

FINDINGS OF FACT

1. That Michele J. Schmidt, RN, is licensed to practice as a registered nurse in the State of South Dakota, and holds license number R-022633.

2. That Licensee is licensed to practice as Certified Nurse Practitioner in the State of South Dakota, and holds license number CP-000294.

3. That the Licensee was employed as a mid-level CNP with the South Dakota Indian Urban Health (SDUIH) located in Sioux Falls, South Dakota from March 21, 2005 through August 10, 2008.

4. Licensee's collaborating physician during her time of employment with SDUIH was Dr. James Schaeffer. Licensee had a valid collaborative agreement for her term of employment at SDUIH.

5. Following her employment at SDUIH, the Licensee began working for Avera Clinics as a CNP. Her practice sites included Washington High School Clinic in Sioux Falls, South Dakota, McGreevy Acute Care Clinic in Sioux Falls, and later the Avera Tea Clinic in Tea, South Dakota.

6. In her employment with the Avera Clinics, as referenced above, Licensee entered into a collaborative agreement with Dr. Shari Eich for her multiple practice settings.

7. On or about September 26, 2008, Licensee obtained two prescription blanks from her previous employer, SDUIH.

8. On September 26, 2008, the Licensee wrote a prescription for the medication Concerta, 36 mg, for patient FG, which was presented and filled at a Walgreens pharmacy in Sioux Falls.

9. The next day the Licensee wrote a prescription for the medication Concerta 36mg, for patient FG, and dated the prescription for October 25, 2008. This prescription was presented to be filled at the Lewis Drug pharmacy in Tea, South Dakota on October 27, 2008.

10. The Pharmacist at the Lewis Drug in Tea questioned said prescription as it was date by the Licensee on a Saturday, and the prescription blank showed a SDUIH clinic address of Pierre, South Dakota.

11. The Pharmacist reported this information to the fiscal manager of SDUIH and also contacted the Licensee regarding this prescription.

12. Licensee did not have an active collaborating physician agreement at SDUIH for writing prescriptions at the time she wrote the two prescriptions for Concerta.

13. Licensee admitted to the writing of said prescriptions for patient FG and admitted that doing so was outside her collaborating agreement with Dr. Schaeffer.

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

CONCLUSIONS OF LAW

1. The South Dakota Board of Nursing has jurisdiction and authority over this matter pursuant to SDCL §§ 36-9-1.1 and 36-9-49.

2. That the South Dakota Board of Nursing as well as the South Dakota Board of Medical and Osteopathic Examiners (“Joint Board”) have joint jurisdiction over the person of the Licensee and her CNP license pursuant to SDCL §§ 36-9A-5 and 36-9A-29.

3. That Licensee’s conduct, as identified in the Findings of Fact, is inconsistent with the health and safety of persons entrusted to her care and violates the statutes, rules, and regulations regarding the practice of advance practice nursing and are

in violation of SDCL § 36-9A-29(9) and (10) in that the Licensee has violated the laws of the State by engaging in the performance of advanced practice nursing and medical functions beyond the scope of practice authorized by any current collaborative agreement.

THEREFORE, let an order be entered accordingly:

ORDER

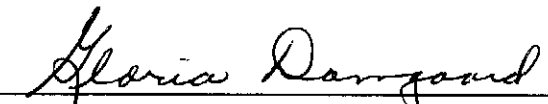
Based on the Findings of Fact and Conclusions of Law, the South Dakota Board of Nursing and the Joint Board hereby orders:

1. That the Licensee's license to practice as a registered nurse in the State of South Dakota is hereby reinstated.
2. That the Licensee license to practice as a Certified Nurse Practitioner in the State of South Dakota shall be hereby reinstated.
3. That the Joint Boards, according to the disciplinary procedures outlined in ARSD 20:48:08, issues this LETTER of REPRIMAND against Licensee's CNP license.
4. This final action is reportable discipline and will be published in Board's newsletter and posted on its website and reported into the HIPDB and NPDB data banks as required by law. As this is reportable discipline, the Licensee is required to provide an affirmative response to enquiries of disciplinary action on further renewals and other nursing related enquiries.

IT IS HEREBY ORDERED that the above Reinstatement Order of RN License and the Reinstatement of CNP License with LETTER of REPRIMAND was adopted by the South Dakota Board of Nursing on the 19th day of June, 2009 by a vote of 8-1.

Dated this 8th day of July 2009.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, Executive Director

IT IS HEREBY ORDERED that the above Reinstatement Order of the Reinstatement CNP License with LETTER of REPRIMAND was adopted by the South Dakota Board of Medical and Osteopathic Examiners on this 8th day of July, 2009.

SOUTH DAKOTA BOARD OF MEDICAL
AND OSTEOPATHIC EXAMINERS



Margaret B. Hansen, Executive Director