

SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE LICENSURE
PROCEEDINGS :

DOH 18-01

RE: MARSHA SCHMIDT, RN, :
 :
 License No. R031331, :
 :
 Applicant. :

**FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER DENYING
APPLICATION TO REINSTATE
LAPSED LICENSE**

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The South Dakota Board of Nursing’s (“Board”) hearing on its Order Denying Application to Reinstate Lapsed License of Marsha Schmidt, RN, license number R031331 (“Licensee”) came for hearing before the Board at its office in Sioux Falls, South Dakota, on April 20, 2018, at 9:00 a.m.

Licensee, having been served with the Order Denying Application to Reinstate Lapsed License and Notice of Hearing along with the Affidavit of Francie Miller at her last known address by regular and certified mail dated March 7, 2018, 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 Ryan Darling presided over the proceeding. The proceeding was transcribed by a court reporter.

The Board considered the evidentiary testimony of Francie Miller, Board Investigator. The Board also considered the Board’s exhibits numbered 1 and 2 that were entered into evidence. The Board also considered 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 Marsha Schmidt is licensed to practice as a registered nurse in the State of South Dakota and holds license number R031331.

2. Licensee allowed her nursing license to lapse.

3. That on or about October 23, 2017, the Licensee, having let her license lapse, completed an application with the Board to reinstate her lapsed license.

4. With her application for reinstatement of lapsed license, the Licensee provided court documents which indicated a criminal indictment against her.

5. The Board Investigator, in follow up, obtained a copy of the South Dakota Unified Judicial System report in regard to the Licensee.

6. The UJS report indicated that Licensee, on or about November 29, 2017, pled guilty to a felony for unauthorized ingestion of a schedule I or II substance, and also a DUI second.

7. Licensee pled guilty to the charges and received a suspended imposition of sentence with conditions and probation imposed upon her for these charges.

8. On or about December 3rd, the Board Investigator attempted to contact Licensee via phone and U.S. Mail receiving no response.

9. Numerous attempts to contact the Licensee were unsuccessful.

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 in violation of SDCL §§ 36-9-49 (2) and (10).

THEREFORE, let an order be entered accordingly.

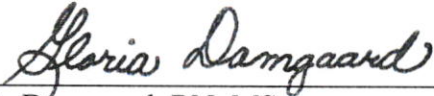
ORDER

Based on the Findings of Fact and Conclusions of Law, the South Dakota Board of Nursing hereby orders:

1. That Licensee's application to reinstate her lapsed license is hereby denied.
2. That the Licensee is hereby notified that any practice of or holding herself out as a registered nurse in the State of South Dakota is a violation of SDCL § 36-9-68.
3. That the Licensee may petition for reinstatement of her license upon a showing of good cause pursuant to SDCL § 36-9-57.

Dated this 27th day of April, 2018.

SOUTH DAKOTA BOARD OF NURSING




Gloria Damgaard, RN, MS
Executive Director

The South Dakota Board of Nursing, at the hearing on the 20th day of February, 2018, approved this Order Denying Reinstatement of Lapsed License by a vote 7-0, and issues its Order consistent herein.

IT IS HEREBY ORDERED that the above Order Denying Reinstatement of Lapsed License is adopted as an Order of the South Dakota Board of Nursing on this 27th day of April, 2018.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, RN, MS
Executive Director