

Licensee to obtain a single state license in Iowa and be allowed to practice in South Dakota on the practice privilege with his Iowa single state license. This arrangement would allow him to continue in the South Dakota HPAP program, as Iowa did not have such a program.

In the fourth quarter of 2011, HPAP reported to the Board that Licensee's fourth quarterly report score was 53, which indicated non-compliance with HPAP. Due to this issue, a meeting was held with the Licensee, the HPAP Director, Marie Eining, the Executive Director of the South Dakota Board of Nursing, and the Board investigator.

During this meeting, HPAP reported that Licensee had 19 missed calls, had two missed tests, and a subsequent makeup test that was abnormal. HPAP reported that it also had trouble reaching the Licensee by phone. Licensee had also failed to attend a meeting set with HPAP on December 22, 2011. Licensee stated that his non-cooperation was due to lack of transportation. Licensee had been advised by HPAP that he simply could not drop the program once it had been mandated by the Board of Nursing. Licensee admitted that he had been advised of that fact, but felt that once he had stopped working in South Dakota he could drop the program with his Iowa license despite the fact that it had been stressed to him that he had to stay in HPAP. Since that meeting, Licensee had been compliant with HPAP.

On or about February 3, 2012, Licensee contacted the Board and advised that he was only getting 16 hours a month in nursing at the long term care facility where he was employed, and that it was barely covering the cost of HPAP at that time. He indicated that he was leaving nursing.

Based upon this information, and Licensee's earlier non-compliance with HPAP, the matter was brought before the Board of Nursing on February 22, 2012. The Board ordered that the Licensee's privilege to practice in the State of South Dakota be revoked.

Licensee was presented then with a Voluntary Relinquishment of Practice Privilege Consent Order and has failed to return the signed document or respond to calls from the Board of Nursing.

WHEREAS, based upon the above, the public health, safety, and welfare imperatively requires emergency action in that Licensee's actions may endanger the health and safety of those persons entrusted to his care, and Licensee's license privilege in the State of South Dakota should be summarily suspended; 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 privilege to practice.

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 privilege to practice nursing under SDCL § 36-9-49(7) and (10).

4. Based upon these findings, Licensee's privilege 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. Licensee is hereby notified that any practice of or holding himself out as a registered nurse in SD during the terms of this Order of Summary Suspension is a violation of SDCL § 36-9-68.

6. That this action is reportable discipline and will be published in the Board's newsletter, 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 26th of April, 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 26th day of April, 2012.

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 Bradley Schelling, RN, Iowa License Number RN-120981, Nurse Licensure Compact Privilege in SD ("Licensee") as follows: 1. Hearing on the Order of Summary Suspension will take place before the Board on July 12, 2012, at 11 AM o'clock a.m. at the South Dakota Board of Nursing, 4305 S. Louise Avenue, Suite 201 in Sioux Falls, South Dakota.

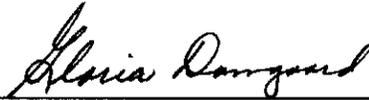
2. This matter is an adversarial proceeding and Licensee has the right to be present at the hearing and to be represented by an attorney. These due process rights will be forfeited if they are not exercised at the hearing.

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 11th day of May, 2012.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, Executive Director