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Licensee.

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WHEREAS, Winora Robles and Francie Miller conducted an informal meeting with the Licensee at the Board office in Sioux Falls, South Dakota, on March 12, 2015; and

WHEREAS, at the informal meeting, the Licensee stated, "When they told me about the fall, I simply blew it off. I never do anything like that. I completely forgot about it. I was going to go back and check on him. I know I did wrong." During that meeting, when Francie Miller asked the Licensee about the medications found in her locker, Licensee stated, "I didn't know I had them in there. I think the residents refused them and I put them in my pocket. I don't have an excuse. I don't know why I did it"; and

WHEREAS, during the informal meeting, the Licensee also stated, "I shouldn't have worked in a nursing home. I don't have the mentality to work there." At the informal meeting, the Licensee questioned whether she wanted to do patient care anymore or anything that required quick decision making; and

WHEREAS, at the informal meeting, it appeared that the Licensee struggled with answering questions and had a scattered thought process; and

WHEREAS, at that informal meeting, the Licensee signed a Voluntary Refrain from Practice. The Licensee kept repeating, "I've never done anything like this before." She would often pause and say, "What do I want to say? I don't know"; and

WHEREAS, Licensee's case was presented to the Board for review and action on April 17, 2015; and

WHEREAS, at that meeting, the Board mandated a psychological evaluation for the Licensee; and

WHEREAS, on April 27, 2015, the Licensee was sent, by certified mail and regular, first class mail, a letter advising her of the Board's action and the request for an evaluation.

Information regarding the doctor contact and information regarding the completion of the evaluation by June 26, 2015, was requested; and

WHEREAS, the Licensee has failed to contact the evaluator's office to set up an appointment for the evaluation; and

WHEREAS, Licensee failed to follow through with the psychological evaluation as ordered by the Board; and

WHEREAS, numerous phone calls to the Licensee have gone unanswered. Board staff believe that the Licensee will not follow through on the directive of the Board; and

WHEREAS, the failure to set an appointment for a psychological evaluation was presented to the Board at its June 11, 2015, meeting. The Board moved to summarily suspend the Licensee and notice her for a hearing; and

WHEREAS, based upon the affidavit of Francie Miller and the above stated conduct, the Board has concluded that the public health, safety and welfare require 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 actions of the Licensee 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".

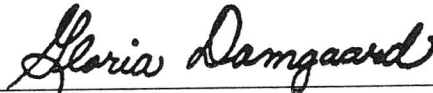
5. That Licensee shall turn in her license to the Board within ten (10) days from the date of this Order and it shall be kept by the Board until further action on this matter.

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.

7. This action is reportable discipline and will be published in the Board's newsletter and posted on its website and reported into the National Practitioner Data Bank (NPDB) as required by law.

The South Board of Nursing at its meeting on the 11th day of June, 2015, approved this Order of Summary Suspension by a vote of 10-0, and issues its Order of Summary Suspension consistent herein as follows:

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, RN, MS  
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 Linda A. Lowman, RN, License No. R022580 ("Licensee") as follows:

1. Hearing on the Order of Summary Suspension will take place before the Board on September 11, 2015, at 10:00 A.m. at the office of the South Dakota Board of Nursing, 4305 S. Louise Avenue, Suite 201, 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. The hearing will address the Board's assertion, as set forth in its Summary Suspension, that the Licensee, by her conduct, violated SDCL §§ 36-9-49 (4), (5), (7) and (10).

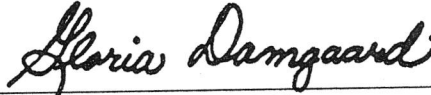
4. At the hearing, the Board will determine whether the Licensee's license shall be suspended, revoked or subject to other disciplinary action as determined by the evidence presented.

5. Licensee has a right to request that the agency use the Office of Hearing Examiners for this proceeding and has given her notice of request to the Board.

6. 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 23<sup>rd</sup> day of June, 2015.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, RN, MS  
Executive Director