

SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE	:	
LICENSURE PROCEEDINGS	:	
RE: MITCHELL JENNER, RN, CNP	:	VOLUNTARY SURRENDER
	:	CONSENT ORDER
License Nos. CNP-0033	:	
R-015488	:	
Licensee.	:	

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WHEREAS, Mitchell Jenner, RN, CNP (“Licensee”), is licensed to practice as a registered nurse in the State of South Dakota (License Number R-015488) and also holds a license to practice as a certified nurse practitioner in the State of South Dakota (License No. CNP-0033); and

WHEREAS, on or about February 7, 2005, the South Dakota Board of Nursing and the South Dakota Board of Medical Examiners approved an Order of Probation for Mitchell Jenner, RN, CNP (see Order of Probation on RN/CNP licenses as if incorporated fully herein); and

WHEREAS, on July 29, 2005, Licensee was being held in the Codington County Jail on a conviction for unauthorized possession of a controlled substance; and

WHEREAS, Licensee is currently under investigation by the South Dakota Division of Criminal Investigation for reportedly going to the homes of former patients and diverting their narcotics; and

WHEREAS, the Health Professionals Assistance Program (“HPAP”) has recommended that Licensee enroll into an extended stay treatment program for medical professionals; and

WHEREAS, Licensee has signed a Voluntary Refrain from Practice through HPAP dated July 29, 2005; and

WHEREAS, the Licensee has agreed that he would surrender his South Dakota nursing license as well as his South Dakota CNP 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 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,

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, on July 29, 2005, was being held in the Codington County Jail on a conviction for unauthorized possession of a controlled substance; and

Licensee is currently under investigation by the South Dakota Division of Criminal Investigation for reportedly going to the homes of former patients and diverting their narcotics; and the Health Professionals Assistance Program (“HPAP”) has recommended that Licensee enroll into an extended stay treatment program for medical professionals; and Licensee has signed a Voluntary Refrain from Practice through HPAP dated July 29, 2005, and now intends to leave the profession of nursing as a registered nurse and a certified nurse practitioner.

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 Secretary 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 licenses to practice nursing in South Dakota shall be surrendered and the Board shall suspend said licenses for an indefinite period from the date of this Order. Licensee may apply to have his licenses 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.

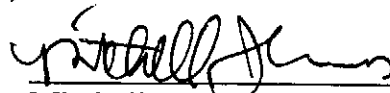
6. That if the Licensee requests reinstatement, Licensee has the burden of presenting information showing that Licensee's licenses should be reinstated.

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 9th day of August, 2005.

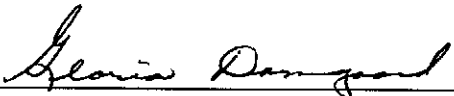


Mitchell Jenner, RN - License R-015488 and
CNP-0033

The South Dakota Board of Nursing meeting on the 15th day of September, 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 15th day of September, 2005, by a vote of 10-0.



Gloria Damgaard, Executive Secretary
South Dakota Board of Nursing

The South Dakota Board of Medical and Osteopathic Examiners meeting on the 15th day of September, 2005, (approved)(rejected) the attached Voluntary Surrender Consent Order (as written) (with the following modifications).

and issued its Order consistent herein as follows:

IT IS HEREBY ORDERED that the above Voluntary Surrender Consent Order is adopted herein by the South Dakota Board of Medical Osteopathic Examiners this 15th day of September, 2005, by a vote of 7-0.

By Margaret B. Hansen
Its Executive Director
SD Board of Medical & Osteopathic Examiners