

SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE LICENSURE :
PROCEEDINGS :

RE: RONALD L. COOPER, R.N. :

License No. R027397, :

Licensee. :

**ORDER OF SUMMARY
SUSPENSION AND NOTICE OF
HEARING**

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WHEREAS, Ronald L. Cooper, R.N., (“Licensee”), is licensed to practice as a registered nurse in the State of South Dakota and hold license number R027397; and

WHEREAS, on or about April 4, 2002, Licensee was arrested and charged with possession of two ounces or less of marijuana and of ingesting substances, except alcoholic beverages, for the purpose of becoming intoxicated. Licensee had a positive urine drug screen for cannabinoids on April 4, 2002.

On April 17, 2002, Licensee pled guilty to a charge of possession of marijuana and was sentenced. Part of his sentence included unsupervised probation for a period of one year, a chemical dependency evaluation with compliance of recommendations, and random drug screening through court services.

On April 24, 2002, the South Dakota Board of Nursing was advised by the South Dakota Veterans Home at Hot Springs that the employment of Mr. Cooper had been

terminated as a result of his arrest for drug possession. Thereafter, on May 20, 2002, Board of Nursing staff contacted the Licensee and advised him to be evaluated by HPAP.

On May 31, 2002, Licensee met with Mike Coley of the South Dakota Health Professionals Assistance Program (“HPAP”) to discuss the chemical dependency evaluation and his entry into HPAP. Licensee, at that time, was scheduled to enter treatment at the VA in Hot Springs. The South Dakota Board of Nursing was advised of this meeting.

On October 8, 2002, Licensee signed a Participation Agreement with HPAP. The basis for the Agreement was Licensee’s recent treatment for chemical dependency precipitated by a conviction of possession of marijuana and an earlier DWI. The Licensee acknowledged that it was his fifth time in treatment. The Licensee also acknowledged he had been diagnosed as both alcohol and cannabis dependent. The Participation Agreement with HPAP was to continue for a period of three years.

On or about September 25, 2007, HPAP sent a letter to the Board expressing concern that it had no contact from the Licensee. The Board was also advised that a certified letter sent by HPAP to the Licensee was returned after three failed delivery attempts. The Board was advised that due to the lack of contact by the Licensee, HPAP was terminating Licensee’s participation in the program.

Board of Nursing staff received a report from HPAP which indicate that Licensee had a relapse in 2003 and again participated in extensive treatment and was discharged

with successful completion in June, 2003. Another relapse was identified on February 10, 2006. Said relapse would have extended Licensee's participation in HPAP for an additional year. After treatment, Licensee continued to submit monthly self reports until January 2007, had one worksite monitoring report submitted in March 2006, and continued with call-ins and testing through HPAP until September, 2007. Licensee last tested on June 1, 2007, and was a no-show for a test on September 19, 2007.

Thereafter, on December 20, 2007, Board of Nursing staff attempted to contact the Licensee to schedule him for an Informal Meeting on January 7, 2008, to discuss the issue of his non-compliance with his HPAP Agreement. Board staff received a return receipt on January 2, 2008, signed by the Licensee for the certified letter that was sent asking him to contact Board staff regarding the Informal Meeting. Licensee did not appear for the Informal Meeting scheduled on January 7, 2008 and attempts to contact him have been unsuccessful.

At this time it is unclear to Board of Nursing staff whether Mr. Cooper has met his obligation to HPAP and to the Board of Nursing; and

WHEREAS, based upon the affidavit of Andrew Albers and the above stated conduct, the Board has concluded that the public health, safety and welfare requires emergency action, in that Licensee's actions may endanger the health and safety of those who are, or will be, entrusted to his 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 requires emergency action against Licensee's license.
3. That based on the above, the Board specifically finds that the Licensee has not observed the terms and conditions set forth in his Participation Agreement with HPAP and that the actions of Licensee endanger the public health, safety and welfare, and imperatively require emergency action in that Licensee's actions may endanger the health and safety of those persons who are or will be entrusted to his care in the future, and that these are matters of a nature that would constitute further grounds for discipline of his license to practice nursing under SDCL § 36-9-49.
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 his license at anytime for "good cause" and upon the completion of all terms and conditions of his participation in HPAP, their evaluation and subsequent clearance. This Order also affects licensee's privilege to practice in South Dakota.

Should licensee change his 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 his South Dakota license.

5. That Licensee shall turn in his license to the Board within ten (10) days from the date of this Order and it shall be kept by the Board until further action on this matter.

6. Licensee is hereby notified that any practice of or holding himself out as a registered nurse during the terms of this Order of Summary Suspension is a violation of SDCL § 36-9-68.

The South Board of Nursing at its meeting on the 10th day of April, 2008, approved this Order of Summary Suspension as written without modifications and issues its Order of Summary Suspension consistent herein as follows:

IT IS HEREBY ORDERED that the above is adopted as an Order of the South Dakota Board of Nursing this 10th day of April, 2008, by a vote of 10-0.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, Executive Director

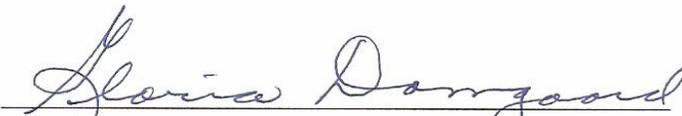
NOTICE OF HEARING

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 Ronald L. Cooper, RN, License No. R027397 (“Licensee”) as follows:

1. Hearing on the Order of Summary Suspension will take place before the Board on September 10, 2008, at 10 o’clock a.m. at the South Dakota Board of Nursing office in 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. 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.
4. 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 22 day of April, 2008.

SOUTH DAKOTA BOARD OF NURSING


Gloria Damgaard, Executive Director