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The Board considered the evidentiary evidence of Maria Eining, the Director of the Health Professionals Assistance Program (“HPAP”). The Board also considered the Board’s Exhibits numbered 1 and 2 entered into evidence. The Board, being charged with the statutory obligation to protect the public health, safety, and welfare set forth in SDCL § 36-9, including the protection of the public from unsafe nursing practices and practitioners, hereby makes the following:

### **FINDINGS OF FACT**

1. That Brenda Doerr is licensed to practice as a registered nurse in the state of South Dakota and holds license number R042995.
2. That or about August 15, 2014, while working at a hospital, the Licensee tested positive for a number of controlled substances including Tramadol, amphetamines, Oxycodone, Opiates, Hydrocodone, and Fentanyl, for which she did not have prescriptions.
3. The Licensee signed a Voluntary Refrain from Practice with the South Dakota Board of Nursing and signed a Participation Agreement with the South Dakota Health Professionals Assistance Program ("HPAP") on October 31, 2014.
4. On November 29, 2014, the Licensee signed a Stipulation and Order for Probation with HPAP. The Order for Probation mandated the Licensee into the HPAP program.
5. The Stipulation and Order for Probation with HPAP was signed by the Board on December 4, 2014.
6. Licensee signed her HPAP Participation Agreement on October 31, 2014. During the Licensee's intake with HPAP, Licensee denied diversion, and reported that she had a prescription for Vicodin and used some of a friend's medication. She also disclosed that she had used a Fentanyl patch that "belonged to her stepdad on two occasions," and that she had a prescription for Ativan from her primary care practitioner.
7. Following the intake process by HPAP, the Licensee's compliance with the HPAP monitoring was delayed due to the financial condition of the Licensee and her inability to find non-nursing employment.

8. HPAP was working with ROADS outpatient treatment to assist Licensee with her monitoring.

9. On December 1, 2014, the Licensee's HPAP quarterly report form indicated a score of 70 which was evidence of complete non-compliance with any component of HPAP.

10. By December 19, 2014, HPAP, as well as ROADS, had not been able to reach the Licensee and she had stopped checking in daily under her monitoring contract.

11. On January 5, 2015, Licensee contacted HPAP advising them that she "fell off track" for a while and had not been picking up her mail and had no access to a computer.

12. Subsequent to the call, there was no contact from Licensee to HPAP and she was not responding to phone calls or to letters from HPAP.

13. On January 21, 2015, Licensee was found to be in detox treatment and on January 28, 2015, Licensee called HPAP and confirmed that she was in detox and would be going straight into inpatient treatment.

14. Since January 28, 2015, Licensee has made no additional contact with HPAP and thus was discharged from the program as non-compliant.

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's conduct as identified in the findings of fact is inconsistent with the health and safety of those persons entrusted to her care and violates statutes and rules

and regulations regarding the practice of nursing and are in violation of SDCL § 36-9-49 (4), (5), (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 nursing in the State of South Dakota is hereby indefinitely suspended.
2. The Licensee shall turn in her license to the Board within ten (10) days from the date of this order.
3. That the Licensee is hereby notified that any practice as or holding herself out as a registered nurse during the term of this suspension is in violation of SDCL § 36-9-69.
4. That Licensee may petition for reinstatement of her license at any time for "good cause" pursuant to SDCL § 36-9-57.

The South Dakota Board of Nursing at its meeting on the 11<sup>th</sup> day of September, 2015 approved this Order of Suspension as written by a vote of 8-0, and issues its Order of Suspension consistent herein.

IT IS HEREBY ORDERED that the above Order of Suspension is adopted as an Order of the South Dakota Board of Nursing on this 17<sup>th</sup> day of September, 2015.

SOUTH DAKOTA BOARD OF NURSING

A handwritten signature in cursive script, reading "Gloria Damgaard".

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Gloria Damgaard, RN, MS  
Executive Director