

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. :

**FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER OF SUSPENSION**

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This matter came on for hearing before the South Dakota Board of Nursing (“Board”) for a due process hearing on the Summary Suspension of Ronald L. Cooper, R.N., license number R027397 (“Licensee”) on September 10, 2008, at 10:30 a.m. in the conference rooms of the South Dakota Board of Nursing’s office in Sioux Falls, South Dakota. Licensee, Ronald Cooper did not appear in person to present evidence on his behalf or confront witnesses. The Board appeared by and through its attorney, Kristine Kreiter O’Connell.

The Board considered the evidentiary testimony from the director of the Health Professionals Assistance Program (“HPAP”), Maria Eining. The Board also considered Exhibits (numbered 1-3 inclusive) entered into evidence, the Affidavit, and other documents on file in this case. On September 22, 2008, the Board reconvened on a Motion to Reconsider and took notice of a South Dakota Unified Judicial System Record Search Report on said Licensee; and being charged with the statutory obligation to protect the public health, 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 Ronald L. Cooper, R.N. is licensed to practice as a Registered Nurse in the State of South Dakota and holds license number R027397.
2. Licensee entered into a Participation Agreement with HPAP on October 8, 2002, due to alcohol and cannabis dependency.
3. After entering HPAP, Licensee had two identified relapses in 2003, and again in February 2006. He participated in treatment. He also was to continue in the HPAP program, which he did, despite no formal contract amendment of extension.
4. Licensee submitted a worksite monitor report in March, 2006, submitted monthly self reports until January, 2007, and called in for testing until September, 2007. He last tested on June 1, 2007, and was a no show for a test on September 19, 2007.
5. On September 25, 2007, HPAP notified the Board expressing its concern that there had been no contact on the part of the Licensee with HPAP.
6. HPAP attempted to contact the Licensee by certified mail on October 25, 2007, with three failed delivery attempts.
7. Due the Licensee's failure to contact HPAP, and HPAP's inability to contact Licensee, Licensee's Participation Agreement with HPAP was terminated on December 3, 2007, and the matter referred to the Board.
8. Licensee did not renew his license on October 10, 2007.

9. Attempts by the Board to contact the Licensee to schedule an Informal Meeting or make contact have been unsuccessful.

10. Licensee on February 15, 2008, was arrested for driving under the influence-second offense, and pled guilty to said offense on September 12, 2008.

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 the Licensee's conduct as identified in the Findings of Fact are inconsistent with health and safety of persons entrusted to his care and violates the statutes, rules, and regulations regarding the practice of nursing and are in violation of SDCL § 36-9-49(4), (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 registered nurse in the State of South Dakota is hereby indefinitely suspended.

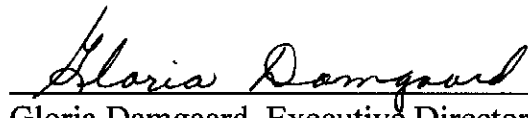
2. That the Licensee may petition according to SDCL § 36-9-57 for reinstatement of his license at any time upon a showing for "good cause". Any reinstatement request must include documentary evidence of at least six (6) month of documented sobriety.

3. That the Licensee shall turn in his license to the Board of Nursing within ten (10) days of this Order.

4. That the Licensee is hereby notified that any practice as, or holding himself out as, a registered nurse during the terms of this suspension is in violation of SDCL § 36-9-69.

Dated this 2nd day of October 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 22nd day of September, 2008, by a vote of 6-0.

Dated this 2nd day of October, 2008.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, Executive Director