

STATE OF SOUTH DAKOTA
DEPARTMENT OF COMMERCE AND REGULATION
SOUTH DAKOTA BOARD OF NURSING and the
SOUTH DAKOTA OF MEDICAL & OSTEOPATHIC EXAMINERS

IN THE MATTER OF THE LICENSURE
PROCEEDINGS RE:

REBECCA REED, R.N., C.N.P.

Licensee.

VOLUNTARY SURRENDER
CONSENT ORDER

WHEREAS, Rebecca Reed, C.N.P. and R.N., Licensee, holds an R.N. license number R-025840 and a C.N.P. license number 0191; and

WHEREAS, a Complaint has been filed against Licensee with the South Dakota Board of Nursing and the South Dakota Board of Medical and Osteopathic Examiners (the "Boards"); and

WHEREAS, in the course of investigation of the Complaint, the Boards have been furnished with a controlled drug substance profile from the South Dakota Department of Health which reflects a substantial use of prescribed medications by Licensee for the period of July 21, 1997, to October 1, 1997, which has led the Boards to question whether the Licensee is able to take such a quantity of medications and continue to practice safely and competently, or whether Licensee is chemically dependent such that her continued practice represents a danger to the health or safety of those who may be entrusted to her care; and

WHEREAS, the Licensee has been advised that the Boards will be considering a resolution to demand an examination of Licensee pursuant to SDCL § 36-9A-32 by a competent medical examiner, Dr. Timothy Morgan of Psychiatry Associates, Sioux Falls, South Dakota, at 11:30 a.m. on Friday, October 3, 1997, at the Boards' expense; and

WHEREAS, the Licensee has agreed to said exam and has agreed to voluntarily refrain from the practice under her licenses pending the examination and that if the examination shows that the Licensee's condition is such as to jeopardize or endanger the health of those entrusted to her care, the Licensee's suspension will continue until a formal hearing on the Licensee's licenses, but that if said medical examiner determines that the Licensee's physical or mental condition is not such as to jeopardize or endanger the health of those entrusted to her care, Licensee's suspension will be lifted pending further investigation and final resolution of the Complaint against Licensee; and

WHEREAS, the Boards have a statutory obligation to protect the health, safety and welfare of the public as set forth in SDCL 36-9A; and

WHEREAS, the parties hereto desire to resolve the issues presented without the necessity of a further hearings or proceedings and to provide for a responsible solution; and

WHEREAS, the Licensee agrees that this agreement is entered into voluntarily without threats or coercion and is entered into after the Licensee has been given opportunity to consider these matters and to discuss this matter with an attorney of her choice and that

the Licensee has a full understanding of the legal consequences of this document and of Licensee's rights, which rights are hereby waived by the signing of this agreement; and

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

1. Licensee waives all procedural requirements of the State and Federal Constitution laws and regulations including, but not limited to, the procedural requirements of SDCL 36-9A and 1-26.

2. That the Boards have jurisdiction over the person of Licensee and the subject matter of this agreement.

3. That this agreement is entered into voluntarily by Licensee without duress and that Licensee has had an opportunity to have her attorney review this agreement.

4. That Licensee's licenses as a C.N.P. and R.N. are voluntarily surrendered and the Licensee's license status shall be placed on the status of a surrendered license and suspended as follows:

(1) If Licensee's examination with Dr. Timothy Morgan, scheduled for October 3, 1997, shows that Licensee's condition does not jeopardize or endanger the health of those entrusted to her care as provided in SDCL § 36-9A-32, Licensee's licenses shall be immediately reinstated pending further investigation and a final hearing on this matter.

(2) If the said examination determines that Licensee's physical or mental condition is such as to jeopardize or endanger the health of those entrusted to her care, the Licensee's licenses shall be placed on the status of a surrendered license pending final hearing on this matter.

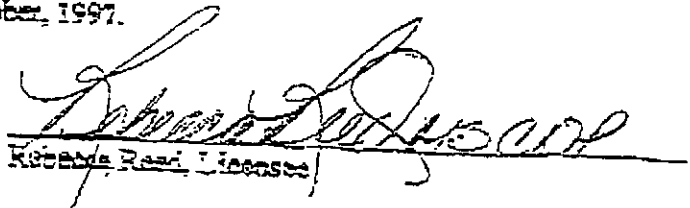
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That the Licensee agrees that the various Boards' staff may present this Voluntary Surrender to the Boards and disclose to the Boards the items of their investigation including, but not limited to, any communications with Licensee.

NOW, THEREFORE, the Licensee consents to the entry of the afore-said terms and conditions and the same are respectfully submitted to the South Dakota Board of Nursing and the South Dakota Board of Medical and Osteopathic Examiners for the purposes of allowing said terms to become an Order of the Boards and the Licensee submits herewith her licenses to be suspended as stated above; and upon the Boards' acceptance, this Order shall be a final order of the Boards.

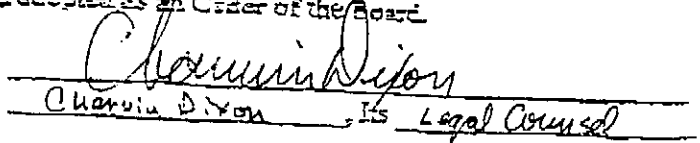
Dated this 2nd day of October, 1997.


Rebecca Reed, Licensee

At a meeting of the South Dakota Board of Nursing on the 2nd day of October, 1997, by a vote of 9-yes; 1-absent the Board approved the above Voluntary Surrender Consent Order and issued its ORDER that the above Voluntary Surrender Consent Order is in all things approved and adopted as an Order of the Board.


Diana VanderWoude, Executive Secretary

The South Dakota Board of Medical and Osteopathic Examiners on the 2nd day of October, 1997, by a vote of 5 to 1, the Board approved the above Voluntary Surrender Consent Order and issued its ORDER that the above Voluntary Surrender Consent Order is in all things approved and adopted as an Order of the Board.


Charvia Dixon, Its Legal Counsel

STATE OF SOUTH DAKOTA
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ORDER

Licensee.

WHEREAS, Rebecca Reed, C.N.P. and R.N., Licensee, holds an R.N. license number R-025840 and a C.N.P. license number 0191; and

WHEREAS, the South Dakota Board of Nursing and the South Dakota Board of Medical and Osteopathic Examiners (the "Boards") have been presented with a Voluntary Surrender Consent Order; and

WHEREAS, the Boards have reviewed this matter and hereby demand that based upon the profile of Licensee for the period of July 21, 1997, through October 1, 1997, hereby demand that the Licensee be examined by Dr. Timothy Morgan of Psychiatry Associates, Sioux Falls, South Dakota, at the Boards' expense, pursuant to SDCL § 36-9A-32. If Licensee fails to submit to this examination, the failure to submit shall constitute immediate grounds for suspension of Licensee's C.N.P. certificate and Licensee's R.N. license; and

WHEREAS, the Boards have jurisdiction over the person of the Licensee and the subject matter of this Order; and

WHEREAS, the Boards agree to the provisions of the Voluntary Surrender Consent Order.

Approved by the SOUTH DAKOTA BOARD OF NURSING
this 2nd day of October, 1997.

By *Diana VanderWoude RN, MS*
Diana Vander Woude, Its Executive Secretary

Approved by the SOUTH DAKOTA BOARD OF MEDICAL
AND OSTEOPATHIC EXAMINERS
this 2nd day of October, 1997.

By *Cherwin Dixon*
Cherwin Dixon, Its Legal Counsel