



("HPAP") dated January 10, 2009. Sherry Grismer of HPAP provided testimony and answered questions in regards to the HPAP report and recommendation. Licensee also provided testimony and answered questions of the Board; and

WHEREAS, the Board had considered the Licensee's request, the statement and documents provided by the Licensee, the previous order, the HPAP report, as well as Licensee's own testimony, and on January 22, 2009, had approved a motion for an Order of Reinstatement; and

WHEREAS, prior to the entry of said Order, the Board, on January 29, 2009, was presented new information that had become available to the HPAP subsequent to the reinstatement hearing of January 22, 2009. The information revealed that Licensee, in a random drug screen dated January 21, 2009, had a positive test for Methadone. This had been prescribed to him on January 20, 2009, to address his chronic elbow pain. Licensee failed to provide a valid script for this medication within the twenty-four hours required under his Participation Agreement with HPAP; and

WHEREAS, on January 30, 2009, the Board received a letter from Licensee explaining his inadvertence in reporting the prescription to HPAP; and

WHEREAS, the Board convened via teleconference on February 2, 2009, to reconsider the additional information submitted by the HPAP and by the Licensee, and being fully advised in the premises, the Board thereby moved to rescind the Order of Reinstatement of January 22, 2009, and deny the reinstatement of the nursing license of

the Licensee.

NOW THEREFORE IT IS HEREBY ORDERED:

1. That the Board has jurisdiction over the person of the Licensee and the subject matter of this Order.
2. That the Licensee's request for reinstatement of his registered nurse license in the State of South Dakota is hereby denied.
3. That the Licensee has failed to meet his burden of presenting information that showed good cause as to why the Licensee's license should be reinstated.
4. The Licensee's Voluntary Surrender Consent Order hereby remains in effect.

IT IS HEREBY ORDERED that the above Order Denying Request for Reinstatement was adopted by the South Dakota Board of Nursing on the 2nd day of February, 2009, by a vote of 8 - 0.

SOUTH DAKOTA BOARD OF NURSING

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Gloria Damgaard, Executive Director