SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE LICENSURE PROCEEDINGS	:	
RE: Seth Barck, RN,	:	**CONSENT TO VOLUNTARILY SURRENDER LICENSE**
License No. R045151,	:	
Licensee.	:	

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WHEREAS, Seth Barck ("Licensee"), holds a license to practice as a registered nurse in the State of South Dakota under license number R045151;

WHEREAS, the Board previously issued an Order for Mandated Participation in Health Professional Assistance Program (HPAP) for Licensee on February 9, 2015; and

WHEREAS, the Health Professionals Assistance Program (HPAP) issued an unsuccessful discharge to Licensee for his failure to cooperate or comply with his individualized participant agreement and thereafter notified the Board of Licensee's unsuccessful discharge on July 22, 2021, pursuant to SDCL 36-2A-11;

WHEREAS, Licensee agrees that his unsuccessful discharged from HPAP may be of a nature that would constitute grounds for the discipline of Licensee's license to practice nursing in South Dakota under SDCL § 36-9-49;

WHEREAS, Licensee agrees, without the need for the Board to complete an investigation and consider the complaint further, to voluntarily surrender Licensee's South Dakota nursing license, thereby avoiding the Board's need to take any further action on the complaint;

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 unprofessional nursing practices and practitioners;

WHEREAS, Licensee and the Board have each expressed a desire to resolve this matter without the necessity of additional formal disciplinary proceedings and hearings and have therefore agreed to resolve this complaint in the manner set forth in this consent order pursuant to SDCL § 36-1C-6; 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.

THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

1. The Board has jurisdiction over the person of the Licensee and the subject matter of this Consent to Voluntarily Surrender License.

2. Licensee agrees to voluntarily surrender Licensee's South Dakota nursing license immediately upon Licensee signing this Consent to Voluntarily Surrender License.

3. Licensee understands that Licensee has a right to a contested hearing 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 a contested hearing before the Board, the right to be present at the contested case hearing, the right to be represented by legal counsel, the right to introduce evidence and testimony on Licensee's behalf, call witnesses, cross-examine witnesses, and inspect all documentary evidence submitted to the Board, and the right to appeal the Board's decision to the South Dakota Circuit Court and Supreme Court, as provided by law.

4. By voluntarily surrendering Licensee's License and entering into this Consent to Voluntarily Surrender License with the Board, the Licensee hereby knowingly and voluntarily waives the above rights and agrees that this matter will be resolved according to the disciplinary procedures outlined in SDCL § 36-1C-6, through an agreed upon issuance of a Voluntary Surrender Consent Order.

5. Licensee agrees and stipulates that this Consent to Voluntarily Surrender License 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 Consent to Voluntarily Surrender License with an attorney of Licensee's choice and that the Licensee has a full understanding of the legal consequences of this Consent to Voluntarily Surrender License, which rights are hereby waived by the signing of this Consent to Voluntarily Surrender License.

6. Licensee agrees and requests that the Board's Executive Director or designee will present this Consent to Voluntarily Surrender License to the Board for approval and adoption.

7. With this Consent to Voluntarily Surrender License, Licensee understands that Licensee's license to practice nursing in South Dakota and any privilege to practice nursing pursuant to the Nurse Licensure Compact shall be surrendered and the Board shall suspend said license for an indefinite period from the date of this Order. Licensee may apply to have Licensee's license reinstated for good cause shown.

8. Nothing in the Board's Voluntary Surrender Consent Order or this Consent to Voluntarily Surrender License should or does imply that the Licensee will be reinstated.

Licensee recognizes that the reinstatement terms, as well as the requirements for reinstatement, are at the sole discretion of the Board.

9. If Licensee requests reinstatement, Licensee has the burden under SDCL § 36-9-57 to present information showing that good cause exists for the Board to exercise its discretion to reinstate Licensee's license.

10. Licensee understands that this action is reportable discipline and will be published in the Board's newsletter and posted on its website and reported into the National Practitioner Data Bank (NPDB) as required by law.

NOW, THEREFORE, the foregoing Consent to Voluntarily Surrender License 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 this matter.

Dated this 29 day of July, 2021.

Seth Barck, Licensee

SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE LICENSURE PROCEEDINGS	:	
RE: SETH BARCK, RN,	:	**VOLUNTARY SURRENDER CONSENT ORDER**
License No. R045151,	:	
Licensee.	:	

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The South Dakota Board of Nursing met on the 11th day of August 2021, and approved Licensee's Consent to Voluntarily Surrender License as written by a vote of 9 to 0 and issues its Voluntary Surrender Consent Order as follows:

IT IS HEREBY ORDERED that the South Dakota Board of Nursing accepts, adopts, and incorporates Licensee's Consent to Voluntarily Surrender License into this Voluntary Surrender Consent Order by reference, the same as if all such terms were set forth herein.

Dated this 11th day of August 2021.

SOUTH DAKOTA BOARD OF NURSING

Linda Young

Linda Young, RN, MS, FRE
Executive Director