

Order for disciplinary action against Licensee whereby he was placed on probation with terms and conditions as determined by the Health Professionals Assistance Program (“HPAP”) for a period of not less than thirty-six (36) months, reporting to the Board, and a psychological evaluation.

5. That Licensee voluntarily signed a Stipulation for Probation on or about May 16, 2004, said Stipulation and Order for Probation is hereby incorporated as if fully set forth herein.

6. As part of his Probation, Licensee underwent a psychological evaluation by Dr. Robert Buri, licensed psychologist, with report dated April 20, 2004. Dr. Buri recommended that the Licensee complete outpatient counseling specifically addressing stress management and anger management issues, and that he have an assessment of his chemical dependency.

7. Licensee was arrested on July 1, 2004, and charged with domestic simple assault in Brookings County, which arrest involved alcohol; and Licensee was at the time housed in the Codington County Jail on a probation violation of a previously suspended imposition of sentence on a felony charge of driving under the influence of alcohol, third offense.

8. The matters concerning the Licensee’s arrest of July 1, 2004, and his detention, and his psychological evaluation were presented to the Board of Nursing at its

meeting held on July 16, 2004.

9. The Board considered the acts of the Licensee as a violation of the terms of his probation and that the actions of the Licensee endanger the public health, safety, and welfare.

10. That on July 16, 2004, the Board, based upon these findings, entered an Order of Summary Suspension of Licensee's license allowing him the opportunity to petition for reinstatement for good cause and upon completion of the recommendations for outpatient counseling made by Dr. Robert Buri in the Licensee's psychological evaluation.

11. The Licensee, as of the date of this notice, has not complied with the Order of Suspension and the Board requests that the Licensee's license remain suspended or be revoked pursuant to SDCL § 36-9-49(5), (7), and (10) and SDCL § 36-9-49.1.

12. Hearing on the Order of Summary Suspension will take place before the Board on February 8, 2005, at 2 o'clock p.m., CST at St. Mary's Hospital 5th Floor Conference Room located at 801 East Sioux, Pierre, South Dakota.

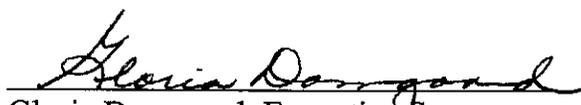
13. This matter is an adversarial proceeding and the Licensee has the right to be present at the hearing and to be represented by an attorney. These due process rights will be forfeited if they are not exercised at the hearing.

14. Licensee has the 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 service of this Notice of Rescheduled Hearing on Order of Summary Suspension.

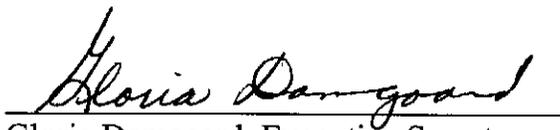
15. The decision issued by the Board after the hearing may be appealed to the circuit court and the state Supreme Court as provided by law.

Dated this 18th day of November, 2004.


Gloria Damgaard, Executive Secretary
South Dakota Board of Nursing

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of December, 2004, I sent to Jay Goehring, 607 South Center, Apt. 3, Flandreau, South Dakota 57028, a true and correct copy of the foregoing Notice of Rescheduled Hearing Regarding Order of Summary Suspension by certified mail and by first class mail, postage prepaid.


Gloria Damgaard, Executive Secretary
South Dakota Board of Nursing