

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. P009132, :

Licensee. :

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER OF SUSPENSION**

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The South Dakota Board of Nursing’s (“Board”) hearing on the Summary Suspension of the license of Shelly R. Grosshuesch, L.P.N., license number P009132 (“Licensee”) came on for hearing before the South Dakota Board of Nursing at its office in Sioux Falls, South Dakota, on November 1, 2007, at 11:30 a.m. Licensee, Shelly Grosshuesch, did appear in person to present evidence on her behalf and confront witnesses. The Board appeared by and through its attorney, Kristine Kreiter O’Connell.

The Board considered the evidentiary testimony of Andrew Albers, Board of Nursing Program Specialist/Investigator, and the Licensee. The Board also considered Board of Nursing’s exhibits (numbered 1-3 inclusive) entered into evidence. The Licensee entered no exhibits into evidence. The Board also considered the affidavit and other documents on file in this case, and being charged with a 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 Shelly R. Grosshuesch (“Licensee”) is licensed to practice as a practical nurse in the State of South Dakota and holds license number P009132.
2. That Licensee obtained her L.P.N. license in South Dakota on August 15, 2002.
3. In August, 2005, Licensee was arrested after a traffic stop. A search of the vehicle she was driving revealed drugs and drug paraphernalia.
4. Licensee was charged with possession of a controlled substance, possession of drug paraphernalia, and was cited for driving on a suspended drivers license.
5. On August 3, 2005, the Yankton City Police Department reported Licensee’s arrest to the South Dakota Board of Nursing and reported that she had tested positive for methamphetamine.
6. On August 18, 2005, during an Informal Meeting with the Board of Nursing staff, Licensee admitted to methamphetamine use over the past year.
7. On September 15, 2005, the South Dakota Board of Nursing mandated the Licensee into the Health Professionals Assistance Program (“HPAP”).
8. Licensee attended a treatment program at Lewis and Clark Center in Yankton, South Dakota.
9. Licensee signed a HPAP Participation Contract on October 20, 2005.

10. Licensee has not worked as an L.P.N. since her arrest and has been employed in a non-nursing job.

11. Licensee is on probation and testified that she has had two drug tests through the probation office since 2005.

12. Licensee was compliant with the terms of HPAP, as evidenced in the quarterly reports from HPAP, in January, April, July, 2006, and in January, 2007.

13. The second quarterly report from HPAP submitted to the Board of Nursing on June 30, 2007, showed Licensee was completely non-compliant with the terms and conditions of her HPAP Contract.

14. Attempts by the Board of Nursing to contact Licensee regarding her non-compliance went unanswered necessitating the Board's action in summarily suspending Licensee's license and noticing her for a hearing.

15. Licensee provided no reason for her non-compliance with the HPAP program. She did express concern with cost and stated that she had pneumonia for a month in February, 2007.

From the following 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 Licensee's conduct as identified in the Findings of Fact are inconsistent with the 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) and (7).

THEREFORE, let an order be entered accordingly:

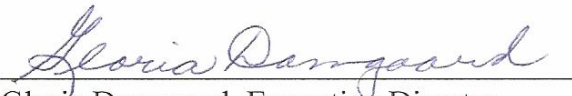
ORDER

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 practical nurse in the State of South Dakota is hereby suspended.
2. That the Licensee may petition according to SDCL § 36-9-57 for reinstatement of her license at any time for "good cause".
3. That the Licensee shall turn in her license to the Board of Nursing within ten (10) days of this order.
4. That the Licensee is hereby notified that any practice as, or holding herself out as, a practical nurse during the terms of this suspension is in violation of SDCL § 36-9-69.

The South Dakota Board of Nursing at it meeting on November 1, 2007, approved this Order of Suspension as written, without modifications and issues this Order of 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 1st day of November, 2007, by a vote of 9-0.



Gloria Damgaard, Executive Director
South Dakota Board of Nursing