

SOUTH DAKOTA BOARD OF NURSING

0-0

IN THE MATTER OF THE LICENSURE	:	
PROCEEDINGS	:	
RE: LEZLEA FINDLEY, R.N.	:	FINDINGS OF FACT,
	:	CONCLUSIONS OF LAW
License No. R031812,	:	AND ORDER OF SUSPENSION
	:	
Licensee.	:	

0-0

This matter came on for hearing before the South Dakota Board of Nursing (“Board”) for a due process hearing on the Summary Suspension of Lezlea Findley, R.N., license number R031812 (“Licensee”) on September 10, 2008, at 2:00 p.m. in the conference rooms of the South Dakota Board of Nursing’s office in Sioux Falls, South Dakota. Licensee, Lezlea Findley did not appear in person to present evidence on her behalf or confront witnesses. The Board appeared by and through its attorney, Kristine Kreiter O’Connell.

The Board considered the evidentiary testimony of Nursing Program Specialist, Kathleen Rausch. The Board also considered Exhibits (numbered 1 and 2 inclusive) entered into evidence, the Affidavit, and other documents on file in this case. On September 22, 2008, the Board of Nursing reconvened on a Motion to Reconsider and continued its deliberations; 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 Lezlea Findley, R.N. is licensed to practice as a Registered Nurse in the State of South Dakota and holds license number R031812.
2. That on or about January 3, 2008, Licensee was working through Maxim Staffing Solutions at the Adel Acres Care Center, located in Adel, Iowa.
3. That on the evening of January 3, 2008, during Licensee's shift, ninety-eight doses of Vicodin were reported missing from the Care Center's supply.
4. Maxim Staffing Solutions requested Licensee submit to a drug screen within twenty-four hours of the incident and provide a written statement as part of her continued employment.
5. Licensee did not submit to a drug screen within twenty-four hours of the incident as requested by the employer nor provide any statement as requested.
6. Licensee was voluntarily terminated pursuant to her contract with Maxim Staffing Solutions.
7. Said incident was reported to the South Dakota Board of Nursing.
8. The Board's attempts to contact the Licensee to schedule an Informal Meeting as part of its investigation were unsuccessful.

9. An Order of Summary Suspension and Notice of Hearing was sent to Licensee at her last known address and was not returned.

10. Therefore, the Board investigator contacted Licensee by phone and confirmed Licensee's address.

11. Licensee did not renew her nursing license on August 17, 2008.

12. The Licensee has been uncooperative with the Board.

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 her care and violates the statutes, rules, and regulations regarding the practice of nursing and are in violation of SDCL § 36-9-49(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 as a registered nurse in the State of South Dakota is hereby indefinitely suspended.

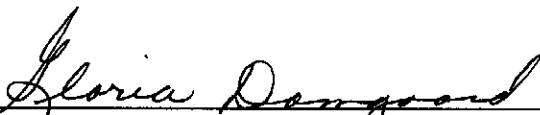
2. That the Licensee may petition according to SDCL § 36-9-57 for reinstatement of her license at any time upon a showing for "good cause".

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

4. That the Licensee is hereby notified that any practice as, or holding herself 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

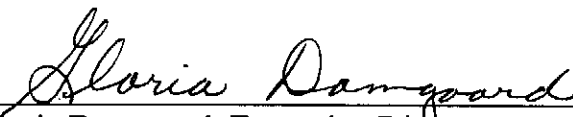


Gloria Damgaard, Executive Director

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