SOUTH DAKOTA BOARD OF NURSING

o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o

IN THE MATTER OF THE LICENSURE PROCEEDINGS	:	
	:	
RE: MELISSA WERNER	:	**AGREED UPON DISPOSITION FOR LETTER OF REPRIMAND AND WAIVER OF HEARING**
License No.: SD R030046,	:	
Licensee.	:	

o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o

WHEREAS, Melissa Werner ("Licensee"), is licensed to practice as a registered nurse in the State of South Dakota and holds License number R030046;

WHEREAS, the South Dakota Board of Nursing ("Board") received a complaint alleging Licensee worked on a lapsed license for a period of 187 days in violation of SDCL § 36-9-49(9);

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;

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 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.

NOW, THEREFORE, it is hereby stipulated and agreed as follows:

1. That the Board has jurisdiction over the person of the Licensee and the subject matter of this Order.

2. The Board asserts and the Licensee admits that Licensee worked on a lapsed license for a period of 187 days.

3. The Licensee recognizes that this matter is of a nature that would constitute grounds for discipline of Licensee's license to practice as a nurse in the State of South Dakota under SDCL § 36-9-49(9).

4. Licensee understands that Licensee has a right to a contested case 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 be present at the contested case hearing, the right to be represented by legal counsel, to introduce evidence, and testimony on Licensee's 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.

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

6. Licensee has been given the opportunity to discuss this agreed-upon disposition with an attorney of Licensee's choice and is aware of Licensee's rights as outlined above. Licensee hereby voluntarily waives all such rights to a hearing, notice, appearance, or other rights. Licensee is entering into this agreed-upon disposition voluntarily and without duress or compulsion.

7. The Board and the Licensee hereby agree that this matter will be resolved according to the disciplinary procedures outlined in SDCL § 36-1C-6 by the issuance of a Letter of Reprimand adopting this Agreed Upon Disposition.

8. In addition, the Board hereby mandates and Licensee agrees to enroll in NURSYS eNotify within one week of Licensee signing this Agreed Upon Disposition, so that Licensee hereafter receives electronic notification to renew Licensee's License.

9. Licensee understands that this is final action and is reportable discipline which will be published in the Board's newsletter, posted on its website, and reported into the National Practitioner Data Bank (NPDB) as required by law. As this is a reportable discipline, Licensee is required to provide an affirmative response to inquiries of disciplinary action on further renewals and other nursing related inquiries.

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.

Dated this 24th day of Jan, 2022.

Melissa Werner

Melissa Werner, Licensee

SOUTH DAKOTA BOARD OF NURSING

o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o

IN THE MATTER OF THE LICENSURE PROCEEDINGS :

RE: MELISSA WERNER :

License No.: SD R030046, :

Licensee. :

LETTER OF REPRIMAND

o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o

The South Dakota Board of Nursing met on the 9th day of February, 2022, to consider the above Licensee's Agreed Upon Disposition for Letter of Reprimand. 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 into this Letter of Reprimand by reference, the same as if all such terms were set forth herein.

Dated this 9th day of February, 2022.

SOUTH DAKOTA BOARD OF NURSING

Linda Young

Linda Young, RN, MS, FRE
Executive Director