

SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE LICENSURE
PROCEEDINGS

RE: SPENCER JAY SEIBERT, RN

License No. R032335

Licensee.

**ORDER OF REINSTATEMENT
WITH MANDATED HPAP**

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WHEREAS, Spencer Jay Seibert, RN, (“Licensee”), is licensed to practice as a registered nurse in the State of South Dakota and holds license number R032335; and

WHEREAS, on or about August 19, 2012, the Licensee self-reported to the South Dakota Board of Nursing (“Board”) that he had been terminated from his employment at a hospital for reporting to work with a blood alcohol level of .012. The Licensee voluntarily refrained from practice at that time and was directed to enroll into the Health Professionals Assistance Program (“HPAP”). Licensee did sign a HPAP Participation Agreement on October 18, 2012. Licensee was non-compliant with HPAP. The Licensee then entered into a Voluntary Surrender Consent Order with the Board which was signed by the Licensee on February 7, 2013 and accepted by the Board on February 11, 2013; and

WHEREAS, the Voluntary Surrender Consent Order suspended the Licensee’s RN license for an indefinite period subject to a reinstatement request pursuant to SDCL § 36-9-57, as the Board in its discretion may determine; and

WHEREAS, on or about June 3, 2015, the Licensee made a reinstatement request in writing. The Licensee’s request for reinstatement was then presented to the Board. The

Licensee submitted an evaluation report from HPAP evidencing his participation. The Licensee also provided documentation from his physician as well as his sponsor; and

WHEREAS, the Board has considered the Licensee's request, the documents submitted, and being fully advised in the premises;

NOW THEREFORE IT IS HEREBY ORDERED:

1. That the Board has jurisdiction over the person of the Licensee and the subject matter of this Order.
2. That the Licensee's license to practice as a registered nurse in the state of South Dakota is hereby reinstated.
3. The Board hereby mandates Licensee's continued participation in HPAP.
4. All terms and conditions as well as clearance to return to employment and any restrictions on access to narcotics shall be set by the HPAP, and the Licensee shall fully comply with all of those terms and conditions.
5. Additionally, Licensee shall comply with the following conditions during the term of this order:

CONDITIONS


1. Licensee shall at any time during the term of this order report in person to such meetings of the Board or to its designated representative as directed and otherwise fully cooperate with the Board or its representatives in terms of this order.
2. The Licensee shall notify the Board, as well as the HPAP, in writing within one (1) week of any change in nursing employment, personal address, and/or telephone number.

3. Licensee shall pay for all costs and expenses in carrying out conditions of HPAP.
4. That within ten (10) days of the effective date of this order, Licensee shall be issued his RN license by the Board office.
5. During the term of this order, the Licensee is to immediately inform the Board of the outcome of any criminal charges presently or hereafter pending against the Licensee, and whether the Licensee has been convicted, pled no contest, *nolo contendere*, pled guilty to or been granted a deferred judgment or adjudication, suspended imposition of sentence with respect to a felony, misdemeanor or petty offense, other than minor traffic violations, that have not previously been reported to the Board.
6. If the Licensee violates any terms of this order, the Board may take such action against Licensee's license as the Board deems necessary, up to and including an immediate suspension, additional terms, revocation, or other disciplinary action.
7. Licensee shall not violate any law or regulation regarding the practice of nursing.
8. The Licensee shall not practice nursing in any state other than South Dakota, which is a party state to the Nurse Licensure Compact, without prior written authorization from both the Board and the Nursing Regulatory Authority in the party state in which the Licensee desires to practice.
9. This order also affects Licensee's practice privilege to practice in South Dakota should Licensee change his home state under the Nurse Licensure Compact, and Licensee's practice privilege is subject to the same requirements set forth in this order as his South Dakota license.

Order of Reinstatement with Mandated HPAP
Licensee: Spencer J. Seibert

IT IS HEREBY ORDERED that the above Order of Reinstatement with Mandated HPAP was adopted by the South Dakota Board of Nursing on the 10th day of September, 2015 by a vote of 8-0.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, RN, MS
Executive Director