

Complaint Information & Due Process

Filing a Complaint:

Any person who believes a nurse has violated the Nurse Practice Act, may report the violation to the Board in the form of a written complaint.

Board staff will investigate every written complaint received that falls under the Board's legal jurisdiction.

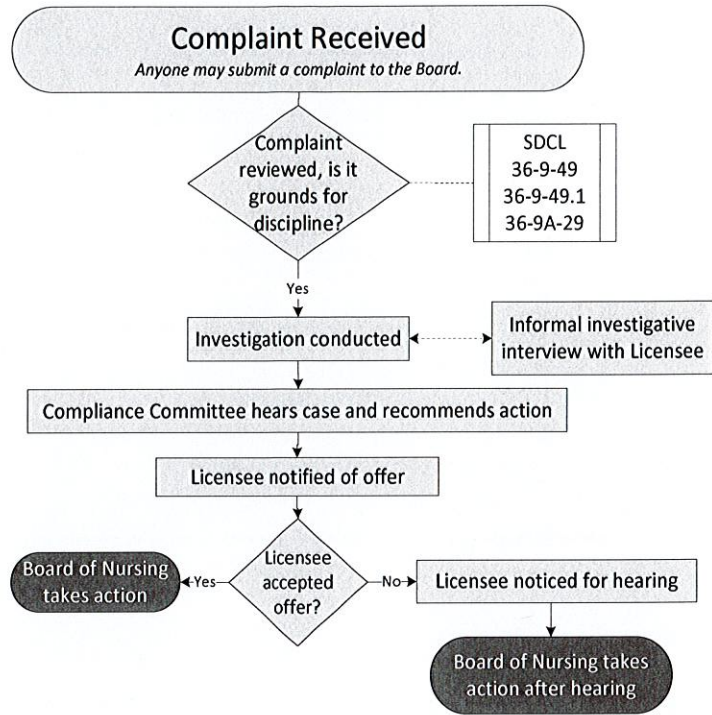
Licensee's Due Process:

A licensee, against whom a complaint is made, is *always* afforded due process and will be given notice and a copy of the complaint.

Board staff may request and schedule an informal meeting as a part of the investigation to discuss the complaint. Attendees at the meeting may include board staff, the licensee, and attorneys, if requested.

Following investigation, the case will be heard by the Board's Compliance Committee, a subcommittee of the full Board. The committee meets prior to each regularly scheduled Board meeting and offers a proposed settlement on a case. If the settlement is accepted, the case is brought to the full Board for acceptance at their next meeting.

If a settlement is rejected, the Board will proceed with a *Contested Case Hearing* under SDCL 1-26. After the hearing, the full Board, except Compliance Committee members, decides the appropriate action to take. The Board may take **non-disciplinary** or **disciplinary** action, which may be anything from **Dismissal** to **Revocation**, based on the nature of the violation.



Non-Disciplinary Action	Disciplinary Action
<ul style="list-style-type: none"> • Dismissal of Complaint • Letter of Concern • Substance Abuse or Health Evaluation • Mandated Participation in Health Professionals Assistance Program (HPAP) 	<ul style="list-style-type: none"> • Letter of Reprimand • Denial of Licensure • Probation • Suspension • Revocation

* A licensee always has the right to request a Contested Case Hearing before the full Board anytime formal disciplinary action or mandated participation in HPAP is recommended.

Board actions involving **discipline** will be published in the Board's newsletter, the *South Dakota Nursing News*, on the Board's website and Nursys® website, and reported to the National Practitioner Data Bank (NPDB) as required by law.

Emergency Board Action:

If there is an immediate risk of harm to the public, the Board may take emergency action to temporarily suspend a license until a formal hearing can be held.

More information is available on the South Dakota Board of Nursing website:
<http://doh.sd.gov/boards/nursing/complaints.aspx>