

**SOUTH DAKOTA BOARD OF NURSING**

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IN THE MATTER OF THE LICENSURE :  
PROCEEDINGS :

RE: JASON ALEX OSBORN, R.N. :

License No. R038185, :

Licensee. :

**ORDER OF SUMMARY  
SUSPENSION AND NOTICE OF  
HEARING**

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WHEREAS, Jason A. Osborn, R.N., (“Licensee”), is licensed to practice as a registered nurse in the State of South Dakota and hold license number R038185; and

WHEREAS, on or about August 20, 2009, shortly after the Licensee obtained his nursing license in South Dakota, the South Dakota Board of Nursing (“Board”) received a complaint alleging that the Licensee was a suspect in a series of residential burglaries in Moline, Illinois, while the resident of the home was attending a funeral of their spouse. The complaint alleged that these occurred while the Licensee suspect was traveling between South Dakota and Rhode Island for nursing assignments in his employment with the United States Navy. The complaint also alleged that the Licensee was a suspect in two pharmacy burglaries in South Dakota. After receiving these complaints, the Board began its investigation into the allegations received.

On or about April 29, 2010, the Licensee contacted the Board by email stating that he was working as a nurse in the United States Navy, and wanted to know how to go about

self-reporting substance abuse. In the email communications, the Licensee admitted that he had abused some of his wife's Percocet when he was stationed in Pensacola, Florida. The Licensee also wrote that he had been in treatment for his substance abuse. The Board asked him to provide confirmation that he had been in treatment. He was also asked to provide a discharge summary of his treatment. As of October 27, 2010, no discharge summary or treatment documentation has ever been received.

As part of the Board's investigation, it obtained records from the Department of the Navy, which indicated that Licensee had a positive drug screen on October 27, 2009, for "oxycod 112, oxmor 546".

The Navy had also issued Licensee a Notification of the Administrative Separation Process from the Navy. This Notification was dated June 2, 2010, which Notification included, but was not limited to, Licensee's "wrongful use of a controlled substance".

The Licensee was permitted to resign his commission in the Navy effective September 30, 2010.

Licensee, in his email correspondence to the Board, indicated that he had plans to return to South Dakota after his discharge with the hopes of continuing his nursing career.

As of October 18, 2010, there are no pending criminal cases against said Licensee.

The Board has had no communication from the Licensee since his email communication on May 17, 2010; and

WHEREAS, based upon the affidavit of Kathleen Rausch 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 his 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 Licensee's actions endanger the public health, safety and welfare, and imperatively require emergency action in that Licensee may endanger the health and safety of those persons who are or will be entrusted to his care in the future and that these are matters of a nature that would constitute further grounds for discipline of his license to practice nursing under SDCL § 36-9-49(4), (5), (7), and (10).
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 his license at any time for "good cause". This Order also

affects Licensee's privilege to practice in South Dakota. Should licensee change his home state under the Nurse Licensure Compact, then Licensee's practice privilege is subject to the same requirements as set forth in this order as his South Dakota license.

5. That Licensee shall turn in his 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 himself 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 Healthcare Integrity and Protection Data Bank (HIPDB) and National Practitioner Data Bank (NPDB) as required by law.

The South Board of Nursing at its meeting on the 19th day of November 2010 approved this Order of Summary Suspension as written without modifications and issues its Order of Summary 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 19th day of November, 2010, by a vote of 8 - 0.

SOUTH DAKOTA BOARD OF NURSING

  
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Gloria Damgaard, 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 Jason A. Osborn, RN, License No. R038185 ("Licensee") as follows:

1. Hearing on the Order of Summary Suspension will take place before the Board on January 26<sup>th</sup>, 2011, at 2:30 pm o'clock p.m. at the Board of Nursing's offices, 4305 S. Louise Avenue, Suite 201 in 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. Licensee has a right to request that the agency use the Office of Hearing Examiners for this proceeding by giving notice of the request to the Board no later than ten (10) days after service of this Notice of Hearing on Order of Summary Suspension.

4. 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 19<sup>th</sup> day of November, 2010.

SOUTH DAKOTA BOARD OF NURSING

  
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Gloria Damgaard, Executive Director