

FINDINGS OF FACT

1. That Amber Grassi, RN, is licensed to practice as a registered nurse in the State of South Dakota and holds license #R-028499.
2. That on or about March 23, 2004, the Licensee had entered the Keystone Treatment Center for use and abuse of Fioricet and Demerol.
3. That on April 12, 2004, the Board had an informal meeting with the Licensee at the Board office.
4. That on May 20, 2004, Licensee was referred to and agreed to enter into the Health Professionals Assistance Program (“HPAP”), and signed a Participation Agreement.
5. On June 26, 2004, the Board office received a copy of a letter written by Mike Coley, Director of HPAP, to Amber Grassi, that stated she had tested positive for cannabis and narcotics on a drug screen and that she be advised to refrain from the practice of nursing until she was cleared by her psychiatrist and HPAP.
6. On July 2, 2004, the Board of Nursing sent to the Licensee a Refrain from Practice statement for her signature. Delivery attempts, however, failed.
7. That on July 29, 2004, the Board received written notification from Mike Coley, Director of HPAP, that the Licensee was in “gross non-compliance” with the HPAP monitoring program. Coley advised that the Licensee had not made daily calls for drug testing since July 7, 2004, and did not keep required

appointments with her identified treating professional.

8. On August 6, 2004, Licensee was indicted on six (6) counts of obtaining possession of various controlled substances by theft, misrepresentation, forgery or fraud – all Class IV felonies.

9. On August 9, 2004, Licensee tested positive on a urine drug screen for amphetamines, methamphetamines, and positive for cannabinoids and cocaine by Axysm.

10. Licensee agreed that she would surrender her South Dakota nurse's license and did bring it into the office.

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, 36-9-49, and SDCL § 36-9-49.1

2. That Licensee's conduct as identified in the Findings of Fact are in violation of SDCL §§ 36-9-49(4)(5)(7) and (10).

3. That ARSD 20:48:04:01(1)(d) provides that the Board recognizes the "Standards of Clinical Nursing Practice," 1991, and the "Code for Nurses With Interpretive Statement," 1985, as published by the American Nurse's Association as a criteria for assuring safe and effective practice following licensure. The code of ethics require an RN to function within an established legal guideline and uphold the basic standards of nursing practice.

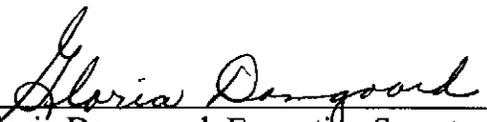
THEREFORE, that an Order be entered accordingly:

ORDER

Based on the Findings of Fact and Conclusions of Law, South Dakota Board of Nursing hereby orders:

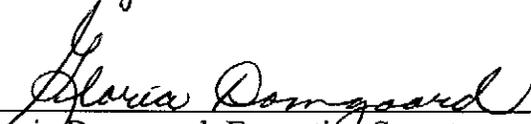
1. That the Licensee's license to practice nursing in the State of South Dakota is hereby suspended.
2. The Licensee may petition according to SDCL § 36-9-57 for reinstatement of her license at any time for "good cause" and upon completion of and full demonstration of compliance with HPAP.
3. Licensee is hereby notified that any practice as or holding herself out as a registered nurse during this term of suspension is a violation of SDCL § 36-9-68.

Dated this 18th day of November, 2004.



Gloria Damgaard, Executive Secretary
South Dakota Board of Nursing

The above captioned Findings of Fact and Conclusions of Law and Order were adopted by the South Dakota Board of Nursing on the 18th day of November, 2004, by a vote of 9-yes 0-no



Gloria Damgaard, Executive Secretary
South Dakota Board of Nursing