

South Dakota under a practice privilege from the state of Iowa and holds Iowa license number RN-120981.

2. On or about April 15, 2011, the Licensee made application for endorsement into South Dakota.

3. At the time of his application, the dates given by the Licensee in his application indicated that he had been practicing in the state of South Dakota for a period of two months without a nursing license.

4. In June 2011, the Licensee made a formal appearance before the South Dakota Board of Nursing in regards to his practice privilege as his South Dakota application also disclosed issues involving controlled substances and alcohol related offenses.

5. After the appearance, the Board granted Licensee licensure and mandated the Licensee into the Health Professionals Assistance Program (“HPAP”).

6. In September 2011, Licensee advised the Board that he had decided to move back to Iowa. At that time, the Executive Directors of the Boards of Nursing of South Dakota and Iowa agreed to allow the Licensee to obtain a single state license in Iowa and to continue his practice in South Dakota on the practice privilege with his Iowa single state license. This arrangement would allow the Licensee to continue participation in the South Dakota HPAP program.

7. Licensee was initially compliant with his HPAP participation. However, the Licensee’s 2011 fourth quarter HPAP report score was 53, which indicated non-compliance with HPAP.

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8. Due to the non-compliance with HPAP, Licensee was scheduled to attend a meeting with HPAP on December 22, 2011. Licensee failed to attend that meeting.

9. On or about January 21, 2012, the Licensee met with the HPAP Director, the Executive Director of the South Dakota Board of Nursing, and Kathleen Tinklenberg to discuss his participation in HPAP.

10. Licensee was advised that he could not simply drop the program once it had been mandated by the Board. Licensee was under the impression that once he had stopped working in the state of South Dakota, he could drop the HPAP program.

11. On or about February 3, 2012, the Licensee advised the Board that he was not getting his hours at his employment and could not cover the cost of HPAP.

12. Based on Licensee's non-compliance with HPAP, the Board discussed the matter on February 22, 2012, at which time the Board ordered that the Licensee's privilege to practice in the state of South Dakota be revoked.

From the foregoing Findings of Fact, the Board draws the following:

CONCLUSIONS OF LAW

1. That the Board has jurisdiction and authority over this matter pursuant to SDCL §§ 36-9-1 and 36-9-49. The Board also has jurisdiction pursuant to SDCL § 36-9-2 Article V, as it relates to the Interstate Nurse Licensure Compact.

2. That the Licensee's conduct as identified in the Findings of Fact are inconsistent with the health and safety of those persons entrusted to his care and violates the statutes, rules and regulations regarding the practice of nursing and are in violation of

SDCL § 36-9-49(5) and (7).

THEREFORE, let an order be entered accordingly:

ORDER

Based on the Findings of Fact and Conclusions of Law, the South Dakota Board of Nursing hereby orders:

1. That the Licensee's privilege to practice in the state of South Dakota pursuant to the Interstate Nurse Licensure Compact is hereby revoked.
2. That the Licensee is hereby notified that any practice as or holding himself out as a registered nurse under the practice privilege in the state of South Dakota is prohibited.

Dated this 26th day of September, 2012.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, RN, MS
Executive Director

The above Findings of Fact were adopted by the South Dakota Board of Nursing on September 18, 2012, by a vote of 8-0.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, RN, MS
Executive Director