

SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE LICENSURE :
PROCEEDINGS :

RE: DONNA VOETBERG, R.N. :

**ORDER OF
SUMMARY SUSPENSION AND
NOTICE OF HEARING**

License No. R-025010, :

Licensee. :

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WHEREAS, Donna Voetberg, R.N., (“Licensee”), is licensed to practice as a registered nurse in the State of South Dakota and holds license number R-025010; and

WHEREAS, on or about July 16, 2007, the South Dakota Board of Nursing (“Board”) received a newspaper article from the Worthington Minnesota Daily Globe from an anonymous complainant. The article indicated that the Licensee had been arrested and charged with several counts of felony theft and fifth degree possession of controlled substances that she obtained from the pharmacy department of her employer, Worthington Regional Hospital.

That on or about August 22, 2007, an Informal Meeting was held with the Licensee at the Board office in Sioux Falls, South Dakota. Said minutes of the Informal Meeting are hereby incorporated as if fully set forth herein

At the meeting, Licensee denied taking the medication for self use or sale. She went on to explain her rational for having possession of multiple prescription narcotics in that she was responsible to fill prescriptions after hours and would stock them up for the

weekend as the emergency room was busy. She also explained that she did take them home and labeled them. Drugs were also found in her car.

Licensee also admitted that she still suffers from panic and anxiety and that she did have a chemical dependency evaluation after a DUI in September, 2006.

On or about September 10, 2007, Licensee was contacted regarding the Disciplinary Committee's recommendation that at this time she voluntarily surrender her license. The Licensee indicated that it "sounded like something I should do". Licensee also advised she was to appear before the Minnesota Board of Nursing on September 14, 2007.

On September 14, 2007, the Licensee signed a Stipulation to Cease Practicing Nursing in the State of Minnesota. Thereafter the South Dakota Board of Nursing forwarded a Voluntary Surrender Consent Order to the Licensee. As of this date, Licensee has not submitted her signed Voluntary Surrender Consent Order.

WHEREAS, based upon the affidavit of Andrew Albers and the above stated conduct, the Board has concluded that the public health, safety and welfare requires emergency action, in that Licensee's actions may endanger the health and safety of those who are, or will be, entrusted to her care in the future; and

WHEREAS, the Board, has a statutory obligation to protect the health, safety and welfare set forth in SDCL §36-9, including the protection of the public from unsafe nursing practices and practitioners.

NOW THEREFORE IT IS HEREBY ORDERED:

1. That the Board has jurisdiction of the Licensee and the subject matter of this Order.
2. That based on the above, the Board specifically finds that the public health, safety and welfare require emergency action against Licensee's license.
3. That based on the above, the Board specifically finds that the Licensee's actions endanger the public health, safety and welfare, and imperatively requires emergency action in that Licensee may endanger the health and safety of those persons who are or will be entrusted to her care in the future and that these are matters of a nature that would constitute further grounds for discipline of her license to practice nursing under SDCL § 36-9-49.
4. Based upon these findings, Licensee's license to practice nursing in South Dakota is hereby summarily suspended. Licensee may petition according to SDCL § 36-9-57 for reinstatement of her license at any time for "good cause". This Order also affects licensee's privilege to practice in South Dakota. Should licensee change her home state under the Nurse Licensure Compact, then licensee's practice privilege is subject to the same requirements as set forth in this order as her South Dakota license.
5. That Licensee shall turn in her license to the Board within ten (10) days from the date of this Order and it shall be kept by the Board until further action on this matter.

6. Licensee is hereby notified that any practice of or holding herself out as a Registered nurse during the terms of this Order of Summary Suspension is a violation of SDCL § 36-9-68.

The South Board of Nursing at its meeting on the 2nd day of November, 2007, approved this Order of Summary Suspension as written without modifications and issues its Order of Summary Suspension consistent herein as follows:

IT IS HEREBY ORDERED that the above is adopted as an Order of the South Dakota Board of Nursing this 2nd day of November, 2007, by a vote of

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SOUTH DAKOTA BOARD OF NURSING


Gloria Damgaard, Executive Director

NOTICE OF HEARING

The South Dakota Board of Nursing (“Board”) pursuant to SDCL §§ 1-26-16, 1-26-27, and 1-26-29, hereby provides this Notice of Hearing to Donna Voetber, RN, License No. R-025010 (“Licensee”) as follows:

1. Hearing on the Order of Summary Suspension will take place before the Board on January 30th, 2008, at 11:00 o’clock a.m. at 4305 S. Louise Avenue, Suite 201 in Sioux Falls, South Dakota.

2. This matter is an adversarial proceeding and Licensee has the right to be present at the hearing and to be represented by an attorney. These due process rights will be forfeited if they are not exercised at the hearing.

3. Licensee has a right to request that the agency use the Office of Hearing Examiners for this proceeding by giving notice of the request to the Board no later than ten (10) days after the service of this Notice of Hearing on Order of Summary Suspension.

4. A decision issued by the Board after the hearing may be appealed to the circuit court and to the state Supreme Court as provided by law.

Dated this 13th day of November, 2007.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, Executive Director