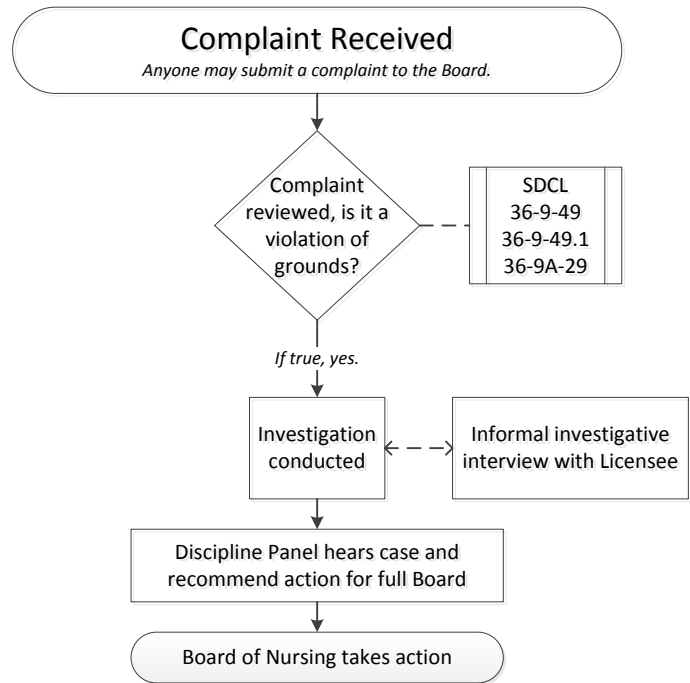




Due Process

- Any person who believes a nurse has committed a violation(s) of 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 to the extent allowed. Any information obtained during the Board's investigation also remains confidential, except when admitted as evidence at a formal hearing.
- 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 an informal meeting is conducted to discuss the complaint. Attendees at the meeting will include Board staff, the licensee, and attorneys if requested.



- Following the investigation, the Board may take several different actions. If the complaint is deemed frivolous or unfounded, the complaint will be dismissed. Or, if there is risk of imminent harm to the public, the Board may have an emergency meeting to consider immediate Board Action.
- The results of all investigations/cases are heard by the Discipline Review Panel. The Panel is a subcommittee of the full Board and meets prior to each regularly scheduled Board meeting. The Panel makes recommendations to the full Board on the each case that is then brought before the full Board. The Board or the Licensee may request that the Licensee make an appearance at the Board meeting to address the Board regarding the case/complaint. The full Board will decide on appropriate Action. Their formal action may be anything from **Dismissal** to **Revocation**, based on the nature of the violation.

NON-DISCIPLINARY ACTION

- Dismissal of Complaint
- Letter of Concern
- Substance Abuse or Health Evaluation
- Health Professionals Assistance Program (HPAP) participation mandated

DISCIPLINARY ACTION

- Letter of Reprimand
- Denial of Licensure
- Probation
- Suspension
- Revocation

- A Licensee has the right to request a Formal Hearing before the Board in a contested case, 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>