

**SOUTH DAKOTA BOARD OF NURSING**

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**JUN 07 2004**

**SD BOARD OF NURSING**

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**IN THE MATTER OF THE  
LICENSURE PROCEEDINGS**

**RE: CHERYL LIEN, R.N.**

**License No. R-027805**

**VOLUNTARY  
SURRENDER  
CONSENT ORDER**

**Licensee.**

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WHEREAS, CHERYL LIEN, R.N. ("Licensee"), is licensed to practice as a registered nurse in the State of South Dakota and holds License number R-027805; and

WHEREAS, said Licensee on December 11, 2003, agreed to a voluntary refrain from practice agreement with South Dakota Board of Nursing staff, which were conducting an investigation of licensee, and Licensee signed an agreement with the Health Professionals Assistance Program on January 28, 2004 and began an intensive inpatient treatment program on February 24, 2004; and Licensee relapsed as shown by a positive urine test for alcohol on May 3, 2004 and a charge of driving while intoxicated on May 14, 2004; and

WHEREAS, the South Dakota Board of Nursing 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, if proven, 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 this Agreement is entered into by her voluntarily and

without duress or compulsion, in full understanding of the legal consequences of this document and his rights; now, therefore,

IT IS HEREBY STIPULATED THAT THE BOARD MAY ENTER AN ORDER 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. Licensee on December 11, 2003, agreed to a voluntary refrain from practice agreement with South Dakota Board of Nursing staff, which were conducting an investigation of licensee, and Licensee signed an agreement with the Health Professionals Assistance Program on January 28, 2004 and began an intensive inpatient treatment program on February 24, 2004; and Licensee relapsed as shown by a positive urine test for alcohol on May 3, 2004 and a charge of driving while intoxicated on May 14, 2004.

3. 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 Licensee's right to a hearing in this matter, and all 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 suspended for an indefinite period from the date of this Order. Licensee may apply to have her license

reinstated for good cause shown.

5. Nothing in this Voluntary Surrender Consent Agreement 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. If the Licensee requests reinstatement, Licensee has the burden of presenting information showing that Licensee's license should be reinstated.

7. 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..

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 3rd day of June, 2004.

Cheryl Lien  
CHERYL LIEN, R.N., Licensee

The South Dakota Board of Nursing meeting on the 15<sup>th</sup> day of July, 2004, (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 15<sup>th</sup> day of July, 2004, by vote of 7-yes 0-no.

Gloria Damgaard  
Gloria Damgaard, Executive Secretary