

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

CONSENT AGREEMENT
WITH
STIPULATION

In re: MARGARET CLARKE, MD

CONSENT AGREEMENT

IT IS HEARBY AGREED by the South Dakota Board of Medical and Osteopathic Examiners (the Board) and Margaret Clarke, MD (Dr. Clarke) as follows:

1. Licensure status: Dr. Clarke is an applicant for licensure in South Dakota.
2. Admission/Facts: Dr. Clarke admits to the following facts:
 - a. That Dr. Clarke's application for medical licensure was received September 25, 2009.
 - b. That the Board conducted the primary source verification of Dr. Clarke's application.
 - c. That on January 26, 2010 Dr. Clarke met with the Investigative Review Panel (IRP) to discuss her application, and the IRP requested additional information from her.
 - d. At that time, Dr. Clarke agreed to provide the IRP with the requested information including a personal plan of action.
 - e. That despite numerous reminders from the Board and IRP, Dr. Clarke did not provide the requested information until March 26, 2010, which extended the length of the investigation and delayed the processing of her application.
3. Informal Agreement: It is the intent of the parties hereto to provide for the informal compromise and settlement of all issues which could be raised by a formal contested hearing.
4. Waiver of Rights: Dr. Clarke understands she has the right to consult with an attorney who is licensed in South Dakota, and if no attorney is present or signs this agreement, she waives said right. She also has a right to an administrative hearing. Dr. Clarke understands and agrees that by signing this Consent Agreement, she is waiving her rights to a hearing and she is voluntarily and knowingly giving up her right to present oral and documentary evidence, to present rebuttal evidence, to cross-examine witnesses against Dr. Clarke, and to appeal the Board's decision to Circuit Court.

STIPULATION


Dr. Clarke agrees that her license to practice medicine shall be subject to the following terms and conditions:

1. Dr. Clarke shall make a personal appearance before the IRP and/or the Board upon request. She will be given reasonable notice of the dates, times and locations for her appearance(s).
2. Dr. Clarke shall obtain a local treating psychiatrist approved in advance by the Board for the purpose of evaluation and treatment, and said psychiatrist shall submit quarterly reports to the Board or sooner if there are problems. Dr. Clarke shall take the necessary steps to guarantee that the psychiatrist shall provide quarterly reports to the Board regarding her progress, problems (if any), and status. In the event that her local treating psychiatrist can no longer provide evaluation and treatment, she shall obtain another local treating psychiatrist approved in advance by the Board.
3. Dr. Clarke shall obtain therapy from a local therapist approved in advance by the Board, and said therapist shall submit quarterly reports to the Board or sooner if there are problems. Dr. Clarke shall take necessary steps to guarantee that the therapist shall provide quarterly reports to the Board and to her psychiatrist regarding her progress, problems (if any), and status. In the event that her local treating therapist can no longer provide evaluation and treatment, she shall obtain another local treating psychiatrist approved in advance by the Board.
4. Dr. Clarke shall identify a work quality mentor who is a physician, licensed by this Board, who shall appear before the Board as requested. The work quality mentor shall also provide quarterly reports to the Board, or sooner if there are problems, and to Dr. Clarke's psychiatrist regarding her overall work performance, problems (if any), behavior, communication, and interaction with patients, families and other staff. In the event that Dr. Clarke's physician mentor can no longer serve as her mentor, she shall notify the Board immediately, and shall obtain another physician mentor approved in advance by the Board.
5. Dr. Clarke understands that should her employer, work quality mentor, psychiatrist or therapist notify her of any complaints, concerns, or other difficulties, or should an employer impose or discuss with her any type of correction action, suggestions, or other counseling for employment related issues, written and/or verbal, formal and/or informal, she shall notify the Board's IRP in writing within 24 hours.

6. If the Board deems it necessary, Dr. Clarke shall submit to an evaluation by any agency that is approved by the Board.
7. Dr. Clarke understands and agrees that she shall keep the Board advised in writing of her current business address, residence, and all contact information.
8. Dr. Clarke understands and agrees that this agreement shall remain in effect for as long as she is the holder of a South Dakota medical license.
9. Dr. Clarke agrees that she is financially responsible to pay for all the treatment identified in this agreement along with an evaluation as identified in paragraph # 6 above.
10. Dr. Clarke understand and agrees that in the event that the Board is reasonably satisfied that she has breached any of the terms and/or conditions of her restricted license, an action will commence against her license under the Medical Practices Act.

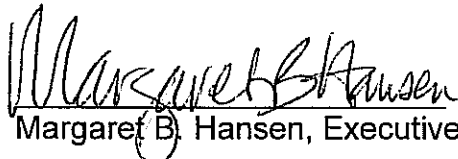
IT IS HEREBY FURTHER AGREED that this Consent Agreement with stipulation shall take effect immediately and is a public record of the Board and the State of South Dakota. The State may provide a copy of it to any person or entity, professional licensing board, federal, state, or local government, or other entity making an inquiry which is acceptable to the Board. The action taken by the Board in this Consent Agreement will be published on the Board's web site and any other entity deemed appropriate by the Board.

WHEREAS, Dr. Clarke has unconditionally accepted this Consent Agreement with Stipulation by affixing her signature to this document.

By:  Date: 4/14/10, 2010
 Margaret Clarke, MD

By: _____ Date: _____, 2010
 Attorney for Dr. Clarke (optional)

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS)
 STATE OF SOUTH DAKOTA)
 MINNEHAHA COUNTY)

By:  Date: 4/14
 Margaret B. Hansen, Executive Director

I hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears on the record in my office.

Executive Secretary
 By: Matt Ky JTP
 Date: 4-14-10

THE SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

Re: MARGARET CLARKE, MD

ORDER TO APPROVE
CONSENT AGREEMENT WITH
STIPULATION

The above-entitled matter was brought before the South Dakota Board of Medical and Osteopathic Examiners (the Board/SDBMOE), and the Board was informed that an investigation of Dr. Margaret Clarke's (Dr. Clarke) application for medical licensure was conducted by members of the Board's Investigative Review Panel (IRP) for good cause shown.

Dr. Clarke entered into the Consent Agreement with Stipulation with the Board, and the Board being fully advised in the premises;

IT IS THEREFORE ORDERED that the Consent Agreement with Stipulation is approved, and

IT IS FURTHER ORDERED that the Consent Agreement with Stipulation is a public document and shall be published and reported as the Board deems necessary and in compliance with state and federal laws.

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

By: Margaret B. Hansen Date: 4/14/10
Margaret B. Hansen
Executive Director, SDBMOE

STATE OF SOUTH DAKOTA } S.S.
MINNEHAHA COUNTY }

I hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears on the record in my office.

Executive Secretary

By: MBH by JTP
Date: 4-14-10