

SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF LICENSURE :
PROCEEDINGS :

RE: DONNA VOETBERG, R.N. : **FINDINGS OF FACT,**
 : **CONCLUSIONS OF LAW AND**
 : **ORDER OF SUSPENSION**
 License No. R025010, :
 :
 Licensee. :
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The South Dakota Board of Nursing’s (“Board”) hearing on the Summary Suspension of the license of Donna Voetberg, R.N., license number R025010 (“Licensee”), came on for hearing before the South Dakota Board of Nursing at its office in Sioux Falls, South Dakota, on April 10, 2008, at 10:00 a.m. Licensee, Donna Voetberg, having received the Amended Notice of Hearing dated November 29, 2007, and having been given the opportunity to confront Board witnesses and to present evidence on her behalf, did not appear in person or by an attorney. The Board appeared by and through its attorney, Kristine Kreiter O’Connell.

The Board considered the evidentiary testimony of Andrew Albers, Board of Nursing Program Specialist/Investigator. The Board also considered the Board of Nursing’s Exhibits numbered 1 and 2 entered into evidence, the affidavit and other documents on file in this case, and being charged with a statutory obligation to protect the

public health, safety, and welfare as set forth in SDCL § 36-9, including the protection of the public from unsafe nursing practices and practitioners, the Board hereby makes the following:

FINDINGS OF FACT

1. That Donna Voetberg, RN, is licensed to practice as a registered nurse in the State of South Dakota and holds license number R025010.

2. That on June 8, 2007, the Licensee was arrested and was charged with felony theft and fifth degree possession of controlled substances that she had obtained from the pharmacy department of her employer, Worthington Regional Hospital, Worthington, Minnesota.

3. Licensee had been working as a registered nurse in the role of administrative supervisor for the Worthington Regional Hospital, a position that she had held since March 12, 2007.

4. Licensee was in 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.

5. That the Licensee did have possession of these medications in her work bag and these drugs were also found in her car.

6. On September 14, 2007, the Licensee signed a Stipulation to Cease Practicing Nursing with the Minnesota Board of Nursing, a State in which she also holds

a nursing license.

7. Criminal charges are currently pending against the Licensee.
8. The trial on Licensee's criminal charges is scheduled for June 11-12, 2008, in Nobels County, Minnesota.
9. Licensee's ability to practice nursing with reasonable skill and safety is unknown at this time.
10. Licensee has had admitted issues of panic and anxiety during her nursing career.

From the following Findings of Fact, the Board draws the following:

CONCLUSIONS OF LAW

1. The South Dakota Board of Nursing has jurisdiction and authority over this matter pursuant to SDCL §§ 36-9-1.1 and 36-9-49.
2. That Licensee's conduct as identified in the Findings of Fact are inconsistent with the health and safety of persons entrusted to her care and violates the statutes, rules and regulations regarding the practice of nursing and are in violation of SDCL § 36-9-49(5), (7), and (10).

THEREFORE, let an order be entered accordingly:

ORDER

Based on the Findings of Fact and Conclusions of Law, the South Dakota Board of Nursing hereby orders:

1. That the Licensee's license to practice as a registered nurse in the State of South Dakota is hereby indefinitely suspended.
2. That the Licensee may petition according to SDCL § 36-9-57 for reinstatement of her license at any time for "good cause".
3. That the Licensee shall turn in her license to the Board of Nursing within ten (10) days of this order.
4. That the Licensee is hereby notified that any practice as, or holding herself out as, a registered nurse during the terms of this suspension is in violation of SDCL § 36-9-69.

Dated this 10th day of April, 2008.

SOUTH DAKOTA BOARD OF NURSING

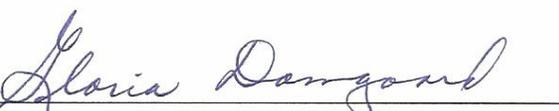


Gloria Damgaard, Executive Director

The above Findings of Fact, Conclusion of Law, and Order of Suspension were adopted by the South Dakota Board of Nursing on this 10th day of April, 2008, by a vote of 10-0.

Dated this 10th day of April, 2008.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, Executive Director