

At the Informal Meeting, Licensee addressed the five separate incidents that were contained in the employer's complaint. Licensee denied the allegations and provided her version of the facts and provided explanations regarding the five situations. On September 5 and 6, 2012, following the Informal Meeting, Licensee submitted a total of three letters of support to the Board investigator to be included as part of the investigation. The letters were from a CNA, a fellow LPN whom the Licensee mentored, and an RN.

Following the Informal Meeting, the Board investigator's findings were presented to the Board of Nursing's Disciplinary Committee for the purposes of making a recommendation to the full Board for action on the complaint. The Disciplinary Committee meeting was held on October 30, 2012. The full Board was to meet on November 15 and 16, 2012.

On November 4, 2012, prior to the presentation of a recommendation to the full Board, the Board received another complaint regarding the Licensee. The complaint came from another long term care facility who had hired the Licensee following her termination from her previous employment. The November 4, 2012 complaint set forth factual information regarding an altercation that occurred between the Licensee and a resident of the facility on November 3, 2012. The complaint alleged that the Licensee awoke the resident at 5:30 a.m. to administer medication. The resident was startled. The Licensee then forcefully tried to get the medication into the resident's mouth. As the resident was trying to sit up, the Licensee used her knee to hold the resident down. As the

resident continued to struggle to get up, the Licensee threw water into the resident's face. The Licensee then grabbed the resident's breast and squeezed it tightly, causing a noticeable bruise. As a result of this incident, law enforcement was called to investigate. The Licensee was arrested and charged with felony abuse and neglect of an elderly person. Licensee is currently going through the criminal process related to this charge.

Based upon the Affidavit of Kathleen J. Tinklenberg and the above stated conduct, the Board 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 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 Licensee endanger 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 (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". Should Licensee change her home state under the Nurse Licensure Compact, then Licensee's practice privilege is subject to the same requirements as set forth in this order as her South Dakota license.

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 15th day of November, 2012 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 15th day of November, 2012 by a vote of 9-0.

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 Heather Lynn Laird, License No. P010869 (“Licensee”) as follows:

1. Hearing on the Order of Summary Suspension will take place before the Board on February 28th, 2013 at 10:00a.m. at the office of the South Dakota Board of Nursing, 4305 South 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 December, 2012.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, RN, MS
Executive Director