

**STATE OF SOUTH DAKOTA
DEPARTMENT OF HEALTH
SOUTH DAKOTA BOARD OF NURSING and the
SOUTH DAKOTA BOARD OF MEDICAL & OSTEOPATHIC EXAMINERS**

IN THE MATTER OF THE
LICENSURE PROCEEDINGS
RE: BARBARA HAHNEMANN, RN, CNP

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

License No. RN-012548, CNP 0142

Licensee.

WHEREAS the above-captioned matter came for consideration before the South Dakota Board of Nursing pursuant to an alleged violation of probation pursuant to a Stipulation and Order of probation issued by the Boards of Nursing and of Medical and Osteopathic Examiners on or about July 18, 2002, and;

WHEREAS the Licensee, BARBARA HAHNEMANN, RN, CNP, having received notice of the matter by letter dated October 27, 2003, did not appear in person nor by an attorney, and;

WHEREAS the South Board of Nursing appeared by and through its attorney, Terry N. Prendergast and Board Staff Carey Duffy, and;

WHEREAS the Board of Nursing reviewed A North Dakota Stipulation for Settlement dated September 18, 2003, suspending Licensee's license in North Dakota and a Minnesota Voluntary Surrender dated October 2, 2003, surrendering Licensee's license in Minnesota, and;

WHEREAS, Licensee was given an opportunity to confront the Board witnesses and to present evidence on her behalf , but Licensee did not attend the Board Meeting, and;

WHEREAS, the Board has a statutory obligation to protect the public health, safety and welfare set forth in SDCL 36-9, including the protection of the public from unsafe nursing practices and practitioners; and

NOW, THEREFORE, the Board of Nursing makes the following:

FINDINGS OF FACT

1. The Board specifically finds by clear and convincing evidence that the Licensee has by virtue of the acts set forth in the North Dakota Stipulation for Settlement suspending Licensee's license dated September 18, 2003, and the Minnesota Voluntary Surrender of Licensee's license dated October 2, 2003, and that the actions of Licensee endanger the public health, safety and welfare, and that pursuant to the Licensee's stipulation and order with this Board, section thirteen, states that "if any condition of the probation is violated, the licensee agrees that the Boards may take such actions as the Boards deem necessary up to and including a total and complete revocation of the licensee's licensing rights in South Dakota", and section ten on page six of the conditions states " Licensee shall fully comply with the provisions of her probation with the North Dakota Board of Nursing, and any violations of that probation shall be a violation of this Stipulation and Order", and the Board finds that Licensee has violated these provisions of the probation order issued by this Board and that the actions may endanger the health and safety of those persons who are or will be entrusted to her care in the future and that

these matters are of a nature that would constitute further grounds for discipline of her license to practice nursing under SDCL § 36-9-49 and her CNP license under SDCL 36-9A.

CONCLUSION OF LAW

1. That Licensee's conduct as identified in the Findings of Fact would be in violation of her probation agreement and Stipulation and Order and allow the Board to take all action against her nursing license up to and including a complete revocation of Licensee's rights to practice as a nurse in South Dakota.

2. A.R.S.D. 20:48:04:01(1)(d) provides that the Board recognize the "Standards of Clinical Nursing Practice," 1991, and the "Code for Nurses With Interpretive Statements," 1985 by ANA as the criteria for assuring safe and effective practice following licensure. The Code of Ethics requires the R.N. to function within established legal guidelines and uphold the laws of the land.

3. Licensee's actions as found above have violated the provisions of the law, thus violating SDCL § 36-9-49(5), (7) and (10), and amount to unprofessional or dishonorable conduct violating SDCL § 36-9-49(10). Licensee must have a RN license to be licensed as a CNP, and Licensee's actions have violated 36-9A-29 (5), (6) and (10) constituting grounds for suspending her CNP license.

4. That the Board of Nursing has authority to revoke Licensee's nursing and certified nurse practitioner license and current renewal certificate for said conduct.

ORDER

Based upon the above Findings of Fact and Conclusions of Law, the South Dakota Board of Nursing hereby ORDERS:

1. That the Board has jurisdiction of the Licensee and the subject matter of this Order.

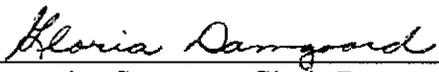
2. Based upon these findings and conclusions, the Licensee's license to practice nursing in South Dakota is hereby revoked. As a result, Licensee's certified nurse practitioner license in South Dakota is hereby revoked.

3. Licensee shall turn her license in to the Boards within ten (10) days from the date of this Order.

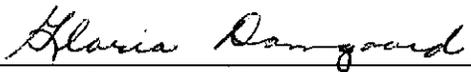
4. Licensee is also hereby notified that any practice as or holding herself out as a licensed nurse or certified nurse practitioner is a violation of SDCL § 36-9-68 and SDCL 36-9A-35.

Dated this 13th day of November, 2003.

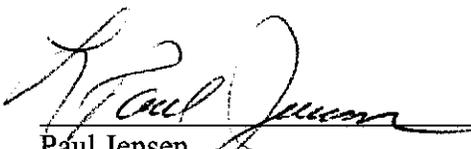
SOUTH DAKOTA BOARD OF NURSING


Executive Secretary, Gloria Damgaard

The above-captioned Findings of Fact and Conclusions of Law and Order were adopted by the South Dakota Board of Nursing on the 13th day of November, 2003, by a vote of 10-1.


Executive Secretary, Gloria Damgaard

The South Dakota Board of Medical and Osteopathic Examiners acknowledges the attached revocation order as it affects Licensee's CNP license and acknowledges that Licensee's CNP license is hereby revoked.


Paul Jensen
Executive Secretary