

SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE LICENSURE :
PROCEEDINGS :

RE: DANIEL PETERSON, RN : **ORDER FOR SUMMARY**
License No. R040467 : **SUSPENSION AND**
 : **NOTICE OF HEARING**

Licensee. :

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WHEREAS, Daniel Peterson, RN (“Licensee”), is licensed to practice as a registered nurse in the State of South Dakota and holds license number R040467; and

WHEREAS, in October 2016, Licensee was working in the State of North Dakota on a practice privilege in a tertiary care facility; and

WHEREAS, on or about October 26, 2016, the North Dakota Board of Nursing (“North Dakota Board”) received a complaint against Licensee alleging that a medication administration audit at the facility showed numerous discrepancies regarding his administration of fentanyl.

The complaint also alleged improper wasting and documentation of fentanyl. Licensee denied diversion of narcotics, but admitted to failure to follow his employer’s policies and that he made numerous charting errors and had documentation discrepancies. As a result of the above, the North Dakota Board, on February 22, 2017, issued a Cease and Desist Order prohibiting Licensee from practice in the State of North Dakota; and

WHEREAS, after receiving this information, the Board began an investigation into the complaint received; and

WHEREAS, after receiving the complaint, Board staff received additional information advising that the Licensee had failed to account for two doses for 50 mg of Fentanyl, failed to follow applicable orders in regard to Fentanyl administration and failed to follow his employer's policy in regard to wasting and charting the wasting of Fentanyl; and

WHEREAS, on March 3, 2017, Board staff contacted the Licensee and asked him to contact them. The Board received no response. Board staff also attempted contact via telephone based upon information in the South Dakota Licensee Database and confirmed contact information with the North Dakota Board. Again, the Board received no response; and

WHEREAS, on or about May 16, 2017, the Board was in contact with the Licensee via mail in regard to an Agreed Upon Disposition of this matter. The Agreed Upon Disposition included a term of probation with a mandate into the Health Professionals Assistance Program ("HPAP"); and

WHEREAS, upon receipt of the proposed resolution, the Licensee contacted HPAP and had a telephone conversation with Jill Viedt of HPAP indicating that he "may follow through" with participation in HPAP; and

WHEREAS, HPAP had a time scheduled for the Licensee to return paperwork to HPAP, which he failed to do within the requisite time; and

WHEREAS, HPAP then contacted Board staff indicating that Licensee did not follow through with the intake process and thus was reported back to the Board due to noncompliance; and

WHEREAS, because Licensee did not follow through with the allotted timeframe for participation with HPAP, the Board was again notified and the additional action was hence taken; 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 his 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 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 his care in the future and that these are matters of a nature that would constitute further grounds for discipline of his license to practice nursing under SDCL § 36-9-49 (5), (6), (7) and (10).

3. 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 his license at any time for "good cause."


4. Licensee is hereby notified that any practice of or holding himself out as a registered nurse during the terms of this Order for Summary Suspension is a violation of SDCL § 36-9-68.

5. 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 29th day of June, 2017, and approved this Order of Summary Suspension by a vote of 10-0, and issues its Order for 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 17th day of July, 2017.

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 Daniel Peterson, License No. R040467 ("Licensee") as follows:

1. Hearing on the Order of Summary Suspension will take place before the Board on October 23, 2017, at 1:00 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 his conduct, violated SDCL § 36-9-49 (5), (6), (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 for 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.

Order for Summary Suspension and Notice of Hearing
Licensee: Daniel Peterson, RN

Dated this 19th day of July, 2017.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, RN, MS
Executive Director

SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE LICENSURE :
PROCEEDINGS :

RE: DANIEL PETERSON, RN :

License No. R040467 :

Licensee. :

**AFFIDAVIT
OF FRANCIÉ MILER**

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STATE OF SOUTH DAKOTA)
: SS
COUNTY OF MINNEHAHA)

I, Francie Miller, being first duly sworn on oath, depose and state as follows:

1. That I am a contract employee of the South Dakota Board of Nursing (“Board”) and am employed as a Nurse Program Specialist working primarily in the area of investigations and disciplinary issues.

2. That Daniel Peterson, RN (“Licensee”), is licensed to practice as a registered nurse in the State of South Dakota and holds license number R040467.

3. In October 2016, Licensee was working in the State of North Dakota on a practice privilege in a tertiary care facility.

4. On or about October 26, 2016, the North Dakota Board of Nursing (“North Dakota Board”) received a complaint against Licensee alleging that a medication administration audit at the facility showed numerous discrepancies regarding his administration of fentanyl. The complaint also alleged improper wasting and documentation of fentanyl. Licensee denied diversion of narcotics, but admitted to failure to follow his employer’s policies and that he made

numerous charting errors and had documentation discrepancies. As a result of the above, the North Dakota Board, on February 22, 2017, issued a Cease and Desist Order prohibiting Licensee from practice in the State of North Dakota.

5. After receiving this information, I began my investigation into the complaint received.

6. After receiving the complaint, I received additional information advising that the Licensee had failed to account for two doses for 50 mg of Fentanyl, failed to follow applicable orders in regard to Fentanyl administration and failed to follow his employer's policy in regard to wasting and charting the wasting of Fentanyl.

7. On March 3, 2017, I contacted the Licensee and asked him to contact me. I received no response. I also attempted contact via telephone based upon information in the South Dakota Licensee Database and confirmed contact information with the North Dakota Board. Again, I received no response.

8. On or about May 16, 2017, the Board was in contact with the Licensee via mail in regard to an Agreed Upon Disposition of this matter. The Agreed Upon Disposition included a term of probation with a mandate into the Health Professionals Assistance Program ("HPAP").

9. Upon receipt of the proposed resolution, the Licensee contacted HPAP and had a telephone conversation with Jill Viedt of HPAP indicating that he "may follow through" with participation in HPAP.

10. HPAP had a time scheduled for the Licensee to return paperwork to HPAP, which he failed to do within the requisite time.

11. HPAP then contacted me indicating that Licensee did not follow through with the intake process and thus was reported back to the Board due to noncompliance.

12. Because Licensee did not follow through with the allotted timeframe for participation with HPAP, the Board was again notified and the additional action was hence taken.

13. Based upon the above, I conclude that the public health, safety, and welfare imperatively require emergency action in that Licensee's actions constitute unprofessional conduct that may endanger the health and safety of persons entrusted to his care and that Licensee's license should be summarily suspended.

Dated this 17th day of July, 2017.

Francie Miller
Francie Miller
Nurse Program Specialist

Subscribed and sworn to before me

this 17 day of July, 2017.

Eric M. Matthews
Notary Public - South Dakota
My commission expires: 01/08/2020