

WHEREAS, the South Dakota Board of Nursing (“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 her license to practice nursing in South Dakota under SDCL § 36-9-49; and

WHEREAS, the Licensee agrees that she 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. That Licensee on September 6, 2005, reported to her job as a licensed practical nurse at the Firesteel Health Care Center in Mitchell, South Dakota in an intoxicated state. BPT breathalyzer tests were administered to Licensee by Ronald Gates, Jr., of Avera Queen of Peace Health. Licensee’s blood alcohol level at 15:18 was .130 and at 15:35 was .124. Licensee was reported to the South Dakota Board of Nursing and appeared for an Informal Meeting with the Board of Nursing staff on September 21, 2005, and now intends to leave the profession of nursing as a licensed practical nurse.

3. That Licensee has been given an opportunity to discuss this Voluntary Surrender Consent Order with an attorney of Licensee's choice, and is aware of her right to a hearing in this matter, and of her 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 Secretary 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 Licensee's license to practice nursing in South Dakota 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 her license reinstated for good cause shown.

5. That nothing in this Voluntary Surrender Consent Order should imply that 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 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 Licensee and without threats or

coercion and is entered into after 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 Licensee has a full understanding of the legal consequences of this Voluntary Surrender Consent Order and of 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. 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 11th day of October, 2005.

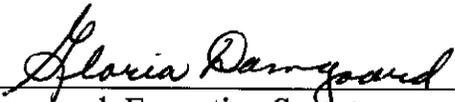
Linda Weber

Linda Weber, LPN -- License No. P003618

The South Dakota Board of Nursing meeting on the 14th day of November, 2005 (approved) (rejected) the attached Voluntary Surrender Consent Order (as written) (with the following modifications):

and issued its Order as follows:

IT IS HEREBY ORDERED that the above Voluntary Surrender Consent
Order is adopted shown herein by the South Dakota Board of Nursing this 14th
day of Nov., 2005, by a vote of 10 - 0.



Gloria Damgaard, Executive Secretary
South Dakota Board of Nursing