

SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE  
LICENSURE PROCEEDINGS

**CORRECTED\***

RE: MICHAEL J. WEBER, R.N.  
License No. R-027731

STIPULATION AND ORDER

Licensee.

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WHEREAS, MICHAEL J. WEBER, R.N., ("Licensee"), is licensed to practice nursing as a registered nurse in the State of South Dakota and holds License number R-027731; and

WHEREAS, said Licensee, during the term of his licensure while employed at Belle Fouche Health Care Center, Belle Fouche, South Dakota, admitted that he reported to work with a blood alcohol content later measured at .157; and

WHEREAS, in connection with said actions, Licensee has admitted that such conduct would constitute grounds for disciplinary or corrective action under SDCL § 36-9-49(5), (7) <sup>and</sup> (10) ~~and (11)~~, and may be inconsistent with the health or safety of the persons entrusted to his care, and violates the statutes, rules and regulations of the practice of nursing, and is a violation of SDCL § 36-9-49(5), (7) <sup>and</sup> (10) ~~and (11)~~; and

WHEREAS, the Licensee recognizes and agrees that these matters are of a nature which would constitute grounds for the discipline of his license to practice nursing in South Dakota under SDCL § 36-9-49; and

WHEREAS, the South Dakota Board of Nursing (hereinafter "the Board") has a statutory obligation to protect the public health,

\*Corrected to reflect typographical error of improper Code reference.

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safety and welfare set forth in SDCL § 36-9, including the protection of the public from unsafe nursing practices and practitioners; and

WHEREAS, in the event the Board, in its discretion, does not approve this settlement or a lesser remedy than indicated in this settlement, this Stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced by either party. Licensee agrees that if the Board rejects this Stipulation and this case proceeds to hearing, Licensee will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation or any of the records or information relating hereto; now, therefore,

IT IS HEREBY STIPULATED THAT THE BOARD MAY ENTER ITS ORDER AS FOLLOWS:

1. That the Board has jurisdiction over the person of the Licensee and the subject matter of this Stipulation.

2. That said Licensee, during the term of his licensure while employed at Belle Fouché Health Care Center, Belle Fouché, South Dakota, admitted that he reported to work with a blood alcohol content later measured at .157 G/DL; and Licensee has admitted that such conduct would constitute grounds for disciplinary or corrective action under SDCL § 36-9-49(5), (7), (10) and (11), and may be inconsistent with the health or safety of the persons entrusted to his care, and violates the statutes, rules and regulations of the practice of nursing, and is a violation of SDCL § 36-9-49(5), (7), (10) and (11); and the Licensee recognizes and

agrees that these matters are of a nature which would constitute grounds for the discipline of his license to practice nursing in South Dakota under SDCL § 36-9-49.

3. The Licensee has been given an opportunity to discuss this Stipulation and Order with an attorney of Licensee's choice, and is aware of Licensee's right to a hearing in this matter, and all 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 is entering into this Stipulation and Order voluntarily and without duress or compulsion. Licensee also agrees that the Board's Executive Secretary or his designee may present this Stipulation to the Board and disclose to the Board all items of his investigation, including, but not limited to, any communications with Licensee.

4. That the Licensee's license to practice nursing in South Dakota is placed on a probationary status for a period of two (2) years as active practice as a nurse in the employment in the nursing practice from the date of this Order being approved by the Board, which probationary terms and conditions shall be completely followed by the Licensee as follows:

C O N D I T I O N S:

1. Licensee will notify the Board of any employment in the healthcare field, including changes in employment. Furthermore, the Licensee will inform any current or prospective employer with whom he seeks employment as a nurse, as to the subject matter and the nature of the proceedings and the Stipulation, and would further agree that any such employer