

SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE  
LICENSURE PROCEEDINGS

VOLUNTARY SURRENDER  
CONSENT ORDER

RE: WAYNE LLOYD, R.N.,  
Licensee.

\* \* \* \* \*

WHEREAS, Wayne Lloyd, R.N. ("Licensee"), is licensed to practice as a registered nurse in the State of South Dakota; and

WHEREAS, allegations have been made that the said Licensee, during his term of employment at McKennan Hospital, Sioux Falls, South Dakota, has engaged in conduct in violation of SDCL § 36-9-49(2), (7), (10) and (12), in that he has been charged with the offense of rape which would be a felony under South Dakota law, and, if true, such conduct would be inconsistent with the health or safety of the persons entrusted to his care, unprofessional and violates the statutes and rules regulating the practice of nursing, and the Licensee, pending investigation, has agreed to voluntarily surrender his nursing license until the outcome of the criminal proceedings is known and the investigation is completed; and

WHEREAS, the South Dakota Board of Nursing has the statutory obligation to protect the public health, safety and welfare as set forth in SDCL § 36-9, including the protection of the public from unsafe nursing practitioners and practices; and

WHEREAS, the parties hereto desire to resolve the issues presented by this action, without the necessity of further hearings and proceedings herein, and to provide for a responsible solution thereto; and

WHEREAS, the Licensee agrees that this agreement is entered into by him voluntarily, in full understanding of the legal consequences of this document, and of his rights, which he hereby waives in the signing of this agreement; and

WHEREAS, SDCL § 36-9-57 provides that any suspended license may be reissued at the discretion of the South Dakota Board of Nursing, upon a finding of good cause. Licensee may make application for a reissuance of the said license upon compliance with the conditions set forth by the Board for reissuance. Nothing in this Stipulation shall be deemed to be an agreement as to the action the Board may or may not take with respect to any subsequent request for reissuance of the said license.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED as follows:

1. That the Licensee waives all procedural requirements of State and Federal constitution, laws, and regulations, including, but not limited to, the procedural requirements of SDCL § 36-9 and 1-26.

2. That the South Dakota Board of Nursing has jurisdiction over the person of the Licensee and the subject matter of this agreement.

3. That this agreement is entered into voluntarily by the Licensee, without duress. The Licensee has had the opportunity to have his attorney review this agreement.

4. That the Licensee's license to practice nursing in South Dakota is voluntarily surrendered pending further investigation of the Licensee's conduct in this matter.

5. Licensee will cooperate in the investigation of the allegations made against him as contemplated by this agreement.

NOW, THEREFORE, the Licensee consents to the entry of the aforesaid terms and conditions and the same are respectfully submitted to the South Dakota Board of Nursing for the purposes of allowing the said terms to become an order of the Board.

Dated this 6<sup>th</sup> day of April, 1994.

Wayne Allen Lloyd  
Wayne Lloyd, Licensee

Marcene J. Smith  
Marcene J. Smith  
P. O. Box 29  
DeSmet, South Dakota 57231  
(605) 854-3378  
Attorney for Licensee

Approved by the South Dakota Board of Nursing this 13<sup>th</sup> day of April, 1994, by a vote of 10-yes, 1-absent.

Diane VanderWoude RN, MS  
Diane Vander Woude, Executive Secretary