

("HPAP") dated January 10, 2009. Sherry Grismer of HPAP provided testimony and answered questions in regards to the HPAP report and recommendation. Licensee also provided testimony and answered questions of the Board; and

WHEREAS, the Board had considered the Licensee's request, the statement and documents provided by the Licensee, the previous Order, and the HPAP report, as well as Licensee's own testimony, and on January 22, 2009, had approved a motion for an Order of Reinstatement; and

WHEREAS, prior to the entry of said Order, the Board, on January 29, 2009, was presented new information that had become available to HPAP subsequent to the reinstatement hearing of January 22, 2009. The information revealed that Licensee, in a random drug screen dated January 21, 2009, had a positive test for methadone. This had been prescribed to him for chronic elbow pain on January 20, 2009. The Licensee had failed to provide a valid script for this medication within the 24 hour period required under his participation agreement with HPAP; and

WHEREAS, as a result of this information, the Board, on February 2, 2009, moved to rescind the Order of Reinstatement of January 22, 2009, and to deny reinstatement of the Licensee's nursing license; and

WHEREAS, the Licensee renewed his reinstatement request in writing, dated August 31, 2010, and personally appeared before the Board on November 19, 2010, at which time the matter of the Licensee's reinstatement was again presented to the Board.

The Licensee presented documentation supporting his reinstatement. The Board was also provided with an evaluation report from HPAP dated November 1, 2010. Char Skovlund of HPAP provided testimony and answered questions in regards to the HPAP report and recommendations. Licensee also provided testimony and answered questions of the Board; and

WHEREAS, Licensee, on November 19, 2010, was issued an Order of Reinstatement with Probation. In that Order of Reinstatement with Probation, the Licensee was mandated to continue his participation in the HPAP program for a period of five years with credit being given for previous successful participation in that program. The probationary terms and conditions, as well as clearance to return to employment and the restrictions on the access to narcotics were to be set by the HPAP program. Licensee was to be fully compliant with all the terms and conditions of his probation; and

WHEREAS, on or about July 13, 2012, the Board was presented with new information that had become available to HPAP. While considering whether to support a review of the narcotic restriction placed on Licensee's practice, HPAP contacted Licensee's workplace on July 11, 2012, and it was discovered that Licensee had been passing narcotics since October 7, 2011. It was also discovered that the Licensee had incorrectly informed his employer that his restriction had been reviewed by HPAP and had been lifted, when in fact the restriction had never been lifted. When directly questioned by HPAP, Licensee deliberately and intentionally stated that he had not been passing

narcotics. Based on these facts, the Licensee was suspended from HPAP for non-compliance with the terms and conditions of his probation; and

WHEREAS, Licensee has agreed that he would surrender his South Dakota nursing license; and

WHEREAS, the Board has a 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; and

WHEREAS, the Licensee agrees the above violation of HPAP would be of a nature that would constitute grounds for discipline of his license to practice nursing in South Dakota under SDCL § 36-9-49; and

WHEREAS, the Licensee agrees that he enters into this Voluntary Surrender Consent Order voluntarily and without duress or compulsion, in full understanding of the legal consequences of this document and his rights; therefore,

IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

1. That the Board has jurisdiction over the person of the Licensee and the subject matter of this Voluntary Surrender Consent Order.
2. That the Licensee, on November 19, 2010, was issued an Order of Reinstatement with Probation. In that Order of Reinstatement with Probation, the Licensee was mandated to continue his participation in the HPAP program for a period of five years with credit being given for previous successful participation in that program.

The probationary terms and conditions, as well as clearance to return to employment and the restrictions on the access to narcotics were to be set by the HPAP program. Licensee was to be fully compliant with all the terms and conditions of his probation.

On or about July 13, 2012, the Board was presented with new information that had become available to HPAP. While considering whether to support a review of the narcotic restriction placed on Licensee's practice, HPAP contacted Licensee's workplace on July 11, 2012, and it was discovered that Licensee had been passing narcotics since October 7, 2011. It was also discovered that the Licensee had incorrectly informed his employer that his restriction had been reviewed by HPAP and had been lifted, when in fact the restriction had never been lifted. When directly questioned by HPAP, Licensee deliberately and intentionally stated that he had not been passing narcotics. Based on these facts, the Licensee was suspended from HPAP for non-compliance with the terms and conditions of his probation. Licensee has agreed that he would surrender his South Dakota nursing license and now intends to leave the profession of nursing as a registered nurse.

3. That the Licensee has been given an opportunity to discuss this Voluntary Surrender Consent Order with an attorney of Licensee's choice, and is aware of his right to a hearing in this matter, and of his rights under the United States and South Dakota Constitutions, laws, rules and/or regulations. Licensee hereby voluntarily waives all such rights to a hearing, notice, appearance, or any other rights under said Constitutions, laws, rules and/or regulations. Licensee also agrees that the Board's Executive Director or her

designee may present this Voluntary Surrender Consent Order to the Board and disclose to the Board all items of her investigation, including, but not limited to, any communications with Licensee.

4. That the Licensee's license to practice nursing in South Dakota and his privilege to practice nursing pursuant to the Nurse Licensure Compact shall be surrendered and the Board shall suspend said license for an indefinite period from the date of this Order. Licensee may apply to have his license reinstated for good cause shown.

5. That nothing in this Voluntary Surrender Consent Order should imply that the Licensee shall be reinstated. Licensee recognizes that the reinstatement terms, as well as the requirements for reinstatement, are at the sole discretion of the Board.

6. That if the Licensee requests reinstatement, Licensee has the burden of presenting information showing that Licensee's license should be reinstated.

7. That it is further stipulated and agreed that this Voluntary Surrender Consent Order is being entered into voluntarily by the Licensee and without threats or coercion and is entered into after the Licensee has been given ample opportunity to consider these matters and to discuss this Voluntary Surrender Consent Order with an attorney of Licensee's choice and that the Licensee has a full understanding of the legal consequences of this Voluntary Surrender Consent Order and of the Licensee's rights to a formal hearing on these matters, which rights are hereby waived by the signing of this Voluntary Surrender Consent Order.

8. Licensee understands that during the period of this Voluntary Surrender that
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he is ineligible to work in any nursing role, including that of a nurse aide, nurse assistant, or medication assistant/aide.

9. This action is reportable discipline and will be published in the Board's newsletter and posted on its web site and reported into the Healthcare Integrity and Protection Data Bank (HIPDB) and National Practitioner Data Bank (NPDB) as required by law.

10. That the Board may enter an Order consistent with the terms of this Stipulation.

NOW, THEREFORE, the foregoing Voluntary Surrender Consent Order is entered into and is respectfully submitted to the Board with the request that the Board adopt its terms as an Order of the Board in the above matter.

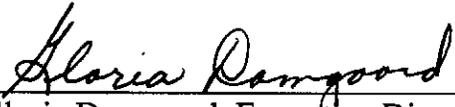
Dated this 7th day of August, 2012.



Paul A. Ahrendt, RN

The South Dakota Board of Nursing meeting on the 18th day of September
2012, approved the attached Voluntary Surrender Consent Order as written and issued its
Order as follows:

IT IS HEREBY ORDERED that the above Voluntary Surrender Consent Order is
adopted as shown herein by the South Dakota Board of Nursing this 26th day of
September, 2012, by vote of 7-0.



Gloria Damgaard, Executive Director
South Dakota Board of Nursing