

and by Pine Lane Estates of Yankton, South Dakota on February 28, 2008. Licensee also tested positive for marijuana on an employer's random drug screen on January 23, 2008. Licensee has also had numerous complaints made by his work site monitors regarding practice issues. On February 23, 2008, the Licensee signed a Stipulation surrendering his California Registered Nursing License with said Stipulation Surrender of License and Order accepted by the Board of Registered Nursing Department of Consumer Affairs State of California on May 28, 2008; and

WHEREAS, Licensee has now agreed that he would surrender his South Dakota nursing license; 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 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, on June 21, 2007, participated in a due process hearing before the South Dakota Board of Nursing ("Board") on the Board's Summary Suspension of Licensee's RN license. Licensee did appear by and through his attorney Douglas R. Kettering. On July 16, 2007, the Board entered its Findings of Fact, Conclusions of Law following the due process hearing. The Board rendered its Order of Reinstatement with Probation for Licensee. (See Board's Findings of Facts, Conclusions of Law and Order of Reinstatement as is set forth fully herein).

Since the Order of Reinstatement with Probation, the South Dakota Board of Nursing has been monitoring Licensee's probation. Since the probation order, the Licensee has been terminated by two employers, Tristate Nursing on September 24, 2007, and by Pine Lane Estates of Yankton, South Dakota on February 28, 2008. Licensee also tested positive for marijuana on an employer's random drug screen on January 23, 2008. Licensee has also had numerous complaints made by his work site monitors regarding practice issues. On February 23, 2008, the Licensee signed a Stipulation surrendering his California Registered Nursing License with said Stipulation Surrender of License and Order accepted by the Board of Registered Nursing Department of Consumer Affairs

State of California on May 28, 2008. Licensee 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 Director 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 and his privilege to practice nursing pursuant to the Nurse Licensure Compact 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. This action is reportable discipline and will be published in the Boards News Letter and posted on it's web site 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 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 22 day of August, 2008.

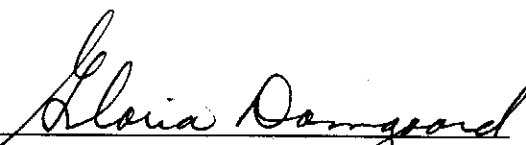


Eugene D. Sarha, R.N., Licensee

The South Dakota Board of Nursing meeting on the 9th day of Sept., 2008,
(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 9 day of Sept.,
2008, by vote of 8-0.



Gloria Damgaard, Executive Director
South Dakota Board of Nursing