

WHEREAS, Licensee agrees that the matters under investigation would be of a nature that would constitute grounds for the discipline of his privilege to practice nursing in South Dakota under SDCL § 36-9-98; and

WHEREAS, the Licensee agrees that he enters into this Voluntary Surrender of Privilege to Practice in South Dakota 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 of Privilege to Practice in South Dakota.
2. That on or about January 18, 2017, the Board received a complaint that Licensee, while working as a traveling nurse in Chamberlain, was being investigated for alleged diversion. Licensee did not admit to this instance of diversion, but did admit to diverting while working in the State of Kentucky and that he failed to disclose this to his employer or to the facility in South Dakota where he was working as traveling staff.

Licensee has agreed that he would surrender his privilege to practice in the State of South Dakota.

3. That the Licensee has been given an opportunity to discuss this Voluntary Surrender of Privilege to Practice in South Dakota 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 of Privilege to Practice in South Dakota 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 privilege to practice nursing in South Dakota shall be surrendered and the Board shall suspend said privilege for an indefinite period from the date of this Order. Licensee may apply to have his privilege reinstated for good cause shown.

5. That nothing in this Voluntary Surrender of Privilege to Practice in South Dakota 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 privilege should be reinstated.

7. That it is further stipulated and agreed that this Voluntary Surrender of Privilege to Practice in South Dakota 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 of Privilege to Practice in South Dakota with an attorney of Licensee's choice and that the Licensee has a full understanding of the legal consequences of this Voluntary Surrender of Privilege to Practice in South Dakota 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 of Privilege to Practice in South Dakota.

8. Licensee understands that during the period of this Voluntary Surrender that he is ineligible to work in any nursing role in the State of South Dakota, including that of a nurse aide, nurse assistant, or medication assistant/aide.

9. This action is reportable discipline and will be published in the Board's newsletter and posted on its web site and reported into the National Practitioner Data Bank (NPDB) as required by law.

10. That the Licensee, pursuant to SDCL § 36-9-98 acknowledges that while the remote state (South Dakota) may take adverse action affecting Licensee's privilege to practice within that state, that his home state of Virginia shall have the power to impose adverse action against the license issued by the home state (Virginia).

11. That the Board may enter an Order consistent with the terms of this Stipulation.

NOW, THEREFORE, the foregoing Voluntary Surrender of Privilege to Practice in South Dakota 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 25 day of Jan, 2017.



Jody Moore, RN

Voluntary Surrender of Privilege to Practice in South Dakota
Licensee: Jody Moore, RN

The South Dakota Board of Nursing met on the 17th day of February, 2017, and approved the above Voluntary Surrender of Privilege to Practice in South Dakota as written by a vote of 10-0 and issued its Order as follows:

IT IS HEREBY ORDERED that the above Voluntary Surrender of Privilege to Practice in South Dakota is adopted as shown herein by the South Dakota Board of Nursing this 22nd day of February, 2017.



Gloria Damgaard, RN, MS
Executive Director
South Dakota Board of Nursing