



WHEREAS, HPAP recommended that Licensee complete a second treatment needs assessment on August 31, 2015, and thereafter it was recommended that she begin an intensive outpatient program; and

WHEREAS, Licensee signed a participation agreement with HPAP on September 22, 2015, and started to check in with Affinity on September 23, 2015; and

WHEREAS, in the October 21, 2015, letter, HPAP reported to the Board that Licensee was failing to cooperate and comply with the individualized participation agreement; and

WHEREAS, on Licensee's first random UA screen on September 25, 2015, it was abnormal with a creatinine level of 18.7. A follow-up test ordered on October 5, 2015, was positive for alcohol. It was reported that Licensee admitted to binge drinking; and

WHEREAS, due to the positive test, Licensee was asked to sign an HPAP Voluntary Refrain from Practice agreement. This action was communicated with her therapist and worksite monitor; and

WHEREAS, HPAP relayed that in talking to the worksite monitor, Licensee was a no-show for work on Tuesday, October 13, 2015, and there were concerns with medication errors and lack of focus; and

WHEREAS, at the informal meeting that was held via telephone with the Licensee on October 22, 2015, Licensee admitted to drinking, which resulted in a positive test. Licensee admitted that she did not test when she was in Florida as she felt overwhelmed. In regard to discrepancies with controlled substances, Licensee indicated that she had moved to a new area

and with all the matters in her personal life she was feeling overwhelmed and must not have documented the waste; and

WHEREAS, Board staff explained to the Licensee she did not complete her HPAP agreement and therefore, the South Dakota Board would ask for a voluntary surrender of her license; and

WHEREAS, Licensee was presented with a Voluntary Surrender Consent Order and did not return the document although she indicated that she would; 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 (4), (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 registered 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 20<sup>th</sup> day of November, 2015, and approved this Order of Summary Suspension by a vote of 7-0, 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 22<sup>nd</sup> day of December, 2015.

SOUTH DAKOTA BOARD OF NURSING

*Gloria Damgaard*  
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 Jodi L. Leonardi, RN, License No. R033761 ("Licensee") as follows:

1. Hearing on the Order of Summary Suspension will take place before the Board on February 18<sup>th</sup>, 2016 at 3:00 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 his conduct, violated SDCL §§ 36-9-49 (4), (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 22<sup>nd</sup> day of December, 2015.

SOUTH DAKOTA BOARD OF NURSING

  
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Gloria Damgaard, RN, MS  
Executive Director