

SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE LICENSURE :
PROCEEDINGS :

RE: KIMBERLY UNDERBERG, UMA :
Registration No. M0007351, :
Registrant. :

**VOLUNTARY SURRENDER
CONSENT ORDER
OF UMA REGISTRATION**

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WHEREAS, Kimberly Underberg, UMA (“Registrant”), is registered as an unlicensed medication aide in the State of South Dakota and holds registration number M0007351; and

WHEREAS, on or about August 1, 2018, the South Dakota Board of Nursing (“Board”) received a complaint in regard to allegations that the Registrant was found asleep by a co-worker while she was on duty. At that time, the Registrant was objectively impaired and admitted to drinking alcohol while on duty. The Registrant agrees to voluntarily surrender her UMA registration at this time to address her current situation; and


WHEREAS, the Board has a statutory obligation to protect the public health, safety and welfare set forth in SDCL §36-9, including the protection of the public from unsafe UMA registrant practices and practitioners; and

WHEREAS, Registrant agrees that the matters under investigation would be of a nature that would constitute grounds for the discipline of her UMA registration in South Dakota; and

WHEREAS, the Registrant agrees that she enters into this Voluntary Surrender Consent Order of UMA Registration voluntarily and without duress or compulsion, in full understanding of the legal consequences of this document and her rights; therefore,

IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

1. That the Board has jurisdiction over the person of the Registrant and the subject matter of this Voluntary Surrender Consent Order of UMA Registration.

2. That on or about August 1, 2018, the Board received a complaint in regard to allegations that the Registrant was found asleep by a co-worker while she was on duty. At that time, the Registrant was objectively impaired and admitted to drinking alcohol ~~while on duty.~~ ^{before} 

The Registrant agrees to voluntarily surrender her UMA registration at this time to address her current situation.

3. That the Registrant has been given an opportunity to discuss this Voluntary Surrender Consent Order of UMA Registration with an attorney of Registrant's choice, and is aware of her right to a hearing in this matter, and of her rights under the United States and South Dakota Constitutions, laws, rules and/or regulations. Registrant hereby voluntarily waives all such rights to a hearing, notice, appearance, or any other rights under said Constitutions, laws, rules and/or regulations. Registrant also agrees that the Board's Executive Director or her designee may present this Voluntary Surrender Consent Order of UMA Registration to the Board and disclose to the Board all items of her investigation, including, but not limited to, any communications with Registrant.

4. That the Registrant may apply to have her registration reinstated for good cause shown.

5. That if the Registrant requests reinstatement, the Registrant has the burden of presenting information showing why the Registrant's registration should be reinstated.

6. That it is further stipulated and agreed that this Voluntary Surrender Consent Order of UMA Registration is being entered into voluntarily by the Registrant and without threats or coercion and is entered into after the Registrant has been given ample opportunity to consider these matters and to discuss this Voluntary Surrender Consent Order of UMA Registration with an attorney of Registrant's choice and that the Registrant has a full understanding of the legal consequences of this Voluntary Surrender Consent Order of UMA Registration and of the Registrant's rights to a formal hearing on these matters, which rights are hereby waived by the signing of this Voluntary Surrender Consent Order of UMA Registration.

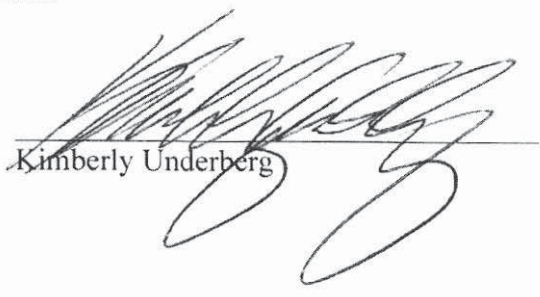
7. Registrant understands that during the period of this Voluntary Surrender that she is ineligible to work in any nursing role, including that of a UMA, CNA or UDA.

8. This action is reportable discipline and will be published in the Board's newsletter and posted on its website and reported into applicable databases as required by law.

9. That the Board may enter an Order consistent with the terms of this stipulation.

NOW, THEREFORE, the foregoing Voluntary Surrender Consent Order of UMA Registration 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.

Dated this 4th day of September, 2018.



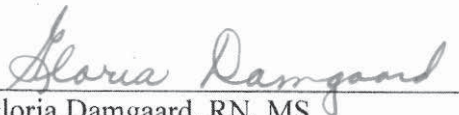
Kimberly Underberg

The South Dakota Board of Nursing met on the 13th day of September, 2018, and approved the attached Voluntary Surrender Consent Order of UMA Registration as written by a vote of 6 - 0 and issued its Order as follows:

IT IS HEREBY ORDERED that the above Voluntary Surrender Consent Order of UMA Registration is adopted as shown herein by the South Dakota Board of Nursing this 13th day of September, 2018.

Dated this 14th day of September, 2018.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, RN, MS
Executive Director