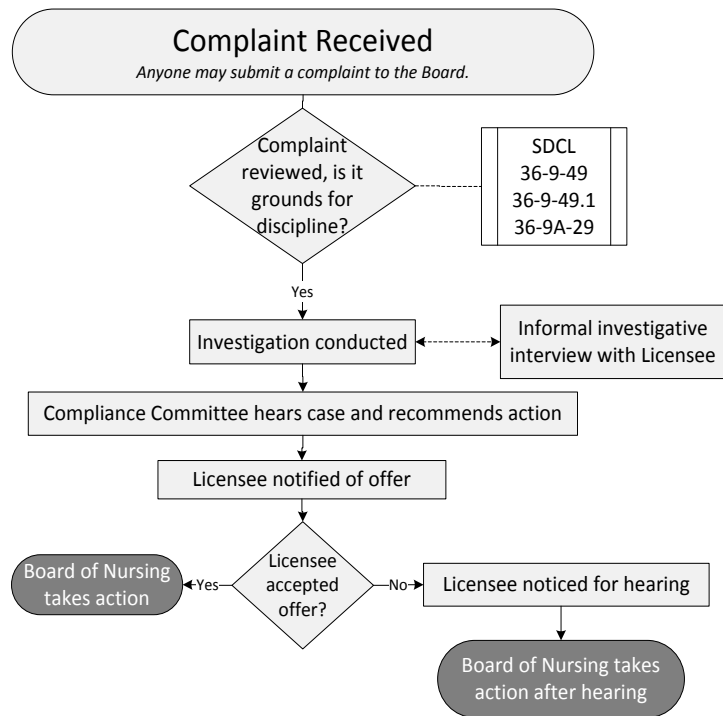


## South Dakota Board of Nursing South Dakota Department of Health

4305 S. Louise Avenue Suite 201 ♦ Sioux Falls SD 57106  
(605) 362-2760 ♦ Fax 362-2768 ♦ [doh.sd.gov/boards/nursing](http://doh.sd.gov/boards/nursing)

### Due Process

- Any person who believes a nurse has violated the Nurse Practice Act or Administrative Rules may report the violation to the Board of Nursing in the form of a complaint. The Board maintains the confidentiality of a person making a complaint and information obtained during the Board's investigation to the extent allowed.
- The Board of Nursing staff investigates every complaint received that falls under the Board's legal jurisdiction.
- A Licensee, against whom a complaint has been made, is always afforded due process rights by the South Dakota Board of Nursing. As a part of due process, the Licensee receives notice of the complaint and an informal meeting is conducted to discuss the complaint. Attendees at the meeting will include Board staff, the Licensee, and attorneys if requested. Licensee has the right to a formal hearing.
- The results of all investigations are heard by the Compliance Committee. This is a subcommittee of the full Board and meets prior to each regularly scheduled Board meeting. The Committee offers its proposed settlement to the Licensee and, if accepted by Licensee, each case is then brought before the full Board for acceptance. If the Licensee rejects the Committee's recommended action, the Board proceeds with a contested case hearing under SDCL 1-26. The full Board, except the Compliance Committee members, will decide on appropriate Action, following the hearing. The formal action may be anything from **Dismissal** to **Revocation**, based on the nature of the violation.



Non-Disciplinary Action	Disciplinary Action
<ul style="list-style-type: none"><li>Dismissal of Complaint</li><li>Letter of Concern</li><li>Substance Abuse or Health Evaluation</li><li>Health Professionals Assistance Program (HPAP) participation mandated</li></ul>	<ul style="list-style-type: none"><li>Letter of Reprimand</li><li>Denial of Licensure</li><li>Probation</li><li>Suspension</li><li>Revocation</li></ul>

- If there is an immediate risk of harm to the public the Board may temporarily suspend the license until a hearing can be held.
- A Licensee has the right to request a Contested Case Hearing before the Board anytime disciplinary action or mandated participation in the Health Professionals Assistance Program, (HPAP) is recommended, or in case of licensure **denial**, **suspension**, or **revocation**.
- Board Actions involving **discipline** (not a **Dismissal**, **Letter of Concern**, **Evaluation**, or **HPAP participation**) will be published in the *Dakota Nurse Connection* magazine, on the South Dakota Board of Nursing and Nursys® websites, and will be reported to the Healthcare Integrity and Protection Data Bank (HIPDB) and National Practitioner Data Bank (NPDB) as required by law.

**More information is available on the South Dakota Board of Nursing website:**

<http://doh.sd.gov/boards/nursing/complaints.aspx>