

**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 hold license number R028203; and

WHEREAS, on or about March 12, 2007, the Licensee submitted a renewal application for his South Dakota RN license.

As part of the renewal process, Board staff member, Andrew Albers, did a routine check of the NURSUS data bank. That the NURSUS data bank showed a positive disciplinary action against the Licensee in the State of California which Licensee did not disclose on his renewal application. The NURSUS information indicated that the Licensee’s license had been revoked in the State of California and after investigation, was placed on probation for a period of three years for alleged possession of controlled substances and furnishing dangerous drugs without a prescription..

The investigation of the matter further indicated that the Licensee had also failed to disclose his previous California disciplinary action, as described above, when he

applied for reactivation of his South Dakota license on April 10, 2005. It was noted that the Licensee did enter into a Stipulation Settlement and Disciplinary Order with the California Board, which he signed on April 5, 2005, five days prior to him applying for reinstatement of his South Dakota nursing license.

The Licensee and his attorney appeared for an Informal Meeting with Board staff on March 22, 2007, where his non-disclosure of previous disciplinary action was discussed. Licensee signed a refrained from practice at that time; and

WHEREAS, based upon the above 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 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 requires emergency action against Licensee's license.
3. That based on the above, the Board specifically finds that the Licensee has

not complied with his probationary orders from the State of California and has failed to disclose these to the Board of Nursing, and such actions of the Licensee endangers the public health, safety and welfare, and imperatively requires emergency action in that Licensee's 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 anytime for "good cause". This Order also affects licensee's privilege to practice in South Dakota. 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 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 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 at its meeting on the 18th, day of April, 2007,

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 18th day of April, 2007, by a vote of 11-0.

SOUTH DAKOTA BOARD OF NURSING

  
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Gloria Damgaard, Executive Director

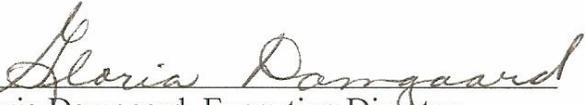
## NOTICE OF HEARING

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 Eugene D. Sarha, RN, License No. R028203 ("Licensee") as follows:

1. Hearing on the Order of Summary Suspension will take place before the Board on June 21, 2007, at 9:00 o'clock <sup>A</sup>p.m. at the South Dakota Board of Nursing 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 27 day of April, 2007.

SOUTH DAKOTA BOARD OF NURSING

  
Gloria Damgaard, Executive Director