

manufacture a controlled substance. The Judgment had been entered on September 28, 2004, by the Honorable Richard Battey; and

WHEREAS, Coley advised the Board that the Licensee was going to enter a federal correctional facility in Arizona to serve her sentence on said charge. The Judgment indicated that the Licensee was committed to custody of the United States Bureau of Prisons and would be imprisoned for a total term of twenty-four (24) months; and

WHEREAS, Coley advised that he was closing Licensee's HPAP file given Licensee's current circumstances; and

WHEREAS, Licensee's conduct as stated would be 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 is in violation of SDCL § 36-9-49(2)(4)(7)(10); and

WHEREAS, Board has 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 practice 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 the Board specifically finds that the actions of Licensee endangered the public health, safety, and welfare and imperatively require immediate action and that the Licensee's actions may endanger the health and safety of those persons who are or will be entrusted to her care in the future and these matters are of a nature that would constitute further grounds for discipline of her license to practice nursing under SDCL § 36-9-49.

4. That based on these findings, the Licensee's license to practice in South Dakota is hereby suspended. The Licensee may petition according to SDCL § 36-9-57 for reinstatement of her license at any time for "good cause" and upon completion of the recommendations made by HPAP, their evaluation, and subsequent clearance.

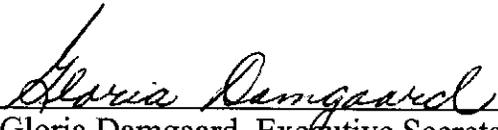
5. That the Licensee shall turn in her license to the Board within ten (10) days from the date of this Order and it shall be kept by the Board until further action on this matter.

6. That the Licensee is hereby notified that any practice of or holding herself out as a registered nurse during the terms of this Summary Suspension is in violation of SDCL § 36-9-68.

The South Dakota Board of Nursing meeting on the 18th day of November, 2004, approved this Order of Summary Suspension as written without modifications and issues its summary suspension herein.

IT IS HEREBY ORDERED that the above is adopted as an Order of the South
Dakota Board of Nursing this 18th day of November, 2004, by a vote of

8 yes 0 no.



Gloria Damgaard, Executive Secretary
South Dakota Board of Nursing