



identity had been discovered when he went to get a new driver's license in Rapid City and showed them his expired Oklahoma driver's license. The Board of Nursing was thereafter advised of said findings and questions were raised as to whether Licensee had provided a legitimate identity when he applied for a license.

WHEREAS, this matter has been reported to the OIG of HHS, Social Security Administration, OIG of Social Security Administration and the South Dakota Public Safety Office; and

WHEREAS, the Licensee, on July 20, 2009, made a request to the Board of Nursing to inactivate his South Dakota Nursing License. In a written statement to the Board dated August 15, 2009, Licensee advised that he was no longer a resident of South Dakota and did not plan to attend a scheduled Informal Meeting. He also advised that he was no longer employed in healthcare in any capacity and had no plans to seek employment in this area in the future; and

WHEREAS, Licensee has agreed that he would surrender his 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 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 the Licensee endorsed his license into South Dakota on or about October 17, 2007, after being initially licensed in the State of Nebraska. Prior to his endorsement, Licensee, on October 1, 2007, accepted employment with the Rapid City Regional Hospital in its Home Health Department. Licensee submitted his resignation to Rapid City Regional Hospital on May 7, 2009. Shortly thereafter, an article appeared in the Rapid City Journal about a man who had disappeared from Oklahoma seven years prior by the name of David Lee Rockey. An article in the Tulsa World website stated that the Oklahoma man for whom authorities had searched since August, 2002, had been found in South Dakota. The Tulsa World website article also provided a picture of Mr. Rockey, which picture showed a marked resemblance to said Licensee. Licensee's dual identity had been discovered when he went to get a new driver's license in Rapid City and showed them his expired Oklahoma driver's license. The Board of Nursing was thereafter advised of said findings and questions were raised as to whether Licensee had

provided a legitimate identity when he applied for a license.

This matter has been reported to the OIG of Health and Human Services, Social Security Administration, OIG of Social Security Administration, and the South Dakota Public Safety Office.

The Licensee, on July 20, 2009, made a request to the Board of Nursing to inactivate his South Dakota Nursing License. In a written statement to the Board dated August 15, 2009, Licensee advised that he was no longer a resident of South Dakota and did not plan to attend a scheduled Informal Meeting. He also advised that he was no longer employed in healthcare in any capacity and had no plans to seek employment in this area in the future, 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. This action is reportable discipline and will be published in the Board's Newsletter and posted on its web site and reported into the HIPDB and NPDB data banks

as required by law.

9. 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 17<sup>th</sup> day of NOVEMBER, 2009.

David Lee Locke  
David Lee Locke, f/k/a David Lee Rocky, R.N., Licensee

The South Dakota Board of Nursing meeting on the 20<sup>th</sup> day of November, 2009, approved the attached Voluntary Surrender Consent Order as written 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 20<sup>th</sup> day of Nov, 2009, by vote of 10-0.

SOUTH DAKOTA BOARD OF NURSING

Gloria Damgaard  
Gloria Damgaard, Executive Director

I certify that this is a true copy of a record on file in the Board of Nursing of the State of South Dakota.

Date 11/30/09  
K. Krausch  
Signature, Authorized Representative