

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

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IN THE MATTER OF THE INITIAL APPLICATION FOR SOUTH DAKOTA MEDICAL LICENSURE SUBMITTED BY ERIK J. WAIT, MD  
FINDINGS OF FACT AND CONCLUSIONS OF LAW  
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WHEREAS, the Investigative Review Panel of the South Dakota Board of Medical and Osteopathic Examiners having performed due diligence with regard to the application for medical license submitted by Erik J. Wait, MD and the South Dakota Board of Medical and Osteopathic Examiners, being fully advised of the premises, hereby makes and enters its:

**FINDINGS OF FACT**

1. Erik J. Wait, MD, the Applicant, filed an application for a medical license on or about September 23, 2009.
2. The Application, among other things, required Dr. Wait to disclose whether he was terminated from his prior employment.
3. Applicant did not disclose that he was terminated for cause by his prior employer on or about September 6, 2009, which was only about ten (10) days before he submitted the application to the Board as referenced above.
4. During the verification process, the Board discovered that Applicant was terminated by his prior employer for behavioral issues, comments to patients and staff of sexual nature or containing strong sexual innuendo, and violations of harassment in the workplace policy.
5. Applicant met with members of the Board's Investigative Review Panel on November 24, 2009, and admitted to making false statement or misrepresentations in his application for initial licensure.
6. That on March 15, 2010, Applicant's attorney notified the Board that Dr. Wait decided to withdraw his application for licensure in South Dakota.
7. That this withdrawal constitutes a withdrawal of application for licensure while under investigation or to avoid the results of an investigation.

## CONCLUSIONS OF LAW

1. The Board has jurisdiction over the application for licensure under the provisions of SDCL Chapter 36-4.
2. The Applicant has the burden of proving that he is qualified, competent and is of good moral character. Applicant did not meet this burden.
3. The Applicant requested withdrawal of his initial application for medical licensure, which was under investigation or to avoid the results of an investigation.
4. The initial application of Dr. Erik Wait is hereby considered withdrawn while under investigation or to avoid the results of an investigation.

IT IS HEREBY ORDERED that the Findings of Fact and Conclusions of Law herein are approved.

Dated on March 17, 2010.

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

  
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Margaret B. Hansen  
Executive Director

**THE SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS**

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IN THE MATTER OF THE INITIAL  
APPLICATION FOR A SOUTH  
DAKOTA MEDICAL LICENSE  
SUBMITTED BY  
ERIK J. WAIT, MD

ORDER TO GRANT  
WITHDRAWAL OF MEDICAL  
LICENSE APPLICATION  
WHILE UNDER  
INVESTIGATION

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The above-entitled matter having come before the South Dakota Board of Medical and Osteopathic Examiners, and the Board having been informed that an investigation was initiated by members of the Board's Investigative Review Panel due to Dr. Wait's unprofessional and dishonorable conduct in making a false statement or misrepresentation in his application for a medical license, and the applicant subsequently requesting to withdraw his initial application for licensure, and the Board finding that this constitutes a withdrawal of application for medical license while under investigation or to avoid the results of an investigation; and the Board being fully advised in the premises and having heretofore made and entered its Findings Of Fact And Conclusions Of Law;

IT IS THEREFORE ORDERED that the Findings of Fact and Conclusions of Law and the Order are approved, and

IT IS FURTHER ORDERED that the Findings of Fact and Conclusions of Law and the Order are public documents and shall be published and reported as the Board deems necessary.

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

 Date: 7 Apr 10  
Robert Ferrell, MD, President, SDBMOE