

FINDINGS OF FACT

1. That Licensee holds a license to practice as a Registered Nurse in the State of South Dakota and holds License No. R-024870.
2. That Licensee on or about July 22, 2002, was enrolled in the Health Professionals Assistance Program ("HPAP") for alcohol abuse.
3. That Licensee was compliant with HPAP until May 28, 2003, when she was hospitalized for alcohol abuse, anxiety and depression. HPAP monitoring continued.
4. That in January 2005, while working at Beverly Health Care in Rapid City, Licensee tested positive for Vicodin.
5. That the investigation into this matter resulted in the termination of the Licensee for diversion and falsification of records.
6. That Licensee was found to be non-compliant with HPAP for this and also for failing to self report a September, 2004, prescription for Vicodin.
7. In February, 2005, Licensee signed a refrain from practice with HPAP.
8. That an Informal Meeting was held with the Licensee and Board staff along with HPAP Director on April 5, 2005. (Minutes of Informal Meeting dated April 5, 2005, are hereby incorporated by reference as if fully set forth herein.)

9. That on April 5, 2005, Licensee signed a voluntary refrain from practice and agreed that she would enter into a Voluntary Surrender Consent Order with the Board surrendering her South Dakota license.

10. That the Board has not been able to contact Licensee at her last known address and that Licensee has not signed the Voluntary Surrender Consent Order.

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 49.1.

2. That Licensee's conduct as identified in the Findings of Fact are in violation of SDCL §§ 36-9-49(4), (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 criteria for assuring safe and effective practice following licensure. The code of ethics requires an RN to function within an established legal guideline and uphold the basic standards of nursing practice. 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:

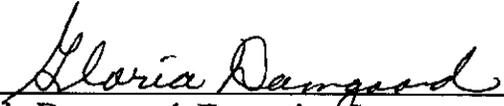
1. That Licensee's license to practice nursing in the State of South Dakota is hereby suspended.

2. That Licensee may petition according to SDCL § 36-9-57 for reinstatement of her license at any time for "good cause."

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

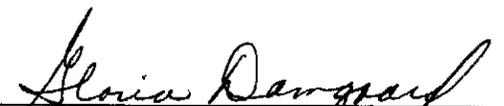
4. That Licensee is hereby notified that any practice as or holding herself out as a registered nurse during this term of suspension is a violation of SDCL § 36-9-68.

Dated this 15th day of September, 2005.


Gloria Damgaard, Executive Secretary
South Dakota Board of Nursing

The above Findings of Fact and Conclusions of Law and Order were adopted by the South Dakota Board of Nursing on the 15th day of September, 2005, by a vote of 10-0.

Dated this 23rd day of September, 2005.


Gloria Damgaard, Executive Secretary
South Dakota Board of Nursing