

SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE LICENSURE
PROCEEDINGS :

RE: KALCY TRIEBWASSER, RN	:	AGREED UPON DISPOSITION
License No. R036250,	:	FOR LETTER OF REPRIMAND
Licensee.	:	AND WAIVER OF HEARING

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WHEREAS, Kalcy Triebwasser (“Licensee”), is licensed to practice as a registered nurse in the State of South Dakota and holds License number R036250;

WHEREAS, the South Dakota Board of Nursing (“Board”) received a complaint alleging Licensee engaged in unsafe nursing practice and/or substandard care in violation of SDCL § 36-9-49(10) in that Licensee provided substandard care to residents in her care and failed to provide appropriate and necessary documentation of care;

WHEREAS, based on the information provided to the Board, the Board has determined that clear and convincing evidence exists showing Licensee engaged in unsafe nursing practice and substandard care in violation of SDCL § 36-9-49(10);

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 practitioners;

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(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.

NOW, 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 Order.

2. Licensee has admitted that Board received a complaint alleging that Licensee demonstrated unsafe nursing practice and substandard care.

3. Licensee recognizes that the matters complained of are of a nature that would constitute grounds for discipline on Licensee's license to practice as a nurse in the State of South Dakota under SDCL § 36-9-49(10).

4. Licensee disputes the validity of the allegations in the complaint, and this Agreed Upon Disposition may not be treated as an admission she engaged in any of the conduct alleged.

5. Licensee understands that Licensee has a right to a contested case hearing pursuant to SDCL Ch. 1-26 regarding the allegations in the pending complaint 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 her 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 South Dakota Circuit Court and Supreme Court as provided by law.

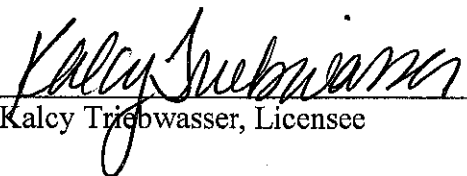
6. By entering into this agreed-upon disposition with the Board, Licensee hereby knowingly and voluntarily waives the above rights.

7. Licensee has been given the opportunity to discuss this stipulation 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 stipulation voluntarily and without duress or compulsion.

8. Based upon the foregoing acknowledgements, the Board and Licensee hereby agree that this matter will be resolved according to the disciplinary procedures outlined in ARSD 20:48:08:12(3) by an agreed upon issuance of a Letter of Reprimand.

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. In the event the Board, in its discretion, does not approve this agreed upon disposition or a lesser remedy than indicated in this agreed upon disposition, this agreed upon disposition 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 agreed upon disposition and this case proceeds to hearing, Licensee will assert no claim that the Board was prejudiced by its review and discussion of this agreed upon disposition or any of the records or information relating hereto.

Dated this 18th day of August, 2020.


Kalcy Tricowasser, Licensee

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IN THE MATTER OF THE LICENSURE
PROCEEDINGS

RE: KALCY TRIEBWASSER, RN

License No. R036250,

Licensee.

LETTER OF REPRIMAND


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The South Dakota Board of Nursing met on the 24th day of September, 2020, to consider the above Licensee's Agreed Upon Disposition for Letter of Reprimand and Waiver of Hearing. The Board, by a vote of 8-0, agreed to accept and adopt the Licensee's Agreed Upon Disposition for Letter of Reprimand and issue this Letter of Reprimand.

IT IS HEREBY ORDERED that the South Dakota Board of Nursing accepts, adopts, and incorporates Licensee's Agreed Upon Disposition for Letter of Reprimand and Waiver of Hearing into this Letter of Reprimand by reference, the same as if all such terms were set forth herein.

Dated this 25th day of September, 2020.

SOUTH DAKOTA BOARD OF NURSING



Linda Young, RN, MS, FRE
Executive Director