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SD BOARD OF NURSING

IN THE MATTER OF THE REGISTRATION  
PROCEEDINGS :

## CONSENT TO VOLUNTARILY SURRENDER REGISTRATION

WHEREAS, Rachel Herum, UMA (“Registrant”), is registered to practice as an unlicensed medication assistant (UMA) in the State of South Dakota and holds registration number M004554;

WHEREAS, the Board received a complaint alleging Registrant engaged in conduct violating SDCL § 36-9-49 (4), (5), (10), and/or SDCL § 36-9-49.1 in that Registrant diverted controlled substances from her employer;

WHEREAS, Registrant agrees, without the need for the Board to complete an investigation and consider the complaint further, to voluntarily surrender Registrant's South Dakota UMA registration, thereby avoiding the Board's need to take any further action on the complaint;

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, Registrant 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 registration issues presented by the Registrant'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 Registrant and the subject matter of this Consent to Voluntarily Surrender Registration.
2. Registrant agrees to voluntarily surrender Registrant's South Dakota UMA registration immediately upon Registrant signing this Consent to Voluntarily Surrender Registration.
3. Registrant understands that Registrant 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 Registrant'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 Registrant's Registration and entering into this Consent to Voluntarily Surrender Registration with the Board, the Registrant 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. Registrant agrees and stipulates that this Consent to Voluntarily Surrender 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 Consent to Voluntarily Surrender Registration with an attorney of Registrant's choice and that the Registrant has a full understanding of the legal consequences of this Consent to Voluntarily Surrender Registration, which rights are hereby waived by the signing of this Consent to Voluntarily Surrender Registration.

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

7. With this Consent to Voluntarily Surrender Registration, Registrant understands that Registrant's registration to practice as a UMA in South Dakota shall be surrendered and the Board shall suspend said registration for an indefinite period from the date of this Order. Registrant may apply to have Registrant's registration reinstated for good cause shown.

8. Nothing in the Board's Voluntary Surrender Consent Order or this Consent to Voluntarily Surrender Registration should or does imply that the Registrant will be reinstated. Registrant recognizes that the reinstatement terms, as well as the requirements for reinstatement, are at the sole discretion of the Board.

9. If Registrant requests reinstatement, Registrant has the burden under SDCL § 36-9-57 to present information showing that good cause exists for the Board to exercise its discretion to reinstate Registrant's registration.

10. Registrant 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 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 this matter.

Dated this 16th day of September, 2019.

  
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Rachel Herum, Registrant

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RE:	RACHEL HERUM, UMA	:	<b>VOLUNTARY SURRENDER</b>
		:	<b>CONSENT ORDER</b>
	Registration No. M004554,	:	
	Registrant.	:	

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The South Dakota Board of Nursing met on the 19<sup>th</sup> day of September, 2019, and approved Registrant's Consent to Voluntarily Surrender Registration as written by a vote of 7-0 and issues its Voluntary Surrender Consent Order as follows:

IT IS HEREBY ORDERED that the South Dakota Board of Nursing accepts, adopts, and incorporates Registrant's Consent to Voluntarily Surrender Registration into this Voluntary Surrender Consent Order by reference, the same as if all such terms were set forth herein.

Dated this 19<sup>th</sup> day of September, 2019.

SOUTH DAKOTA BOARD OF NURSING

*Gloria Damgaard*  
Gloria Damgaard, RN, MS  
Executive Director