

FINDINGS OF FACT

1. That Celeste Devost is licensed to practice as a practical nurse in the State of New Hampshire and holds license number PN013462-22.
2. That at all times relevant to this matter, the Licensee was practicing in the State of South Dakota under a Nurse Licensure Compact Privilege.
3. That on or about July 25, 2016, the Board was notified that the Licensee had been terminated from her employment at a long term care facility in South Dakota due to allegations of drug diversion. The allegations indicated that the Licensee was obtaining an entire day's PRN medications from the auto dispensing machine all at the same time.
4. Licensee admitted to the Board investigator to diverting the PRN medications.
5. That two empty medication packets from two residents were found in the Licensee's residence. Licensee admitted to ingesting these medications.
6. Licensee contacted Board staff and admitted that she took the medications and wished to voluntarily surrender her practice privilege at the time.
7. When the Voluntary Relinquishment of Practice Privilege Consent Order was presented to the Licensee on July 28, 2016, she did not return the document.
8. In the meanwhile, the Licensee was summarily suspended on September 21, 2016, and noticed for a hearing.
9. While awaiting the hearing, New Hampshire Board of Nursing, held a hearing in absentia pursuant to an Order of Summary Suspension against Licensee.

10. The allegations of this hearing addressed the issue of Licensee's diversion from the long term care facility in the State of South Dakota.

11. Based upon a finding that the diversion did occur, the New Hampshire Board of Nursing revoked Licensee's license to practice as a licensed practical nurse for no less than a period of five (5) years and assessed a monetary penalty of \$750.

12. Upon receiving the information from the New Hampshire Board of Nursing, the South Dakota Board of Nursing requested that action be taken against the Licensee pursuant to SDCL § 39-9-49 (6) based on the actions that were taken in another state against the Licensee.

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 §§ 36-9-1.1 and 36-9-49

2. That the Licensee's conduct as identified in the findings of fact is inconsistent with the health and safety of those persons entrusted to her care and violates statutes and rules and regulations regarding the practice of nursing and are in violation of SDCL § 36-9-49 (4), (5), (7) and (10). In addition, the Licensee's conduct violates the statutes and rules regarding the practice of nursing in that Licensee has had action taken against her in another state which subjects Licensee to discipline in the State of South Dakota pursuant to SDCL § 36-9-49 (6).

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 is hereby suspended.

Dated this 29th day of November, 2016.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, RN, MS
Executive Director

The South Dakota Board of Nursing at its meeting on the 17th day of November, 2016, approved this Order Rescinding the Nurse Licensure Compact Privilege in South Dakota as written by a vote of 7-0, and issues its Order consistent herein.

IT IS HEREBY ORDERED that the above Order Rescinding the Nurse Licensure Compact Privilege in South Dakota is adopted as an Order of the South Dakota Board of Nursing on this 29th day of November, 2016.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, RN, MS
Executive Director