

SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE LICENSURE PROCEEDINGS :

RE: KARMYN BRIANNA GLUHM :  
f/k/a KARMYN KINDLE, RN :  
License No. R041875 :  
Licensee.

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

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WHEREAS, Karmyn Brianna Gluhm f/k/a Karmyn Kindle, RN, ("Licensee"), is licensed to practice as a registered nurse in the state of South Dakota and holds license number R041875; and

WHEREAS, in December of 2010, while in nursing school, the Licensee was referred to the South Dakota Health Professionals Assistance Program ("HPAP"). Licensee was subsequently licensed in the state of South Dakota by examination on July 30, 2012; and

WHEREAS, on or about August 2, 2013, the Licensee had a positive drug screen for tramadol for which she did not have a prescription. That drug screen was reported to the South Dakota Board of Nursing ("Board") and on November 7, 2013, the Board issued a Letter of Concern and mandated the Licensee into HPAP for a period of five (5) years; and

WHEREAS, on or about September 11, 2014, HPAP staff reported to the Board that Licensee had been noncompliant with her quarterly reports. The Board issued a Letter of Concern to the Licensee for failing to meet with HPAP staff to discuss treatment/continuing care plan and for noncompliance with her quarterly reports; and

WHEREAS, again on January 9, 2015, HPAP notified the Board of the Licensee's failure to comply with quarterly reports, noncompliance with continuing care counseling, and that Licensee failed her call-ins for testing on five occasions; and

WHEREAS, on February 5, 2015 the Board ordered that the Licensee be offered the opportunity to voluntarily surrender her license for noncompliance with HPAP; and

WHEREAS, the attorney for the Board had a telephone conversation with Licensee on February 10, 2015 to discuss the Board's meeting and the action taken on February 5, 2015 due to Licensee's continued noncompliance; and

WHEREAS, a proposed Voluntary Surrender Consent Order was sent to the Licensee on February 11, 2015 for her review and consideration; and

WHEREAS, the Licensee never returned the Voluntary Surrender Consent Order and has not made contact with the Board or HPAP; and

WHEREAS, based upon the affidavit of Francie Miller and the above stated conduct, the Board has concluded that the public health, safety, and welfare require emergency action in that Licensee's actions may endanger the health and safety of those who are or will be entrusted to her 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 require emergency action against Licensee's license.

3. That based on the above, the Board specifically finds that the actions of the Licensee endanger the public health, safety, and welfare, and imperatively require emergency action in that Licensee may endanger the health and safety of those persons who are or will be entrusted to her care in the future and that these are matters of a nature that would constitute further grounds for discipline of her 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 her license at any time for "good cause".

5. That Licensee shall turn in her 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.

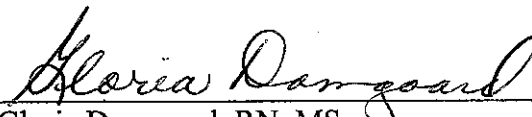
6. Licensee is hereby notified that any practice of or holding herself out as a registered nurse during the terms of this Order of Summary Suspension is a violation of SDCL § 36-9-68.

7. This action is reportable discipline and will be published in the Board's newsletter and posted on its website and reported into the National Practitioner Data Bank (NPDB) as required by law.

The South Board of Nursing at its meeting on the 17th day of April, 2015 approved this Order of Summary Suspension by a vote of 8-0 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 29<sup>th</sup> day of April, 2015, by a vote of 8-0.

SOUTH DAKOTA BOARD OF NURSING

  
Gloria Damgaard, RN, MS  
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 Karmyn Brianna Gluhm f/k/a Karmyn Kindle, RN, License No. R041875 ("Licensee") as follows:

1. Hearing on the Order of Summary Suspension will take place before the Board on June 11, 2015, at 2:00 p.m. at the office of the South Dakota Board of Nursing, 4305 S. Louise Avenue, Suite 201, 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.

Affidavit of Francie Miller  
Licensee: Karmyn B. Gluhm f/k/a Karmyn Kindle

3. The hearing will address the Board's assertion, as set forth in its Summary Suspension, that the Licensee, by her conduct, violated SDCL §§ 36-9-49 (4), (5), (7) and (10).

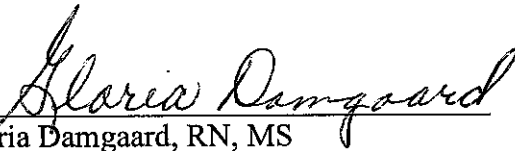
4. At the hearing, the Board will determine whether the Licensee's license shall be suspended, revoked, or subject to other disciplinary action as determined by the evidence presented.

5. Licensee has a right to request that the agency use the Office of Hearing Examiners for this proceeding and shall give her notice of request to the Board.

6. 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 29<sup>th</sup> day of April, 2015.

SOUTH DAKOTA BOARD OF NURSING

  
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Gloria Damgaard, RN, MS  
Executive Director