

WHEREAS, the Board considered the Licensee's request and reinstated his RN license and placed it on a probationary status for a period of sixty (60) months of active nursing practice as a registered nurse. The Board also mandated the Licensee's continued participation in the HPAP for a period of five (5) years with credit given for time of previous successful participation in the program; and

WHEREAS, on or about July 2015, the Licensee had a positive drug test, indicating a relapse with alcohol. The Licensee was unsuccessfully discharged from HPAP on September 15, 2015; and

WHEREAS, the Licensee has requested to voluntarily surrender his license at this time; 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, Licensee agrees that the matters under investigation would be of a nature that would constitute grounds for the 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 on April 26, 2012, the Board accepted a Voluntary Surrender Consent Order signed by the Licensee on March 19, 2012, arising out of his admitted diversion of hydrocodone.

The Voluntary Surrender Consent Order suspended the Licensee's RN license for an indefinite period subject to a reinstatement request pursuant to SDCL § 36-9-57 as the Board in its discretion may determine.

The Licensee made a reinstatement request in writing dated October 21, 2013, and personally appeared before the Board on November 7, 2013, at which time the matter of Licensee's reinstatement was presented to the Board. The Licensee presented documentation supporting his reinstatement including a physician statement and employer reports. The Board was also provided with an evaluation report from the HPAP dated October 24, 2013.

The Board considered the Licensee's request and reinstated his RN license and placed it on a probationary status for a period of sixty (60) months of active nursing practice as a registered nurse. The Board also mandated the Licensee's continued participation in the HPAP for a period of five (5) years with credit given for time of previous successful participation in the program.

On or about July 2015, the Licensee had a positive drug test indicating a relapse with alcohol. The Licensee was unsuccessfully discharged from HPAP on September 15, 2015.

The Licensee has requested to voluntarily surrender his license at this time 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 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 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 28 day of December, 2015.

T. McClelland RN
Timothy F. McClelland, RN

Voluntary Surrender Consent Order
Licensee: Timothy F. McClelland

The South Dakota Board of Nursing met on the 20th day of November,
2015, and approved the attached Voluntary Surrender Consent Order as written by a vote of 8-
0 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 30th day of
December, 2015


Gloria Damgaard, RN, MS
Executive Director
South Dakota Board of Nursing