

**STATE OF SOUTH DAKOTA
DEPARTMENT OF COMMERCE AND REGULATION
SOUTH DAKOTA BOARD OF NURSING**

**IN THE MATTER OF THE
LICENSURE PROCEEDINGS
RE: IRENE PICOTTE, R.N.**

**FINDINGS OF FACT,
CONCLUSIONS OF LAW; AND ORDER OF
SUSPENSION**

License No. . R-029999

Licensee,

WHEREAS the above-captioned matter came on for hearing before the South Dakota Board of Nursing pursuant to a Complaint and Notice of Hearing on the 23rd day of January, 2004, and;

WHEREAS the Licensee, Irene Picotte, R.N., having received notice of the hearing did not appear in person nor by an attorney, and;

WHEREAS the South Board of Nursing appeared by and through its attorney, Terry N. Prendergast, and;

WHEREAS the Board of Nursing presented testimony of Michele Crissman and Linda Young, Board Staff, and Exhibits which were received in evidence, and;

WHEREAS, Licensee was given an opportunity to confront the Board witnesses and to present evidence on her behalf , but Licensee did not attend the hearing, and;

WHEREAS, the Board 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

NOW, THEREFORE, the Board of Nursing makes the following:

FINDINGS OF FACT

1. 1. Licensee was referred to the Health Professionals Assistance Program (“HPAP program”) in July 2003 by her employer at the HIS Hospital at Eagle Butte, South Dakota and signed a contract to participate and after admitting suffering a relapse following treatment for alcohol dependency.

2. Licensee indicated that she intended to surrender her nursing license, leave the HPAP program and thereafter indicated that she had changed her mind and would not participate in the program nor surrender her nursing license and Licensee was discharged by the HPAP program on November 5, 2003 for failure to comply with the conditions of the HPAP program.

CONCLUSION OF LAW

1. That Licensee’s conduct as identified in the Findings of Fact is in violation of SDCL § 36-9-49 (7) and (10).

2. A.R.S.D. 20:48:04:01(1)(d) provides that the Board recognize the "Standards of Clinical Nursing Practice," and the "Code for Nurses With Interpretive Statements," by ANA as the criteria for assuring safe and effective practice following licensure. The Code of Ethics requires the R.N. to function within established legal guidelines and uphold the laws of the land.

3. Licensee's actions as alleged above have violated the provisions of the law, thus violating SDCL § 36-9-49(5), (7) and (10), and amounts to unprofessional or dishonorable conduct violating SDCL § 36-9-49(10).

4. That the Board of Nursing has authority to suspend Licensee's license for said conduct.

ORDER

Based upon the above Findings of Fact and Conclusions of Law, the South Dakota Board of Nursing hereby ORDERS:

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

2. Based upon these findings and conclusions, 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".

3. Licensee shall turn her license in to the Board within ten (10) days from the date of this Order.

4. Licensee is also hereby notified that any practice as or holding herself out as a licensed nurse during the term of this suspension is a violation of SDCL § 36-9-68.

Dated this 30th day of January, 2004.

SOUTH DAKOTA BOARD OF NURSING

Gloria Damgaard
Executive Secretary, Gloria Damgaard

The above-captioned Findings of Fact and Conclusions of Law and Order were adopted by the South Dakota Board of Nursing on the 23rd day of January, 2004, by a vote of 9 yes.

Gloria Damgaard
Executive Secretary, Gloria Damgaard