

**SOUTH DAKOTA BOARD OF NURSING**

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IN THE MATTER OF THE LICENSURE  
PROCEEDINGS

:

RE: RIKKI L. DANIELS, LPN

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**ORDER OF SUMMARY  
SUSPENSION AND  
NOTICE OF HEARING**

South Carolina License No. SCPN135990  
Nurse Licensure Compact Privilege in SD

:

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Licensee.

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WHEREAS, Rikki L. Daniels, LPN (“Licensee”) is licensed to practice as a practical nurse in the State of South Dakota and holds South Carolina license number SCPN135990, Nurse Licensure Compact Privilege in South Dakota; and

WHEREAS, on or about January 6, 2016, the Board received a complaint from a long term care facility alleging that a med cup full of various medications was found locked in the top drawer of a medication cart following the shift after Licensee worked; and

WHEREAS, the complaint indicated that Licensee stated that she counted the narcotics when she came on for duty, but did not notice the med cup in the drawer; and

WHEREAS, it was reported that Licensee was the only one who accessed the medications. The complaint indicated that medications for four residents were noted as administered on the MAR, but were found in the med cup. Licensee stated she gave the meds. Licensee refused to submit to a drug test and after a second request, stated she was ending her contract with the facility immediately; and

WHEREAS, after the complaint was received, Board staff began an investigation into the complaint received; and

WHEREAS, Board staff attempted to contact the Licensee via phone on February 22, 2016, and on March 18 and 22, 2016, but the number Licensee listed did not accept calls; and

WHEREAS, Board staff also sent written communication to Licensee's last known address on February 22, 2016, and March 24, 2016, with no response from the Licensee; and

WHEREAS, Licensee was scheduled for an informal meeting with Board staff on April 6, 2016, and did not show nor make any contact with the Board in regard to the informal meeting; 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 (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." 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 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 practical 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 21<sup>st</sup> day of April, 2016, and approved this Order of Summary Suspension by a vote of 7-0, 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 4<sup>th</sup> day of May, 2016.

SOUTH DAKOTA BOARD OF NURSING

  
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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 Rikki L. Daniels, LPN, South Carolina License No. SCPN135990 ("Licensee") as follows:


1. Hearing on the Order of Summary Suspension will take place before the Board on June 9<sup>th</sup>, 2016, at 1:30 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 (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 4<sup>th</sup> day of May, 2016.

SOUTH DAKOTA BOARD OF NURSING

  
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Gloria Damgaard, RN, MS  
Executive Director