself out as a registered nurse during this term of suspension is a violation of SDCL § 36-9-68.

Dated this 23<sup>rd</sup> day of September, 2005.

Gloria Damgaard  
Gloria Damgaard, Executive Secretary  
South Dakota Board of Nursing

The above Findings of Fact and Conclusions of Law and Order were  
adopted by the South Dakota Board of Nursing on the 15<sup>th</sup> day of  
September, 2005, by a vote of 10-0.

Dated this 23<sup>rd</sup> day of September, 2005.

Gloria Damgaard  
Gloria Damgaard, Executive Secretary  
South Dakota Board of Nursing