

SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE REGISTRATION :
PROCEEDINGS

RE: DONNA MORGAN,
Applicant.

:
: **AGREED UPON DISPOSITION**
: **FOR DENIAL AND WAIVER OF**
: **HEARING**

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WHEREAS, Donna Morgan ("Applicant"), submitted an application to be registered as an Unlicensed Medication Aide (UMA) in the State of South Dakota;

WHEREAS, the South Dakota Board of Nursing ("Board") has jurisdiction over unlicensed assistive personnel applications like that received by Applicant and 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, and is also accountable for the operation of the unlicensed assistive personnel registry and disciplinary or corrective action for Applicants pursuant to ARSD 20:48:16:04;

WHEREAS, the Board may deny an application upon proof that the applicant has engaged in conduct in violation of ARSD 20:48:16:04;

WHEREAS, based on the information provided to the Board, the Board has determined that Applicant has been convicted of a felony in violation of ARSD 20:48:16:04(2) and committed unprofessional or dishonorable conduct in violation of 20:48:16:04(8);

WHEREAS, the Board has decided that denying Applicant's request for registration at this time is necessary to protect the public health, safety and welfare;

WHEREAS, the Applicant 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 application issue presented by the Applicant'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 Applicant and the subject matter of this Order.
2. Applicant recognizes the Board's denial of Applicant's request for registration at this time based on evidence of conduct in violation of ARSD 20:48:16:04(2).
3. Applicant understands that Applicant has a right to a contested case hearing pursuant to SDCL Ch. 1-26 regarding the proposed denial of such application 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.
4. By entering into this agreed-upon disposition with the Board, Applicant hereby knowingly and voluntarily waives the above rights.
5. Applicant has been given the opportunity to discuss this Agreed upon Disposition with an attorney of Applicant's choice and is aware of her rights as outlined above. Applicant

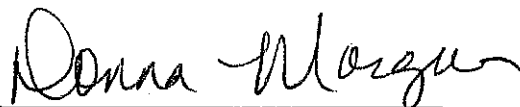
hereby voluntarily waives all such rights to a hearing, notice, appearance, or other rights.

Applicant is entering into this Agreed upon Disposition voluntarily and without duress or compulsion.

6. Based upon the foregoing acknowledgements, the Board and Applicant hereby agree that this matter will be resolved by an agreed upon denial.

NOW, THEREFORE, the foregoing Agreed Upon Disposition for Denial 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 37 day of March, 2023.

A handwritten signature in cursive script that reads "Donna Morgan". The signature is written in black ink and is positioned above a horizontal line.

Donna Morgan, Applicant

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Applicant.

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Dated this 10th day of May, 2023.

Linda Young
Linda Young, RN, MS, FRE
Executive Director