

from practicing nursing until she was "cleared" by her psychiatrist and HPAP; and

WHEREAS, the Board, on July 2, 2004, sent to the Licensee a Refrain From Practice Statement for her signature via first class mail and certified mail to her last known address. On July 29, 2004, the certified letter was returned to the Board office indicating failed delivery on three attempts; and

WHEREAS, the Board, on July 29, 2004, received written notification from Mike Coley, HPAP Director, that Licensee was in "gross noncompliance" with the HPAP monitoring agreement. Coley reported to the Board that Licensee has not made daily calls for drug testing since July 7, 2004, and has not kept a required appointments with her identified treating professional; and

WHEREAS, on August 6, 2004, the Licensee was indicted on six counts of obtaining possession of various controlled substances by theft, misrepresentation, forgery or fraud – all Class 4 felonies; and

WHEREAS, on August 9, 2004, the Licensee tested positive on a urine drug screen for amphetamines, methamphetamines, and positive for Cannabinoids and Cocaine by Axysm; and

WHEREAS, Licensee, thereafter agreed that she would surrender her South Dakota nursing license; and

WHEREAS, the Licensee did physically bring in her license to the Board and indicated that she would sign a Voluntary Surrender Consent Order; and

WHEREAS; the Board, on or about August 19, 2004, forwarded to the Licensee a Voluntary Surrender Consent Order for Licensee's consideration and signature; and

WHEREAS, the Licensee has not returned the Voluntary Surrender Consent Order as she indicated; and

WHEREAS, the Board, on September 2, 2004, was advised by HPAP that the Licensee has been discharged from the HPAP program for non-compliance; and

WHEREAS, the South Dakota Board of Nursing has a statutory obligation to protect the public health, safety, and welfare set forth in SDCL § 36-9, including the protection of the public from unsafe nursing practices and practitioners; and

WHEREAS, SDCL §§ 36-9-49.1 and 1-6-29 allow the Board to take action upon a showing that the physical or mental condition of a Licensee endangers the health or safety of those persons who are or will be entrusted to her care, or endangers the public health or safety.

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That the Board has jurisdiction of the Licensee in the subject matter of this Order.

2. That based upon the above, the Board specifically finds that the public health, safety and welfare requires emergency action against Licensee's license.

3. 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 the Licensee endangers the public health, safety and welfare and imperatively requires immediate action in that the Licensee's actions may endanger the health and safety of those persons who or will be entrusted to her care in the future and these matters are of a nature that would constitute further grounds for discipline of her license to practice nursing under SDCL § 36-9-49.

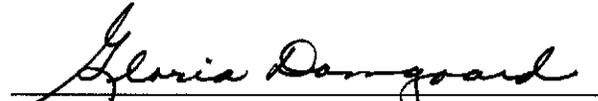
4. That based upon these findings, the Licensee's license to practice nursing in South Dakota is hereby suspended. Licensee may petition according to SDCL 36-9-57 for reinstatement of her license at any time for "good cause" and upon the completion of and full demonstration of compliance with HPAP.

5. The Licensee shall turn in her license to the Board within ten (10) days from the date of this Order, if she has not already done so, and it shall be kept by the Board until further action on this matter.

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

Dated this 16th day of September, 2004

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, Executive Secretary

The South Dakota Board of Nursing at its meeting on September 16, 2004,

approved the aforementioned Order as adopted herein on this 16th day of September,

2004, by a vote of Eight One / abstain

SOUTH DAKOTA BOARD OF NURSING



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 a Notice of Hearing to Amber Grassi, Licensee #028499 ("Licensee") as follows:

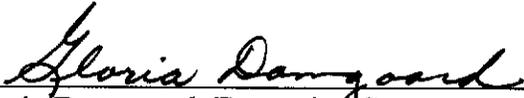
1. Hearing on this Order of Summary Suspension will take place before the Board of Nursing on November 18, 2004, at 1 o'clock ^{CST} P.m., at the South Dakota Board of Nursing offices located at 4305 South Louise Avenue, Suite 201 in Sioux Falls, South Dakota.

2. This matter is an adversarial proceeding and the Licensee has the right to 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. The 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 Hearing on Summary Suspension.

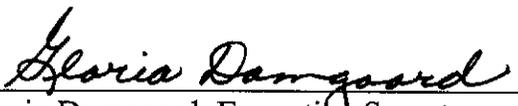
4. The decision issued by the Board after the hearing may be appealed to the Circuit Court in the State Supreme Court as provided by law.

Dated this 16th day of September, 2004.


Gloria Damgaard, Executive Secretary

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of September, 2004, I sent to Amber Grassi, PO Box 293, Marion, South Dakota, 57043, a true and correct copy of the foregoing Order of Summary Suspension and Notice of Hearing by first class mail, postage prepaid and by certified mail, return receipt requested.



Gloria Damgaard, Executive Secretary
South Dakota Board of Nursing