

WHEREAS, upon request for a drug screen, the Licensee provided a number of excuses why she could not go and have the drug screen test. After multiple requests, the Licensee did complete a drug screen on August 25, 2013 at the Pierre hospital, which was positive for opiates. The Licensee was terminated from her employment; and

WHEREAS, on or about December 9, 2013, Winora Robles, Board staff, spoke with the Licensee and sent a Voluntary Refrain from Practice Agreement to the Licensee to sign pending the investigation. The letter also provided contact information for the Health Professionals Assistance Program (“HPAP”); and

WHEREAS, on or about December 12, 2013, Board staff visited with the Licensee via telephone and Licensee stated that she did not want to work as a nurse “now, maybe never.” Licensee requested that the Board delay action on her beyond January 2014; and

WHEREAS, on December 23, 2013, the Licensee returned a signed Voluntary Refrain from Practice agreement to the Board. Licensee wrote “I never refused a drug screen!!” on the document; and

WHEREAS, on March 20, 2014, Board staff attempted to contact the Licensee via telephone on three occasions to set up an Informal Meeting with her to discuss her case. The attempts were without result. The Board sent to Licensee a letter via United States first-class mail and via United States certified mail, informing her that the Board wanted to hold an Informal Meeting with her on April 16, 2014 to discuss the allegations received; and

WHEREAS, on March 31, 2014, the Board's certified letter was returned to the Board as refused and Licensee did not appear for her April 16, 2014 Informal Meeting at the Board; and

WHEREAS, based upon the affidavit of Francie Miller and the above stated conduct, the Board has concluded that the public health, safety, and welfare 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. 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 her license in 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.

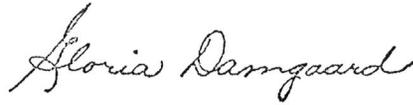
6. Licensee is hereby notified that any practice of or holding herself out as a practical nurse during the terms of this Order of Summary Suspension is a violation of SDCL § 36-9-68.

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, at its meeting on the 12th day of June, 2014, 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 12th day of June, 2014, 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 Alana Nicole Rogers, LPN, License No. P009538 (“Licensee”) as follows:

1. Hearing on the Order of Summary Suspension will take place before the Board on Sept. 11, 2014, at 2:00 o’clock 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 (4), (7) and (10).

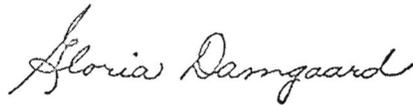
4. At the hearing, the Board will determine whether the Licensee's license shall be suspended, revoked, or subject to other disciplinary action as determined by the evidence presented.

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 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 20 day of June, 2014.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, RN, MS
Executive Director