

Following that service, the Board received an e-mail communication dated October 23, 2017, from an Elizabeth Evans (“Evans”) who advised she was acting as Licensee’s “legal and medical representative.” Evans indicated that Licensee was not able to participate in the hearing that was scheduled before the Board due to a pedestrian/vehicle accident. Evans advised that Licensee would return to Sioux Falls on October 27, 2017, and would advise the Board how Licensee wished to proceed. When no communication was received from Evans or Licensee, an Amended Notice of Hearing was prepared with a Certificate of Service dated December 12, 2017, with service made via certified and regular mail to Licensee’s address as well as by e-mail to Evans. Said hearing was set to take place on February 9, 2018, at 10:30 a.m.

Licensee, having been served with the Order for Summary Suspension and Notice of Hearing and the supporting documentations, did not appear in person to present evidence on her behalf or to confront witnesses. The Board appeared by and through its attorney, Kristine K. O’Connell. Administrative Law Judge Catherine Duenwald presided over the proceeding. The proceeding was transcribed by a court reporter.

The Board considered testimony given by the Board Investigator, Francie Miller, as to the previous disciplinary matters regarding the Licensee. The Board was also provided with the affidavit and other public documents on file in this case and being charged with the statutory obligation to protect the public health, safety and welfare set forth in SDCL § 36-9, including the protection of the public from unsafe nursing practices and practitioners, the Board hereby makes the following:

FINDINGS OF FACT

1. That the Licensee is licensed to practice as a registered nurse in the State of South Dakota and holds license number R044614.

2. On June 22, 2006, the Licensee was issued a Letter of Reprimand with Remediation.

3. This Letter of Reprimand arose out of a complaint from two prospective employers to which the Licensee provided falsified letters of reference.

4. Licensee admitted to submitting these fraudulent letters of reference in an attempt to secure employment.

5. On November 13, 2007, the Board issued a Notice of Hearing on an Order for Summary Suspension for the Licensee following complaints received on April 7, 2007, from the Licensee's then long term care employer in regard to medication errors, and possible diversion of narcotics.

6. The same employer indicated that the Licensee had also been disciplined for sleeping on the job, not responding to patient lights, leaving medication room doors open, not documenting appropriately, and other practice intervention issues.

7. Prior to hearing on that summary suspension, the Board, on June 24, 2007, received another complaint from a subsequent long term care employer alleging unsafe practice issues including medication errors, incorrect counting of narcotics (no diversion), and laboratory errors during Licensee's employment from May to July 2007.