SOUTH DAKOTA BOARD OF NURSING

IN THE MATTER OF THE LICENSURE PROCEEDINGS

RE: CELESTE DEVOST, LPN

New Hampshire License PN013462-22
Nurse Licensure Compact Privilege in SD

Licensee.

WHEREAS, Celeste Devost, LPN ("Licensee") has been practicing in the State of South Dakota under a practice privilege from the State of New Hampshire and holds New Hampshire license number PN013462-22; and

WHEREAS, on or about July 25, 2016, the South Dakota Board of Nursing ("Board") was notified that the Licensee had been terminated from her employment at a long term care facility due to alleged diversion; and

WHEREAS, after the complaint, Board staff began an investigation into the complaint received; and

WHEREAS, Licensee was working in the State of South Dakota in a long term care facility under her practice privilege; and

WHEREAS, the allegations indicated that Licensee was obtaining an entire day’s PRN medications all at the same time. This was not policy. The facility has an auto-dispensing machine and PRN medications are dispensed as needed; and

WHEREAS, the evidence revealed that empty medication packets from two residents were found in the Licensee’s residence. Licensee admitted to ingesting these medications; and

ORDER FOR SUMMARY SUSPENSION AND NOTICE OF HEARING
WHEREAS, Licensee contacted Board staff and admitted that she took the medications and that she wished to voluntarily surrender her practice privilege at that time; and

WHEREAS, a Voluntary Relinquishment of Practice Privilege Consent Order was presented to Licensee on or about July 28, 2016. The Licensee has not returned that Voluntary Relinquishment document to the Board; 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 (5), (6), (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.” This Order also affects Licensee’s privilege to practice in South Dakota. 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. 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.

6. 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 8th day of September, 2016, and approved this Order of Summary Suspension by a vote of 7-0 and issues its Order for Summary Suspension consistent herein as follows:
Order for Summary Suspension and Notice of Hearing
Licensee: Celeste Devost

IT IS HEREBY ORDERED that the above is adopted as an Order of the South Dakota Board of Nursing this 21st day of September, 2016.

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 Celeste Devost, License No. PN013462-22 ("Licensee") as follows:

1. Hearing on the Order of Summary Suspension will take place before the Board on November 17th, 2016, at 2:00 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 her conduct, violated SDCL §§ 36-9-49 (5), (6), (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 23rd day of September, 2016.

SOUTH DAKOTA BOARD OF NURSING

[Signature]
Gloria Damgaard, RN, MS
Executive Director