SOUTH DAKOTA BOARD OF NURSING

IN THE MATTER OF LICENSURE
PROCEEDINGS

RE: SHARON R. AZURE, R.N.

License No. R028066,
Licensee.

BOARD’S FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER OF SUSPENSION

This matter came on before the South Dakota Board of Nursing (“Board”) for a due process hearing on the Summary Suspension of Sharon R. Azure, R.N., license number R028066 (“Licensee”) on September 9, 2008, at 11:00 a.m. in the conference rooms of the South Dakota Board of Nursing’s office in Sioux Falls, South Dakota. Licensee, Sharon R. Azure, did not appear in person to present evidence on her behalf or confront witnesses. The Board appeared by and through its attorney, Kristine Kreiter O’Connell. The Board considered the evidentiary testimony of Kathleen Rausch, Nursing Program Specialist, as well as Exhibit 1 that was entered into evidence, the Affidavit, and other documents on file in this case, and being charged with the statutory obligation to protect the public safety and welfare as 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 Sharon R. Azure, R.N. is licensed to practice as a Registered Nurse in the State of South Dakota and holds license number R028066.

2. That at all times pertinent to this matter, Licensee was working for the Indian Health Service ("IHS") in Minnesota utilizing her South Dakota license.

3. That during her employment with IHS, Licensee was being monitored by Minnesota’s Health Professionals Service Program ("HPSP").

4. That on or about October 17, 2007, the HPSP closed Licensee’s file for failure to comply with the conditions of her monitoring plan.

5. On January 29, 2008, the Minnesota Board of Nursing advised the South Dakota Board of Nursing of Licensee’s noncompliance with HPSP.

6. The South Dakota Board of Nursing, upon receiving said complaint, made efforts to contact the Licensee to begin the investigative process.

7. Upon information and belief, the Board of Nursing believed that Licensee was in the Eagle Butte, SD area but was unable to make direct contact with her.

8. Summary Suspension pleadings were sent to Licensee at Eagle Butte “General Delivery” and were not returned as undeliverable.

9. Thereafter, Licensee mailed her nursing license to the Board of Nursing without explanation.

From the foregoing Findings of Fact, the Board draws the following:
CONCLUSIONS OF LAW

1. The South Dakota Board of Nursing has jurisdiction and authority over this matter pursuant to SDCL §§ 36-9-1.1 and 36-9-49.

2. That Licensee’s conduct as identified in the Findings of Fact are inconsistent with the health and safety of persons entrusted to her care and violates the statutes, rules, and regulations regarding the practice of nursing and are in violation of SDCL § 36-9-49(7) and (10).

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 the Licensee’s license to practice as a registered nurse in the State of South Dakota is hereby indefinitely suspended.

2. That the Licensee may petition according to SDCL § 36-9-57 for reinstatement of her license at any time for “good cause”.

3. That the Licensee is hereby notified that any practice as, or holding herself out as, a registered nurse during the terms of this suspension is in violation of SDCL § 36-9-69.
Dated this 16th day of September, 2008.

SOUTH DAKOTA BOARD OF NURSING

Gloria Damgaard, Executive Director

The above Findings of Fact, Conclusions of Law, and Order of Suspension were adopted by the South Dakota Board of Nursing on this 9th day of September, 2008, by a vote of 8-0.

Dated this 16th day of September, 2008.

SOUTH DAKOTA BOARD OF NURSING

Gloria Damgaard, Executive Director