



WHEREAS, Licensee has agreed that she would surrender her South Dakota nursing license; and

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 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 her 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 the Licensee, while practicing in the State of Wyoming had been participating in the Wyoming Professional Assistance Program (“WPAP”) for substance abuse. The Licensee has been participating in WPAP since 2002. Licensee did not disclose her participation in WPAP when she renewed her South Dakota nurse’s license on February 6, 2004. Licensee has been noncompliant with

WPAP, which has resulted in Licensee being allowed to inactive her Wyoming license without an option to reinstate. Licensee has recently contacted the South Dakota Health Professionals Assistance Program (“HPAP”) who in turn advised the Licensee to contact the South Dakota Board of Nursing regarding her situation. Licensee now intends to leave the profession of nursing as a practical 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 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 the 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 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. 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 3 day of 13, 2006.

  
Roxie L. Wermers, LPN, Licensee

The South Dakota Board of Nursing meeting on the 19<sup>th</sup> day of April, 2006, (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 19<sup>th</sup> day of April, 2006, by vote of 8-0.

  
Gloria Damgaard, Executive Secretary  
South Dakota Board of Nursing