

WHEREAS, on September 24, 2012, a letter was sent to the Licensee at the address on file at the Board of Nursing. In that letter, Licensee was advised that the Board had received a complaint regarding her alleged impaired nursing practice. The Licensee was asked to sign a Voluntary Refrain from practice document. The Licensee was asked to return the Voluntary Refrain within 10 days of the mailing; and

WHEREAS, Licensee has failed to return the Voluntary Refrain document to the Board and the Licensee has made no contact with the Board of Nursing in response to communication from the Board; and

WHEREAS, based upon the Affidavit of Stephanie Orth and the above stated conduct, the Board has concluded that the public health, safety and welfare requires 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 requires emergency action against Licensee's license.

3. That based on the above, the Board specifically finds that the actions of Licensee endanger the public health, safety and welfare, and imperatively requires emergency action in that 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 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 (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 her license at anytime for "good cause". Should Licensee change her 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 her South Dakota license.


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.

The South Board of Nursing on its teleconference on the 22nd day of October, 2012, 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 22nd day of October, 2012, by a vote of 8 yes, 1 recused.

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 Kerry L. Richardson, RN, License No. R-023024 (“Licensee”) as follows:

1. Hearing on the Order of Summary Suspension will take place before the Board on a date to be determined in early 2013 at the office of the South Dakota Board of Nursing, 4305 S. Louise Avenue, Suite 201, Sioux Falls, South Dakota. Notice will be sent when this date is established.
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 (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 by giving notice of the request to the Board no later than ten (10) days after the service of this Notice of Hearing on Order of Summary Suspension.

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 8th day of November, 2012.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, RN, MS
Executive Director