

SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE LICENSURE
PROCEEDINGS

RE: SPENCER SEIBERT, RN

License No. R02335

Licensee.

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**AGREED UPON DISPOSITION FOR
LETTER OF REPRIMAND AND
WAIVER OF HEARING**

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WHEREAS, Spencer Seibert, RN (“Licensee”), is licensed to practice as a registered nurse in the State of South Dakota and holds License number R02335; and

WHEREAS, the South Dakota Board of Nursing (“Board”) met in Sioux Falls, South Dakota, for its regular meeting on September 21, 2017. At that meeting, the Board was advised of Licensee’s failure to renew his license and that Licensee had been working on a lapsed license for a period of 5.7 months; and

WHEREAS, based on the information provided to the Board, the Board has determined that Licensee’s conduct is in violation of its policy as well as SDCL § 36-9-49(9) in that Licensee engaged in the practice of nursing during a time when his license was lapsed.

WHEREAS, the Board has a statutory obligation to protect the public health, safety and welfare as set forth in SDCL § 36-9-1.1, including the protection of the public from unsafe nursing practices; and

WHEREAS, the Licensee and the Board have agreed to resolve this complaint in the manner set forth in this agreed-upon disposition and waiver of hearing pursuant to ARSD 20:48:08:12; and

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 the Licensee admits that he failed to renew his license and that Licensee worked on a lapsed license for a period of 5.7 months.
3. The Licensee recognizes that this matter is of a nature that would constitute grounds for discipline of his license to practice as a registered nurse in the State of South Dakota under SDCL § 36-9-49(9).
4. That the Licensee understands that he 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 his 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.


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 his 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 6 day of Oct, 2017.

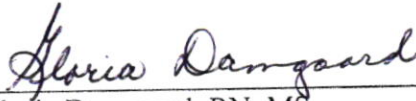

Spencer Seibert, RN

Agreed Upon Disposition for Letter of Reprimand and Waiver of Hearing
Licensee: Spencer Seibert, RN

The South Dakota Board of Nursing met on the 21st day of September, 2017, and moved to issue a Letter of Reprimand by a vote of 7-0 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 6th day of October, 2017.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, RN, MS
Executive Director