SOUTH DAKOTA BOARD OF NURSING

IN THE MATTER OF THE LICENSURE
PROCEEDINGS

RE: LACEY J. WARNKE, RN  
License No. R040614

ORDER OF SUMMARY
SUSPENSION AND NOTICE
OF HEARING

WHEREAS, Lacey J. Warnke, RN ("Licensee"), is licensed to practice as a registered nurse in the State of South Dakota and holds license number R040614; and

WHEREAS, on or about December 11, 2015, the South Dakota Board of Nursing ("Board") received a copy of correspondence from the Health Professionals Assistance Program ("HPAP") to the Licensee. HPAP advised that Licensee had been a voluntary participant in the program, but since November 24, 2015, had not checked into Affinity Health and had missed two random drug screen tests on November 18, 2015, and November 24, 2015. The letter also indicated that Licensee failed to maintain contact with HPAP and failed to respond to HPAP requests for explanation; and

WHEREAS, as a consequence of the above actions by the Licensee, HPAP advised the Board that the Licensee had been unsuccessfully discharged from HPAP; and

WHEREAS, based upon HPAP’s correspondence, Board staff wrote to the Licensee on December 11, 2015, regarding her unsuccessful discharge from HPAP. Licensee was asked to contact the Board to discuss the complaint and to give her an opportunity to meet with Board representatives to discuss the situation; and
WHEREAS, on December 15, 2016, Board staff again sent a letter via regular mail and certified mail to Licensee at her last known address advising that an informal meeting had been scheduled for January 26, 2016, at 11:00 a.m. at the Board office; and

WHEREAS, Licensee did not appear for her informal meeting nor did she contact the Board; and

WHEREAS, between January 13 and January 22, 2016, Board staff made three attempts to contact the Licensee via telephone and was unsuccessful in reaching her; and

WHEREAS, based upon the affidavit of Francie Miller and the above stated conduct, the Board has concluded that Licensee’s actions constitute unprofessional conduct and require emergency action, in that Licensee’s actions may endanger the health and safety of those who are, or will be, entrusted to her care in the future; 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 require emergency action against Licensee’s license.

3. That based on the above, the Board specifically finds that the actions of the Licensee endanger the public health, safety and welfare, and imperatively require emergency
action in that Licensee 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), (5), (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 her license at any time for “good cause.”

5. That Licensee shall turn in her 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.

7. This action is reportable discipline and will be published in the Board’s newsletter and posted on its website and reported into the National Practitioner Data Bank (NPDB) as required by law.

The South Board of Nursing met on the 19th day of February, 2016, and approved this Order of Summary Suspension by a vote of 9-0, 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 3rd day of March, 2016.

SOUTH DAKOTA BOARD OF NURSING

Gloria Damgaard, RN, MS
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 Lacey J. Warnke, RN, License No. R040614 ("Licensee") as follows:

1. Hearing on the Order of Summary Suspension will take place before the Board on April 21st, 2016, at 2:30 p.m. at the office of the South Dakota Board of Nursing, 4305 S. Louise Avenue, Suite 201, 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. The hearing will address the Board's assertion, as set forth in its Summary Suspension, that the Licensee, by her conduct, violated SDCL §§ 36-9-49 (4), (5), (7) and (10).

4. At the hearing, the Board will determine whether the Licensee's license shall be suspended, revoked or subject to other disciplinary action as determined by the evidence presented.
5. 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.

6. 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 31st day of March, 2016.

SOUTH DAKOTA BOARD OF NURSING

Gloria Damgaard, RN, MS
Executive Director