SOUTH DAKOTA BOARD OF NURSING

IN THE MATTER OF THE LICENSURE PROCEEDINGS

RE: JAMIE JACKSON; a/k/a JAMIE LESTER
  Applicant.

FINDINGS OF FACT, CONCLUSIONS OF LAW ON PETITION FOR HEARING AND ORDER DENYING LICENSURE

Applicant, Jamie Jackson, a/k/a Jamie Lester ("Applicant"), submitted a Petition for Hearing pursuant to ARSD 20:48:11:01, arising out of the South Dakota Board of Nursing’s ("Board") vote to deny the issuance of an LPN license to the Applicant.

Said Petition came on for hearing before the Board at its office in Sioux Falls, South Dakota, on June 9, 2016, at 3:00 p.m.

Applicant, having been sent the Notice of Hearing on May 12, 2016, and having been given the opportunity to present evidence on her behalf, appeared in person. The Board appeared by and through its attorney, Kristine K. O’Connell.

The Board considered the evidentiary testimony of the Applicant. The Board also considered Exhibit Number 1 entered into evidence by the Board containing documents considered by the Board in its initial denial in this case; and being charged with the 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, the Board hereby makes the following:
FINDINGS OF FACT

1. That on January 13, 2016, Applicant submitted an application to the South Dakota Board of Nursing for professional nurse licensure as an LPN.
2. During the investigation of the application, it was discovered that Applicant was originally licensed in Arizona by exam on February 19, 1999.
3. During the investigation of the Applicant, it was discovered that Applicant’s license to practice in Arizona was revoked from November 3, 2000, until November 3, 2005, due to Applicant’s inability to practice safely by reason of alcohol or other substance abuse.
4. Applicant has never sought reinstatement of her Arizona license.
5. On December 15, 2015, Applicant completed an independent study course for LPN from South Dakota State University.
6. On April 21, 2016 the Board denied Applicant’s LPN licensure based upon her criminal background check, SDCL § 36-9-49(2) (felony convictions), and upon SDCL § 36-9-49(6) (action in another state).
7. On May 2, 2016, the Board notified the Applicant of its denial of Applicant’s LPN licensure.
8. At the hearing, Applicant urged the Board to reverse its denial of Applicant’s LPN licensure. Applicant explained her past felony convictions for DUI and use of controlled substances.
9. Applicant also explained a relapse in 2014 followed by a misdemeanor DUI charge. Applicant stated she went to treatment again in 2014 and currently attends AA meetings and Al-Anon classes periodically.
From the foregoing findings of fact, the Board draws the following:

CONCLUSIONS OF LAW

1. That the Board has jurisdiction and authority over this matter pursuant to SDCL §§ 36-9-1.1 and 36-9-49

2. That the Applicant’s conduct as identified in the findings of fact is in violation of SDCL §§ 36-9-49 (2) and (6).

3. That the Applicant’s conduct as identified in the findings of fact is inconsistent with the health and safety of those persons who would be entrusted to her care and violates the statutes and rules and regulations regarding the practice of nursing.

4. Applicant did not make a sufficient showing that the Board’s decision to deny licensure should be overturned.

THEREFORE, let an order be entered accordingly.

ORDER

Based on the Findings of Fact and Conclusions of Law, the South Dakota Board of Nursing hereby orders:

1. That Applicant’s appeal is denied and the Board upholds its prior action denying the Applicant a license in South Dakota due to felony convictions and action in another state.

The South Dakota Board of Nursing at its meeting on the 9th day of June, 2016, approved this Order Denying Licensure as written by a vote of 9-0, and issues its Order Denying Licensure consistent herein.
IT IS HEREBY ORDERED that the above Order Denying Licensure is adopted as an Order of the South Dakota Board of Nursing on this 17th day of June, 2016.

SOUTH DAKOTA BOARD OF NURSING

[Signature]
Gloria Damgaard, RN, MS
Executive Director