



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 ARSD 20:48:08:12(3); 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 Privilege to Practice in South Dakota.
2. Licensee agrees to voluntarily surrender Licensee's privilege to practice in South Dakota immediately upon Licensee signing this Consent to Voluntarily Surrender.
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 practice privilege in South Dakota and entering into this Consent to Voluntarily Surrender 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 ARSD 20:48:08:12(3), through an agreed upon issuance of a Voluntary Surrender Consent Order.

5. Licensee agrees and stipulates that this Consent to Voluntarily Surrender 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 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, which rights are hereby waived by the signing of this Consent to Voluntarily Surrender.

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

7. With this Consent to Voluntarily Surrender, Licensee understands that Licensee's privilege to practice nursing in South Dakota shall be surrendered.

8. 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 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 12<sup>th</sup> day of August, 2019.

  
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Alexander Brown, Licensee

