

SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE LICENSURE :
PROCEEDINGS :
RE: JAY A. ERICKSON, R.N. : **VOLUNTARY SURRENDER**
 : **CONSENT ORDER**
 :
License No. R-033909, :
 :
Licensee. :

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WHEREAS, Jay A. Erickson, R.N. (“Licensee”), is licensed to practice as a registered nurse in the State of South Dakota and holds License number R-033909; and

WHEREAS, on February 26, 2010, the South Dakota Board of Nursing (“Board”) issued an Order of Summary Suspension against said Licensee pursuant to SDCL § 1-26-29. A hearing on the Order of Summary Suspension was held on April 21, 2010, with an Order of Revocation entered on October 20, 2010. An Appeal followed with an Order for Remand issued on June 10, 2011, and Notice of Entry of Order entered on August 15, 2011. A hearing on remand of the Order of Summary Suspension was scheduled and continued on two occasions. The Licensee agrees to enter into a Voluntary Surrender Consent Order in order to resolve further controversy in regards to the contested case hearing; 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 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,

ITS 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. On February 26, 2010, the Board issued an Order of Summary Suspension against said Licensee pursuant to SDCL § 1-26-29. A hearing on the Order of Summary Suspension was held on April 21, 2010, with an Order of Revocation entered on October 20, 2010. An Appeal followed with an Order for Remand issued on June 10, 2011, and Notice of Entry of Order entered on August 15, 2011. A hearing on remand of the Order of Summary Suspension was scheduled and continued on two occasions. The Licensee agrees to enter into a Voluntary Surrender Consent Order in order to resolve further controversy in regards to the contested case hearing.

Licensee has agreed that he would surrender his South Dakota nursing license and 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 his attorney, Shiloh M. MacNally of Gunderson, Palmer, Nelson & Ashmore, LLP, 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 his designee may present this Voluntary Surrender Consent Order to the Board and disclose to the Board all items of his 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 pursuant to SDCL § 39-6-57.

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

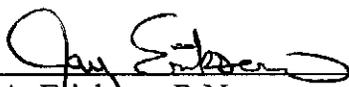
8. That it is further stipulated and agreed that this Voluntary Surrender Consent Order is being entered into voluntarily by the Licensee and without threats or coercion and is entered into after the Licensee has been given ample opportunity to consider these matters and to discuss this Voluntary Surrender Consent Order with his attorney, Shiloh M. MacNally, 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.

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.

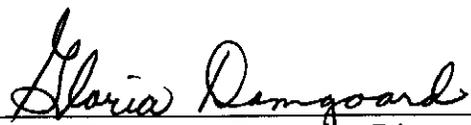
Dated this 27th day of February, 2012.



Jay A. Erickson, R.N.

The South Dakota Board of Nursing meeting on the 21st day of February, 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 21st day of February, 2012, by vote of 7-0.



Gloria Damgaard, Executive Director
South Dakota Board of Nursing