

SOUTH DAKOTA BOARD OF NURSING

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SD BOARD OF NURSING

**IN THE MATTER OF THE
LICENSURE PROCEEDINGS**

RE: JESSICA J. MCMAHON, R.N.

**VOLUNTARY
SURRENDER
CONSENT ORDER**

License No. R-026074

Licensee.

WHEREAS, JESSICA J. MCMAHON, R.N. ("Licensee"), is licensed to practice as a registered nurse in the State of South Dakota and holds License number R-026078; and

WHEREAS, said Licensee on January 20, 2004, advised South Dakota Board of Nursing staff, which were conducting an investigation, that she would surrender her South Dakota nursing license, and Licensee did return her current renewal certificate to the Board; 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 denies the truth of the matters under investigation but 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 January 20, 2004, advised South Dakota Board of Nursing staff, which were conducting an investigation, that she would surrender her South Dakota nursing license, and Licensee did return her current renewal certificate to the Board

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 10 day of February, 2004.



JESSICA J. MCMAHON, R.N., Licensee

The South Dakota Board of Nursing meeting on the 1 day of April, 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 1st day of April, 2004, by vote of 8 yes 1 abstain

Gloria Damgaard
Gloria Damgaard, Executive Secretary