

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

CONSENT AGREEMENT
WITH
STIPULATION

In re: SEAN FUSCO

CONSENT AGREEMENT

IT IS HEARBY AGREED by the South Dakota Board of Medical and Osteopathic Examiners (the Board) and Sean Fusco, OT (Mr. Fusco) as follows:

1. Licensure status: Mr. Fusco is an applicant for licensure in South Dakota.
2. Admission/Facts: Mr. Fusco admits to the following facts:
 - a. That Mr. Fusco sent two occupational therapist license applications, one arriving March 4, 2010 and one March 8, 2010.
 - b. That the Board conducted the primary source verification of Mr. Fusco's application.
 - c. That Mr. Fusco's application was placed under investigation due to information obtained from primary source verifications.
 - d. That on April 14, 2010 Mr. Fusco met with the Investigative Review Panel (IRP) to discuss his application, and the IRP requested additional information from him.
 - e. At that time, Mr. Fusco agreed to provide the IRP with the requested information.
 - f. That Mr. Fusco displayed unprofessional conduct with his insistent and impertinent behavior and interactions with the Board staff and members of the Board's Investigative Review Panel.
 - g. That Mr. Fusco's behavior and interactions interfered significantly with his investigation and with the processing of his 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: Mr. Fusco understands he has the right to consult with an attorney who is licensed in South Dakota, and if no attorney is present or signs this agreement, he waives said right. He also has a right to an administrative hearing. Mr. Fusco understands and agrees that by signing this Consent Agreement, he is waiving his rights to a hearing and he is voluntarily and knowingly giving up his right to present oral and documentary evidence, to present rebuttal evidence, to cross-

examine witnesses against Mr. Fusco, and to appeal the Board's decision to Circuit Court.

STIPULATION

Mr. Fusco agrees that his license to practice as an occupational therapist shall be subject to the following terms and conditions:

1. Mr. Fusco shall make a personal appearance before the IRP and/or the Board upon request. He will be given reasonable notice of the dates, times and locations for his appearance(s).
2. Mr. Fusco understands and agrees that he shall keep the Board advised in writing of his current business address, residence, and all contact information.
3. Mr. Fusco understands and agrees that this agreement shall remain in effect for *as long as he is the holder of a South Dakota occupational therapist license.*
4. Mr. Fusco understand and agrees that in the event that the Board is reasonably satisfied that he has breached any of the terms and/or conditions of his restricted license, an action will commence against his license.
5. He understands and agrees that he shall conduct himself in a professional and cooperative manner, and he shall manage his behavior in every aspect of his occupational therapy practice.

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, Mr. Fusco has unconditionally accepted this Consent Agreement with Stipulation by affixing his signature to this document.

By: Sean Fusco Date: 04/27/2010, 2010
Sean Fusco, MD OTR

By: _____ Date: _____, 2010
Attorney for Mr. Fusco (optional)

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

By: Margaret B. Hansen Date: May 3rd, 2010
Margaret B. Hansen, Executive Director

THE SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

Re: SEAN FUSCO, OT

ORDER TO APPROVE
CONSENT AGREEMENT WITH
STIPULATION

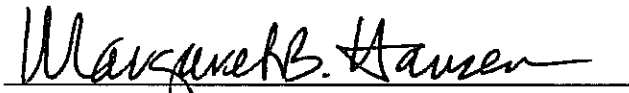
The above-entitled matter having come before the South Dakota Board of Medical and Osteopathic Examiners, and the Board having been informed that an investigation was initiated by members of the Board's Investigative Review Panel due to information obtained from primary source verifications and Mr. Fusco's unprofessional conduct with his insistent and impertinent behavior.

The applicant has 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.

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS



Margaret B. Hansen
Executive Director

Date: May 3rd, 2010