

SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE LICENSURE :
PROCEEDINGS :

RE: STEVEN COURSON, R.N. :

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

License No. R031667, :

Licensee. :

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WHEREAS, Steven Courson, R.N., (“Licensee”), is licensed to practice as a registered nurse in the State of South Dakota and hold license number R-031667; and

WHEREAS, the Licensee has been practicing in the State of Nebraska on a practice privilege under the Nurse Compact Act; and

WHEREAS, on June 6, 2005, the Licensee made a self report to the South Dakota Board of Nursing staff that he diverted Morphine while employed at the Children’s Hospital in Omaha, Nebraska. Licensee resigned his employment on June 17, 2005. On July 13, 2005, the Licensee attended an Informal Meeting with the South Dakota Board of Nursing staff at which time he admitted to the diversion of Morphine. He also indicated that he was participating in the Licensed Assistant’s Program in the State of Nebraska and had contacted Mike Coley of the South Dakota Health Professionals Assistance Program (“HPAP”) after his self disclosure to the Board of Nursing. Licensee also advised that he had enrolled in treatment at Methodist Addiction Services and was participating in the

Nebraska State Diversion Program. On July 13, 2005, Licensee signed a Voluntary Refrain from Practice. On September 1, 2005, Licensee signed a participation contract with HPAP. An order by the South Dakota Board of Nursing, dated September 15, 2005, mandated Licensee into HPAP.

On September 27, 2005, HPAP advised that the Licensee was able to return to practice. On that date the South Dakota Board of Nursing release the Licensee from his Voluntary Refrain and issued him a Nursing License conditioned upon his continued compliance with all aspects of HPAP. The state of Nebraska also filed a Petition for adverse action in regards to the Nurse Licensure Compact regarding the above occurrences with said Petition being filed on November 21, 2005. (Said Petition is incorporated by reference as if fully set forth herein). On December 27, 2005, the Nebraska Health and Human Services Regulation and Licensure entered an Order on Agreed Settlement with Licensee that placed the Licensee's privilege to practice in Nebraska on an agreed upon 30 day suspension and a probationary term of 5 years of monitoring being done by the State of Nebraska. (See Order on Agreed Settlement dated December 27, 2005 as is set forth fully herein).

On November 16, 2006, the State of Nebraska reported to HPAP that the Licensee had relapsed. HPAP advised the South Dakota Board of Nursing of this relapse. Allegedly, the Licensee tested positive for Benzodiazepine and Propoxyphene on October 10, 12, and 17, 2006. On November 17, 2006, Licensee admitted to the South Dakota

Board of Nursing staff to a relapse. He was asked to refrain from practice and to attend an Informal Meeting with the South Dakota Board of Nursing staff until a full investigation of diversion could be conducted. Licensee refused to refrain from practice and attend an Informal Meeting; 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 endangers the public health, safety and welfare, and imperatively requires emergency action in that Licensee's 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.

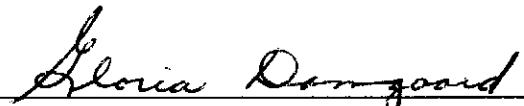
5. That Licensee shall turn in his license to the Board within ten (10) days from the date of this Order and it shall be kept by the Board until further action on this matter.

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 a meeting on the 14th day of December, 2006, 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 14th day of December, 2006, by a vote of 8-0.

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 Steven Courson, RN, License No. R031667 (“Licensee”) as follows:

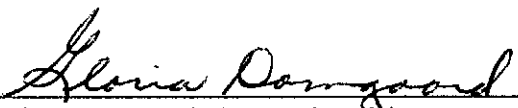
1. Hearing on the Order of Summary Suspension will take place before the Board on February 6, 2007, at 10:00 o’clock a.m. at the South Dakota Board of Nursing office located at 4500 S. Louise Avenue, Suite 201, in Sioux Falls, South Dakota.
2. This matter is an adversarial proceeding and Licensee has 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 14th day of December, 2006.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, Executive Director