

SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF LICENSURE :
PROCEEDINGS :

RE: MATTHEW L. MARKS, R.N. :
Iowa License No. RN 113198 :
Nurse Licensure Compact Privilege in SD :

**VOLUNTARY
RELINQUISHMENT OF
PRACTICE PRIVILEGE
CONSENT ORDER**

Licensee.

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WHEREAS, Matthew L. Marks, RN (“Licensee”) has been practicing in the State of South Dakota under a practice privilege from the State of Iowa and holds Iowa license number RN-113198; and

WHEREAS, said Licensee beginning November 26, 2007, to approximately April 30, 2008, admittedly diverted controlled substances, including Morphine, Fentanyl, and Infumorph, for his own use from his employer, Sanford Healthcare Center, Sioux Falls, South Dakota; and

WHEREAS, Licensee has agreed to voluntarily relinquish his practice privilege in the State of South Dakota; 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 § 36-9-92 Article V; and

WHEREAS, the Licensee agrees that he enters into this Voluntary Relinquishment of Practice Privilege Consent Order 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 Relinquishment of Practice Privilege Consent Order.
2. That the Licensee, beginning November 26, 2007, to approximately April 30, 2008, admittedly diverted controlled substances, including Morphine, Fentanyl, and Infumorph, for his own use from his employer, Sanford Healthcare Center, Sioux Falls, South Dakota, and now intends to relinquish his practice privilege in the State of South Dakota.
3. That the Licensee has been given an opportunity to discuss this Voluntary Relinquishment of Practice Privilege 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 his designee may present this Voluntary Relinquishment of Practice Privilege 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 privilege to practice nursing in South Dakota pursuant to the Nurse Licensure Compact shall be surrendered and the Board shall suspend said privilege for an indefinite period from the date of this Order.

5. That nothing in this Voluntary Relinquishment of Practice Privilege Consent Order should imply that the Licensee's practice privilege under the Nurse Licensure Compact shall be reinstated. Licensee recognizes that the reinstatement terms, as well as the requirements for reinstatement of that privilege, are at the sole discretion of the Board.

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

7. That it is further stipulated and agreed that this Voluntary Relinquishment of Practice Privilege 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

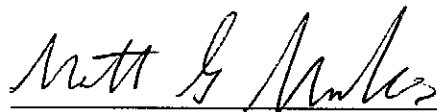
opportunity to consider these matters and to discuss this Voluntary Relinquishment of Practice Privilege Consent Order with an attorney of Licensee's choice and that the Licensee has a full understanding of the legal consequences of this Voluntary Relinquishment of Practice Privilege Consent Order and of the Licensee's rights to a formal hearing on these matters, which rights are hereby waived by the signing of this Voluntary Relinquishment of Practice Privilege Consent Order.

8. This action is reportable discipline and will be reported to the Iowa Board of Nursing and published in the Board's newsletter and posted on it's website 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 Relinquishment of Practice Privilege 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 01 day of September, 2008.

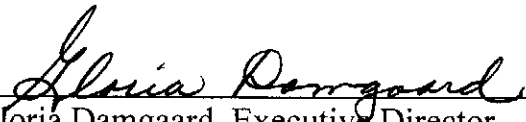


Matthew L. Marks, R.N., Licensee

The South Dakota Board of Nursing meeting on the 10th day of Sept, 2008,
(approved)(rejected) the attached Voluntary Relinquishment of Practice Privilege Consent
Order (as written) (with the following modifications):

and issued its Order as follows:

IT IS HEREBY ORDERED that the above Voluntary Relinquishment of Practice
Privilege Consent Order is adopted shown herein by the South Dakota Board of Nursing
this 10th day of Sept, 2008, by vote of 7^{YAD}
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Gloria Damgaard, Executive Director
South Dakota Board of Nursing