

FINDINGS OF FACT

1. That Judith M. Carlow is licensed to practice as a practical nurse in the State of South Dakota and holds license number P008980.
2. That on September 14, 2009, the South Dakota Board of Nursing received a complaint from the Bennett County Hospital and Nursing Home in Martin, South Dakota.
3. The Licensee, in making application to the Bennett County Hospital and Nursing Home, submitted to a pre-employment drug screen.
4. Licensee's pre-employment drug screen came back positive for cocaine.
5. Licensee did not attend the investigative Informal Meeting at the Board's office set up for her on October 27, 2009, at 1:30 p.m. Licensee called the investigator to cancel the Informal Meeting as she did not have the means to come to Sioux Falls.
6. That the Licensee's "advocate" called to the Board investigator on the day of the hearing advising that the Licensee would not attend the hearing.

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 Licensee conduct as identified in the Findings of Fact are inconsistent with 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(5) and (7).

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:

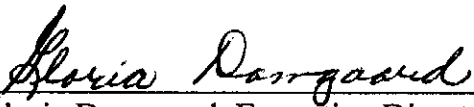
1. That the Licensee's license to practice as a licensed practical nurse in the State of South Dakota is hereby indefinitely suspended.
2. That the Licensee may petition according to SDCL § 36-9-57 for reinstatement of her license at any time for "good cause".
3. That the Licensee shall turn in her license to the Board of Nursing within ten (10) days of the date of this Order.
4. That the Licensee is hereby notified that any practice as, or holding herself out as, a practical nurse during the terms of this suspension is in violation of SDCL § 36-9-69.

IT IS NOW HEREBY ORDERED:

That the above Finding of Fact, Conclusions of Law and Order of Suspension were adopted by the South Dakota Board of Nursing on the 22nd day of April, 2010 by a vote of 9 to 0.

Dated this 29th day of April, 2010.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, Executive Director