

WHEREAS, it is the intent of this agreement to provide for a disposition of the licensing issues presented by the Licensee's conduct, in a professional manner, without the necessity of further hearings and proceedings herein, and to provide for a responsible resolution;

NOW, 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 Order.
2. The Board asserts and Licensee admits that she failed to renew her license and that Licensee worked on a lapsed license for 4.75 months.
3. The Licensee recognizes that this matter is of a nature that would constitute grounds for discipline of her license to practice as a practical nurse in the State of South Dakota under SDCL § 36-9-49(9).
4. That the Licensee understands that she has a right to a contested hearing case pursuant to SDCL Ch. 1-26 regarding this matter and that such rights under SDCL Ch. 1-26 include, but are not limited to, the right to be present at the contested case hearing, the right to be represented by legal counsel, to introduce evidence and testimony on her behalf, to call witnesses, to cross examine witnesses, and to inspect all documentary evidence submitted to the Board and to appeal the Board's decision to the circuit court and state Supreme Court as provided by law.
5. By entering into this agreed-upon disposition with the Board, the Licensee hereby knowingly and voluntarily waives the above rights.

Agreed Upon Disposition for Letter of Reprimand and Waiver of Hearing
Licensee: Charnette Mitchell, LPN

6. The Licensee has been given the opportunity to discuss this agreed-upon disposition with an attorney of Licensee's choice and is aware of her rights as outlined above. Licensee hereby voluntarily waives all such rights to a hearing, notice, appearance, or other rights. Licensee is entering into this agreed-upon disposition voluntarily and without duress or compulsion.

Based upon the foregoing acknowledgements, the Board and the Licensee hereby agree that this matter will be resolved according to the disciplinary procedures outlined in ARSD 20:48:08, by the issuance of this Letter of Reprimand.

This is final action and is reportable discipline which will be published in the Board's newsletter, posted on its website, and reported into the National Practitioner Data Bank (NPDB) as required by law. As this is a reportable discipline, Licensee is required to provide an affirmative response to inquiries of disciplinary action on further renewals and other nursing related inquiries.

NOW, THEREFORE, the foregoing Agreed Upon Disposition for Letter of Reprimand and Waiver of Hearing 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 17th day of May, 2017.


Charnette Mitchell, LPN

Agreed Upon Disposition for Letter of Reprimand and Waiver of Hearing
Licensee: Charmette Mitchell, LPN

The South Dakota Board of Nursing met on the 20th day of April, 2017, and moved to issue a Letter of Reprimand by a vote of 9-0 and now issues its Order as follows:

IT IS HEREBY ORDERED that the above Agreed Upon Disposition for Letter of Reprimand and Waiver of Hearing is adopted as shown herein by the South Dakota Board of Nursing this 22nd day of May, 2017.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, RN, MS
Executive Director