

WHEREAS, as a part of the Board's investigation, Board staff conducted an informal meeting with the Licensee at the Board office in Sioux Falls, South Dakota, on August 5, 2015. Licensee admitted to talking loud and fast both at work and at home; and

WHEREAS, upon presentation of the case to the Board on September 11, 2015, the Board, at that time, mandated the Licensee into the Health Professionals Assistance Program ("HPAP"). A letter was sent to the Licensee regarding this action on September 18, 2015. Licensee was provided the information to contact HPAP; and

WHEREAS, Licensee contacted HPAP on October 15, 2015, and made an appointment to come and start the application process. Licensee was to become enrolled by November 17, 2015; and

WHEREAS, the Licensee went to the HPAP office on October 23, 2015, and took an application with her with instructions to return it within ten (10) days. Licensee did not return the application and on November 4, 2015, Licensee advised HPAP that the application materials had been lost. Another application material packet was sent to Licensee and a new deadline of November 6, 2015, was given; and

WHEREAS, on or about November 24, 2015, HPAP received an application from the Licensee which was incomplete and was missing a number of items that were required to be completed; and

WHEREAS, HPAP called the Licensee on December 1, 2015, to discuss the incomplete application. At that time, Licensee's voice mail was so full that HPAP was only able to leave a call back number; and

WHEREAS, Licensee never contacted HPAP regarding the incomplete application; and

WHEREAS, the Licensee had been scheduled for a counseling evaluation on December 13, 2015, and failed to show for that appointment; and

WHEREAS, since that time, Licensee has not returned calls to HPAP to reschedule; and

WHEREAS, on December 14, 2015, HPAP notified the Board that Licensee was unsuccessfully discharged from HPAP due to incomplete application and not returning calls; and

WHEREAS, upon receipt of this notice, Board staff sent a letter to the Licensee both by regular mail and certified mail at the last known address at the Board. In the letter, Board staff asked Licensee to contact the Board office. The mail was returned to the Board on January 4, 2016, as it was unable to be delivered; and

WHEREAS, Board staff also attempted to contact the Licensee by phone on December 14 and 30, 2015, and January 12, 2016, with no response; and

WHEREAS, based upon the Affidavit of Francie Miller and the above stated conduct, the Board has concluded that Licensee's actions constitute unprofessional conduct and require emergency action, in that Licensee's actions may endanger the health and safety of those who are, or will be, entrusted to her care in the future; and

WHEREAS, the Board, has a statutory obligation to protect the health, safety and welfare 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 require emergency action against Licensee's license.

3. That based on the above, the Board specifically finds that the actions of the Licensee endanger the public health, safety and welfare, and imperatively require emergency action in that Licensee 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 (5), (7) and (10).

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 any time for "good cause."

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.

7. This action is reportable discipline and will be published in the Board's newsletter and posted on its website and reported into the National Practitioner Data Bank (NPDB) as required by law.

The South Board of Nursing met on the 19th day of February, 2016, and approved this Order of Summary Suspension by a vote of 9-0, 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 3rd day of March, 2016.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, RN, MS
Executive Director

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 Ayana Hardiman-Davis, LPN, License No. P011724 ("Licensee") as follows:

1. Hearing on the Order of Summary Suspension will take place before the Board on April 21st, 2016, at 2:00 p.m. at the office of the South Dakota Board of Nursing, 4305 S. Louise Avenue, Suite 201, Sioux Falls, South Dakota.
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. The hearing will address the Board's assertion, as set forth in its Summary Suspension, that the Licensee, by her conduct, violated SDCL §§ 36-9-49 (5), (7) and (10).
4. At the hearing, the Board will determine whether the Licensee's license shall be suspended, revoked or subject to other disciplinary action as determined by the evidence presented.

5. 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.

6. 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 3rd day of March, 2016.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, RN, MS
Executive Director