

**SOUTH DAKOTA BOARD OF NURSING**

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IN THE MATTER OF THE LICENSURE :  
PROCEEDINGS :

RE: EUGENE D. SARHA, R.N. :  
License No. R028203, :  
Licensee. :

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

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WHEREAS, Eugene D. Sarha, R.N., (“Licensee”), is licensed to practice as a registered nurse in the State of South Dakota and holds probationary license number R028203; and

WHEREAS, on June 21, 2007, the Licensee, with his attorney, participated in a due process hearing before the South Dakota Board of Nursing (“Board”) on the Board’s Summary Suspension of Licensee’s R.N. license.

On July 16, 2007, the Board entered its Findings of Fact and Conclusions of Law following the due process hearing. The Board also rendered its Order of Reinstatement with Probation for Licensee. (See the Board’s Findings of Fact, Conclusions of Law, and Order of Reinstatement as if set forth fully herein).

Since the Order of Reinstatement with Probation, the South Dakota Board of Nursing has been monitoring Licensee’s probation. Since the probation order, the Licensee has been terminated by two employers, Tri State Nursing on September 24,

2007, and by Pine Lane Estates of Yankton on February 28, 2008. Licensee tested positive for marijuana on an employer's random urine screen on January 23, 2008. Licensee has also had complaints made by his work site monitors regarding practice issues. These include, but are not limited to, sleeping on his shift, leaving his shift without permission leaving non-professional staff alone, failure to show up for his shifts, committing medication errors, and not performing prescribed treatments as ordered.

WHEREAS, based upon the Affidavit of Andrew Albers and the above conduct of Licensee, 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 his care in the future; and

WHEREAS, the Board, has a statutory obligation to protect the health, safety and welfare as 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 requires

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(5), (6), (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.

IT IS HEREBY ORDERED that the above is adopted as an Order of the South  
Dakota Board of Nursing this 10<sup>th</sup> day of April, 2008, by a vote of  
10-0.

SOUTH DAKOTA BOARD OF NURSING

  
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 Eugene D. Sarha, RN, License No. R-028203 ("Licensee") as follows:

1. Hearing on the Order of Summary Suspension will take place before the Board on September 9, 2008, at 10:30 o'clock a.m. at 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 the 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 14<sup>th</sup> day of April, 2008.

SOUTH DAKOTA BOARD OF NURSING

  
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Gloria Damgaard, Executive Director