

drugs and had a relapse of drug use resulting in hospitalization; and

WHEREAS, Licensee has agreed that he would surrender his South Dakota nursing licenses; 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 on or about August 24, 2010, Licensee admitted to the diversion of the drug Fentanyl from his then employer beginning in June 2010. The diversion of Fentanyl was for his own use. Licensee’s actions were reported to the South Dakota Board of Nursing (“Board”) and the Licensee, on August 26, 2010, submitted his license renewal certificate to the Board and signed a Voluntary Refrain from Practice Statement, thus

agreeing to refrain from nursing practice pending investigation.

On or about September 11-12, 2010, Licensee obtained drugs and had a relapse of his drug use. Licensee was hospitalized after this relapse. On November 15, 2010, Licensee voluntarily entered into the Health Professionals Assistance Program (“HPAP”) to address his current situation. On or about February 8, 2011, Licensee again obtained drugs and had a relapse of drug use resulting in hospitalization; and now intends to leave the profession of nursing as a Registered Nurse and a Registered Nurse Anesthetist.

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 licenses 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 licenses for an indefinite period from the date of this Order. Licensee may apply to have his licenses 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(s) 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 website and reported into the Healthcare Integrity and Protection Data Bank (HIPDB) and National Practitioner Data Bank (NPDB) 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 16 day of FEBRUARY, 2011.



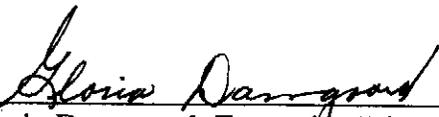
Samuel J. Reis, RN, CRNA, Licensee

The South Dakota Board of Nursing meeting on the 1st day of April, 2011, (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, 2011, by vote of 8-0.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, Executive Director