

**SOUTH DAKOTA BOARD OF NURSING**

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IN THE MATTER OF THE LICENSURE :  
PROCEEDINGS :

RE: SHELLY R. GROSSHUESCH, L.P.N. :  
License No. P009123, :  
Licensee. :

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

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WHEREAS, Shelly R. Grosshuesch, LPN, (“Licensee”), is licensed to practice as a registered nurse in the State of South Dakota and holds license number P009123; and

WHEREAS, on or about March 20, August 3, 2005, the South Dakota Board of Nursing received a complaint from the Yankton County Police Department alleging that the Licensee had been arrested for possession of a controlled substance and that Licensee had tested positive for methamphetamine on a urine drug screen. After receiving the report, an investigation of the complaint commenced.

On or about August 18, 2005, an Informal Meeting with the Licensee was conducted at the Board of Nursing office in Sioux Falls, South Dakota. At the Informal Meeting, Licensee admitted to the use of methamphetamine over the past year. Licensee indicated that she had contacted the Health Professionals Assistance Program (“HPAP”) and was scheduled to have an evaluation. Licensee signed a Voluntary Refrain from Practice at that time.

On or about September 15, 2005, the Licensee's case was presented to the full South Dakota Board of Nursing. The Board of Nursing mandated the Licensee into the HPAP program. Thereafter, Licensee entered and completed a treatment program at the Lewis and Clark Center in Yankton, South Dakota. She also signed a contract with HPAP on October 20, 2005.

Licensee was released back to practice on November 2, 2005, with continued monitoring through the HPAP program. Subsequent HPAP quarterly reports showed Licensee's compliance with the terms of HPAP in January, April, July, 2006 and January, 2007. It was noted on the quarterly reports that Licensee was not engaged in nursing practice during this time. The second quarterly report of 2007 was submitted to the South Dakota Board of Nursing on June 30, 2007. This report showed Licensee's complete non-compliance with HPAP's terms and conditions.

The Licensee has not returned phone calls from the HPAP director nor has she responded to written correspondence from HPAP. Numerous attempts by Board employee, Andrew Albers, to contact the Licensee have been unsuccessful.

WHEREAS, based upon the affidavit of Andrew Albers and the above stated conduct, the Board has concluded that the public health, safety and welfare requires 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 Licensee's actions endanger the public health, safety and welfare, and imperatively requires 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". This Order also affects licensee's privilege to practice in South Dakota. Should licensee change her home state under the Nurse Licensure Compact, then licensee's practice privilege is subject to

the same requirements as set forth in this order as her South Dakota license.

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.

The South Board of Nursing at its meeting on the 12th day of September, 2007, approved this Order of Summary Suspension as written without modifications 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 12<sup>th</sup> day of September, 2007, by a vote of 10 - 0.

SOUTH DAKOTA BOARD OF NURSING

  
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Gloria Damgaard, Executive Director

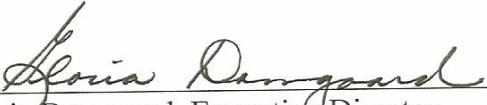
## NOTICE OF HEARING

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 Shelly R. Grosshuesch, LPN, License No. P009123 (“Licensee”) as follows:

1. Hearing on the Order of Summary Suspension will take place before the Board on November 1, 2007, at 11:00 o’clock a.m. at 4305 S. Louise Avenue, Suite 201 in 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.
3. Licensee has a 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 the service of this Notice of Hearing on Order of Summary Suspension.
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 17<sup>th</sup> day of September, 2007.

SOUTH DAKOTA BOARD OF NURSING

  
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Gloria Damgaard, Executive Director