

**SOUTH DAKOTA BOARD OF NURSING**

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IN THE MATTER OF THE LICENSURE  
PROCEEDINGS :

**DOH 18-02**

RE: BLAKE SWEE, RN :  
License No. R045625 :  
Licensee. :

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND  
ORDER OF SUSPENSION**

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The South Dakota Board of Nursing’s (“Board”) hearing on the summary suspension of Blake Swee, RN, license number R045625 (“Licensee”) came 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 for Summary Suspension and Notice of Hearing and the supporting documentation at his last known address by regular and certified mail, did not appear in person to present evidence on his 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 testimony given by the Board Investigator, Francie Miller, as to the previous and current 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 Blake Swee is licensed to practice as a registered nurse in the State of South Dakota and holds license number R045625.
2. That on or about May 2017, the Licensee was terminated from his employment due to allegations of diversion of narcotics.
3. Licensee admitted that he diverted narcotics for his own use while employed at a hospital.
4. Licensee reported the diversion to the Board on or about May 23, 2017.
5. Licensee advised the Board that he had been charged with a class 4 felony, receiving a suspended imposition of sentence on that charge.
6. Following the Board's review of Licensee's disciplinary case, the Licensee entered into a stipulation and order with the Board for probation with mandated participation in the Health Professionals Assistance Program ("HPAP").
7. Licensee signed his Participation Agreement with HPAP on July 31, 2017.
8. Said Stipulation and Order for Probation with HPAP was signed by the Licensee on October 24, 2017, and approved by the Board on October 27, 2017.
9. On November 14, 2017, the Board was notified by HPAP of Licensee's unsuccessful discharge from the program.
10. A discharge letter was issued by the HPAP program to the Licensee and to the Board.

11. The Board made numerous attempts to contact the Licensee regarding his discharge from HPAP. Licensee has not returned any calls to the Board since his discharge from HPAP.

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 are in violation of SDCL §§ 36-9-49- (4), (5), (7) and (10).

THEREFORE, let an order be entered accordingly.

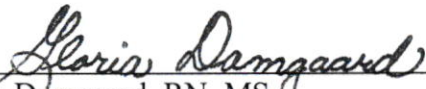
### **ORDER**

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

1. That the Licensee's license to practice as a registered nurse in the State of South Dakota is hereby indefinitely suspended.
2. That the Licensee is hereby notified that any practice of or holding himself out as a registered nurse during the term of this suspension is in violation of SDCL § 36-9-68.
4. That Licensee may petition for reinstatement of his license at any time for "good cause" pursuant to SDCL § 36-9-57.

Dated this 27<sup>th</sup> day of April, 2018.


SOUTH DAKOTA BOARD OF NURSING

  
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Gloria Damgaard, RN, MS  
Executive Director

The South Dakota Board of Nursing, at the hearing on the 20<sup>th</sup> day of April, 2018, approved this Order of Suspension as written by a vote of 7-0, and issues its Order of Suspension consistent herein.

IT IS HEREBY ORDERED that the above Order of Suspension is adopted as an Order of the South Dakota Board of Nursing on this 27<sup>th</sup> day of April, 2018.

SOUTH DAKOTA BOARD OF NURSING

  
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Gloria Damgaard, RN, MS  
Executive Director