

**SOUTH DAKOTA BOARD OF NURSING**

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IN THE MATTER OF THE LICENSURE  
PROCEEDINGS :

RE: RACHEL GROETHE, LPN :

**LETTER OF REPRIMAND**

License No. P012687, :

Licensee. :

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WHEREAS, the South Dakota Board of Nursing (“Board”) proceeded with a contested case hearing on September 24, 2020, and entered written Findings of Fact and Conclusions of Law following the hearing;

WHEREAS, consistent with the Board’s verbal order approved on September 24, 2020 by a majority vote of 8-0, and consistent with the Board’s written Findings of Fact and Conclusions of Law following the hearing,

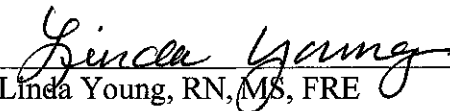
It is hereby ORDERED:

1. 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.
2. The Board has jurisdiction over the Licensee and the subject matter of this Letter of Reprimand.
3. A Letter of Reprimand is hereby entered, which is final action and is reportable discipline which will be published in the Board’s newsletter, posted on its website, and reported into the National Practitioner Data Bank (NPDB) as required by law. As this is a reportable

discipline, Registrant is required to provide an affirmative response to inquiries of disciplinary action on further renewals and other nursing related inquiries.

Dated this 2<sup>nd</sup> day of October, 2020.

SOUTH DAKOTA BOARD OF NURSING

  
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Linda Young, RN, MS, FRE  
Executive Director

SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE LICENSURE :  
PROCEEDINGS :

RE: RACHEL GROETHE, LPN :

License No. P012687, :

Licensee. :

**DOH 20-08**

**FINDINGS OF FACT AND  
CONCLUSIONS OF LAW**

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The South Dakota Board of Nursing (Board) noticed a contested case hearing in the above licensure proceedings, specifically for the Complaint and Notice of Hearing dated May 19, 2020 and September 2, 2020.

The Complaint came on for hearing before the South Dakota Board of Nursing on September 24, 2020. The South Dakota Board of Nursing presided over the proceedings, along with Administrative Law Judge Catherine Williamson, Office of Hearing Examiners. Licensee Rachel Groethe, LPN, appeared telephonically, along with her attorney of record, Debra Watson. Shelly Munson, the attorney prosecuting the licensing matter, presented evidence on behalf of the Board of Nursing. The proceeding was transcribed by a court report.

At the conclusion of the hearing, the Board considered the testimony from witnesses, exhibits offered during the hearing, argument of Licensee and counsel, as well as the entire record before the Board. After deliberations, the Board entered a verbal order that a Letter of Reprimand be issued on License's License to resolve the Complaint.

Pursuant to SDCL 1-26-25, the Board issues this final decision in writing through these written Findings of Fact and Conclusions of Law as well as a separate written Letter of Reprimand issued pursuant to these Findings of Fact and Conclusions of Law.

Being charged with the statutory obligation to protect the public health, safety, and welfare set forth in ARSD 20:48:04:01, et al., including the protection of the public from unsafe nursing practices and practitioners, the Board hereby makes the following:

### **FINDINGS OF FACT**

1. Licensee held a multi-state South Dakota license, which lapsed on April 9, 2019.
2. Licensee applied to reinstate her lapsed license on February 18, 2020.
3. Licensee practiced nursing at West River Ear Nose & Throat under a lapsed license for a period of 10.5 months.
4. The Board sent Licensee notice of renewal of license to Licensee's last known address on record with the Board.

### **CONCLUSIONS OF LAW**

1. Based upon the above facts, the Board concludes that Licensee engaged in conduct in violation of SDCL § 36-9-49(9), in that Licensee engaged in the practice of nursing during a time the applicant's or licensee's license is lapsed, on inactive status, suspended, or revoked.
2. Although Licensee may not have intentionally failed to renew her license, intent is irrelevant to the fact that Licensee indeed engaged in the practice of nursing during the time her license had lapsed.

3. Practicing nursing during any time that the person's license is lapsed is also a prohibited act (Class 1 Misdemeanor) under SDCL § 36-9-68.


4. In addition, SDCL § 36-9-71 states that practicing as an RN or LPN under a lapsed license is “declared to be inimical to the public welfare and to constitute a public nuisance.”

5. Pursuant to SDCL § 36-9-1.1: “It is the responsibility of the State to safeguard life, health and the public welfare, and to protect citizens from unauthorized, unqualified and improper application of nursing education programs and nursing practices.” To achieve this responsibility, “regulatory authority shall be vested in the South Dakota Board of Nursing.”

6. In order to fulfill its statutory directive to protect the public for violations of the Nurse Practice Act, the Board hereby concludes that a Letter of Reprimand shall be separately entered.

Dated this 2nd day of October, 2020.

SOUTH DAKOTA BOARD OF NURSING

  
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Linda Young, RN, MS, FRE  
Executive Director