

the Reinstatement: that Licensee shall enroll and participate in the Health Professionals Assistance Program (“HPAP”); that Licensee complete an educational module in ethics; and that Licensee complete a refresher course and any related practicum thereto that was necessary for the completion of the refresher course and demonstrate completion of employment hours related to the refresher course; and

WHEREAS, on or about April, 2004, the Board received a report that Licensee was non-compliant with HPAP, had suffered two relapses of alcohol abuse, missed work, had admitted to his probation officer that he had been drinking, and that Licensee had been required to spend time in jail; and

WHEREAS, on May 6, 2005, at an informal and probationary meeting held between Licensee and Board staff, Licensee admitted having relapses of alcohol use, most recently May 2 and 3, 2005, as well as financial and family problems. Licensee admitted feeling overwhelmed with his work schedule and meetings. He admitted to being depressed and needing to deal with his issues and find balance in his life; 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,

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 and his attorney, Tim Weber, on November 18, 2004, appeared before the South Dakota Board of Nursing on his Application for Reinstatement of his South Dakota RN License. Licensee's Application for Reinstatement contained a positive response for a felony conviction on May 16, 2003, and indicated probationary status of his nursing license in the State of Iowa (License Number 1-08613) and the entry into a Stipulation and Order with the Iowa Board of Nursing, dated and approved on September 8, 2004; and

WHEREAS, after said appearance before the Board, the Board moved to reinstate Licensee's license and allowed the Licensee to enter into a Stipulation and Order of Probation with the Board which mirrored the existing Iowa

Stipulation and Order. In addition, the Board placed the following conditions on the Reinstatement: that Licensee shall enroll and participate in the Health Professionals Assistance Program (“HPAP”); that Licensee complete an educational module in ethics; and that Licensee complete a refresher course and any related practicum thereto that was necessary for the completion of the refresher course and demonstrate completion of employment hours related to the refresher course; and

WHEREAS, on or about April, 2004, the Board received a report that Licensee was non-compliant with HPAP, had suffered two relapses of alcohol abuse, missed work, had admitted to his probation officer that he had been drinking, and that Licensee had been required to spend time in jail; and

WHEREAS, on May 6, 2005, at an informal and probationary meeting held between Licensee and Board staff, Licensee admitted having relapses of alcohol use, most recently May 2 and 3, 2005, as well as financial and family problems. Licensee admitted feeling overwhelmed with his work schedule and meetings. He admitted to being depressed and needing to deal with his issues and find balance in his life. He 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 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 license to practice nursing in South Dakota 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.

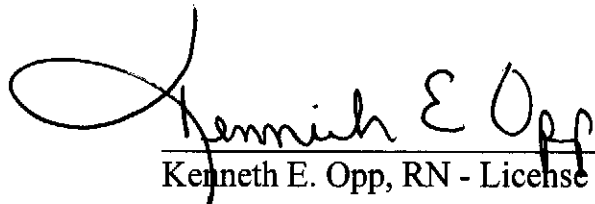
7. That it is further stipulated and agreed that this Voluntary Surrender Consent Order is being entered into voluntarily by the Licensee and without threats or coercion and is entered into after the Licensee has been given ample opportunity to consider these matters and to discuss this Voluntary Surrender 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. 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 26th day of May, 2005.

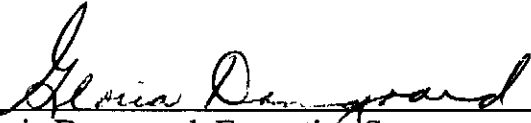


Kenneth E. Opp, RN - License R-012717

The South Dakota Board of Nursing meeting on the 30th day of June, 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 30th day of June, 2005, by a vote of 8-0.



Gloria Damgaard, Executive Secretary
South Dakota Board of Nursing