

SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE LICENSURE :
PROCEEDINGS :

RE: BETH BERENS, RN : **ORDER FOR SUMMARY**
 : **SUSPENSION**
 License No. R033164 : **AND NOTICE OF HEARING**
 :
 Licensee. :

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WHEREAS, Beth Berens, RN (“Licensee”), is licensed to practice as a registered nurse in the State of South Dakota and holds license number R033164; and

WHEREAS, On or about April 13, 2017, the Licensee signed a Participation Agreement with the Health Professionals Assistant Program (“HPAP”). Licensee voluntarily entered HPAP in response to allegations that Licensee, while working in a clinic, wrote unauthorized prescriptions for multiple refills of Xanax for herself; and

WHEREAS, after review of the case, the Board, in April 2017, mandated the Licensee into HPAP. The terms and conditions of HPAP were to be determined by HPAP; and

WHEREAS, on or about October 17, 2017, the Board was notified by HPAP that Licensee had been unsuccessfully discharged from the program; and

WHEREAS, in response to that information, the Board made numerous attempts to contact the Licensee by phone. Board representatives were unable to leave a message for Licensee as her voicemail box was full; and

WHEREAS, after multiple attempts to contact Licensee, it was determined by the Board that Licensee be summarily suspended and noticed for hearing; 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 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 § 36-2A and SDCL § 36-9-49 (4), (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 her license at any time for "good cause."

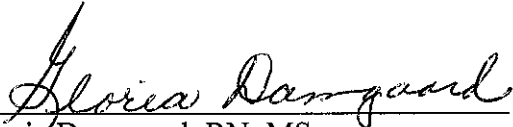
4. Licensee is hereby notified that any practice of or holding herself out as a registered nurse during the terms of this Order for Summary Suspension is a violation of SDCL § 36-9-68.

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 16th day of November, 2017, and approved this Order for 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 6th day of December, 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 Beth Berens, RN, License No. R033164 ("Licensee") as follows:

1. Hearing on the Order of Summary Suspension will take place before the Board on February 9, 2018, at 9:30 A.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 § 36-2A and SDCL § 36-9-49 (4), (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.

Dated this 6th day of December, 2017.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, RN, MS
Executive Director