

STATE OF SOUTH DAKOTA  
DEPARTMENT OF COMMERCE AND REGULATION  
SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE  
LICENSURE PROCEEDINGS  
RE: RICKY A. EADS, R.N.

FINDINGS, CONCLUSIONS, AND ORDER OF  
SUSPENSION  
OF PRACTICE PRIVILEGE

License No. . Ft .020188

Licensee,

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WHEREAS the above-captioned matter came on before the South Dakota Board of Nursing pursuant to a Complaint and Notice of Hearing on the 22<sup>nd</sup> day of January, 2004, and;

WHEREAS the Licensee, Ricky A. Eads, R.N., having received notice of the meeting did not appear in person nor by an attorney, and;

WHEREAS the South Board of Nursing appeared by and through its attorney, Terry N. Prendergast, and;

WHEREAS the Board of Nursing presented testimony of Board Staff, and Exhibits which were received in evidence, and;

WHEREAS, Licensee was given an opportunity to confront the Board witnesses and to present evidence on his behalf, but Licensee did not attend the hearing, and;

WHEREAS, the Board has a 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; and

NOW, THEREFORE, the Board of Nursing makes the following:

#### FINDINGS OF FACT

1. On July 14, 1993, the South Dakota Board of Nursing suspended Licensee's nursing license in South Dakota for an indefinite period of time, allowing Licensee to reinstate his South Dakota license on or after July 14, 1994, if certain conditions had been satisfied, all as set forth in the Order. Licensee did not satisfy said conditions and has not satisfied said conditions to date.

2. On January 1, 2001, the South Dakota Board of Nursing became subject to the Nurse Licensure Compact set forth in SDCL 36-9-92. That Compact provides in Article V(c), that a remote state, such as South Dakota, may take adverse action affecting the multi-state licensure privilege to practice within that state, and in Article VI(c), that South Dakota may issue cease and desist orders to limit or revoke a nurse's authority to practice in their state. Article III (b) of the Compact provides that party states may limit - revoke the multi-state licensure privilege of any nurse practicing in their state.

#### CONCLUSION OF LAW

1. That Licensee's South Dakota nursing license is still suspended.
2. Licensee's practice privilege to practice within South Dakota should also be suspended consistent with his license suspension.
3. That the Board of Nursing has authority to suspend Licensee's practice privilege and authority to practice in South Dakota under the Nurse Licensure Compact.

ORDER

Based upon the above Findings of Fact and Conclusions of Law, the South Dakota Board of Nursing hereby ORDERS:

1. That the Board has jurisdiction of the Licensee and the subject matter of this Order.
2. Based upon these findings and conclusions, the Licensee's authority to practice nursing in South Dakota and practice privilege to practice in South Dakota under the Nurse Licensure Compact is hereby suspended. Licensee may petition according to SDCL 36-9-57 for reinstatement of his practice privilege at any time for "good cause" which shall be, at a minimum, compliance with all conditions required for reinstatement of Licensee's license in his original order.
3. Licensee is also hereby notified that any practice as or holding himself out as a licensed nurse in South Dakota under either a license or practice privilege during the term of this suspension is a violation of SDCL § 36-9-68.

Dated this 30<sup>th</sup> day of January, 2004.

SOUTH DAKOTA BOARD OF NURSING

Gloria Damgaard  
Executive Secretary, Gloria Damgaard

The above-captioned Findings of Fact and Conclusions of Law and Order were adopted by the South Dakota Board of Nursing on the 22nd day of January, 2004, by a vote of

10-0

Gloria Damgaard  
Executive Secretary, Gloria Damgaard

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I certify that this is a true copy of  
a record on file in the Board of  
Nursing of the State of South Dakota.

Date 11-22-05

Chris Stearns  
Secretary, Authorized Representative