

6. On or about June 6, 2005, the Board staff contacted the Licensee in regards to a complaint that it had received regarding Licensee's practice and the need to set up an Informal Meeting with Board staff.

7. Licensee has expressed indecision about continuing with HPAP as well as the return to his practice of nursing.

8. Licensee was scheduled for an informal hearing with the Board on June 20, 2005.

9. Licensee wrote to the Board on June 15, 2005, indicating that he was not able to attend the meeting for extenuating circumstances.

10. Licensee's conduct as stated would be inconsistent with the health or safety of persons entrusted to his care and violates the rules and statutes regarding the practice of nursing and is in violation of SDCL § 36-9-49(4), (5), (7) and (10).

WHEREFORE, the Board of Nursing hereby requests that:

1. That the Licensee's license be suspended pursuant to SDCL § 36-9-49(4), (5), (7) and (10); and
2. For any other action or reporting as deemed necessary and appropriate by the Board.

Dated this 30th day of June, 2005.


Gloria Damgaard, Executive Secretary

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 on a Complaint in regards to Vincent J. Gallagher, RN ("Licensee") as follows:

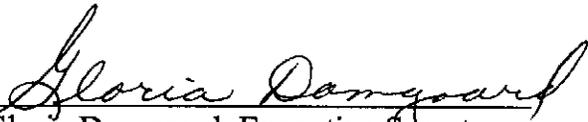
1. Hearing on the Complaint will take place before the Board on September 15, 2005, at 2:00 o'clock p.m., at the South Dakota Board of Nursing office located at 4305 South Louise Avenue, Suite 201, Sioux Falls, South Dakota.
2. This matter is an adversarial proceeding and the Licensee has the right to 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 the 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 service of this Notice of Hearing on Complaint.
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 11th day of July, 2005.


Gloria Damgaard, Executive Secretary

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of July, 2005, I sent to Vincent J. Gallagher, 4332 Fleetwood Drive, Blackhawk, SD, 57718, a true and correct copy of the foregoing Complaint and Notice of Hearing by certified and first-class mail, postage prepaid.


Gloria Damgaard, Executive Secretary