



SOUTH DAKOTA BOARD OF NURSING  
4305 S. LOUISE AVENUE SUITE 201  
SIOUX FALLS SD 57106

**JANUARY 22- 23, 2009**  
**MINUTES**

THE MEETING WAS CALLED TO ORDER by President Deb Soholt January 22 at 8:35 a.m.

Board member June Larson was congratulated upon her promotion as Associate Dean of the School of Health Sciences at USD; June assumed those duties on January 12, 2009.

Licensure Operations Manager Erin Matthies was introduced and welcomed to the Board.

Linda Young and Nancy Bohr were acknowledged for their fine work with nursing organizations and publications on the national level.

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BOARD MEMBERS

Diana Berkland, RN – excused Friday  
Linda Bunkers, RN – excused  
Teresa Disburg, RN; Secretary – excused  
Dori Dufault, LPN  
John Jones, Public Member  
June Larson, RN  
Adrian Mohr, Public Member – excused  
Christine Pellet, LPN – excused Friday  
Deb Soholt, RN; President  
Patricia Wagner, LPN  
Robin York, RN; Vice President

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BOARD STAFF PRESENT

Gloria Damgaard, Executive Director  
Nancy Bohr, Nursing Program Specialist  
Kathleen Rausch, Nursing Program Specialist  
Linda Young, Nursing Program Specialist  
Kristine O’Connell, Board Attorney  
Erin Matthies, Licensure Operations Manager  
Winora Robles, Program Assistant

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MINUTES of the November 13–14, 2008 Board Meeting were approved in a unanimous voice vote.

AGENDA was approved as presented.

FINANCIAL REPORTS: Robert Garrigan, Board Senior Accountant, presented based on written reports distributed to the Board. The budget is on track. Governor Rounds’ new budget proposals for the upcoming fiscal year were reviewed. The acquisition of capital assets and hiring freeze has been instituted by Governor Rounds and means that this Board is unable to purchase new office equipment or hire personnel. Out-of-state travel for staff is not permitted, and in-state is limited to travel deemed essential. Staff may use annual leave time to attend any conference when expenses are paid by the organization sponsoring the conference. This Board will continue to strive to keep nursing license fees at their current levels.

Financial Reports were approved in a unanimous voice vote.

NCLEX QUARTERLY REPORT: N. Bohr shared with the Board that, for the year, the South Dakota RN pass rate is 88.81% compared with 86.73% nationally; the South Dakota LPN pass rate is 93.6%, compared with the national rate of 89.62%.

CNA QUARTERLY REPORT: N. Bohr shared with the Board that Certified Nurse Aide numbers have remained almost static as compared with last year.

CENTER FOR NURSING WORKFORCE & DIABETES WORLD CAFÉ: L. Young, Director of the South Dakota Center for Nursing Workforce, shared with the Board that at the meeting held January 9, 2009, the CNW Strategic Plan was reviewed. Progress on strategic initiatives is being made. More information regarding activities of the CNW is available in the *Dakota Nurse Connection*. The state healthcare workforce and the outcome of the grant for which the CNW had applied were discussed. Methods for increasing the numbers of nursing students in the current economic situation and in the face of the nursing shortage are being explored. Leadership among nurses is being pursued in a joint effort with the NEDDs. A June date is being considered for the upcoming conference. The Diabetes World Café was well-attended by individuals from various backgrounds, with a range of comments and topics discussed. The café style setting of the meeting proved to be extremely productive. A

pilot project to address some issues raised is being considered. A similar meeting to be held West River has been proposed; D. Dufault is interested in helping organize such a meeting.

INSTITUTE FOR REGULATORY EXCELLENCE: G. Damgaard and N. Bohr attended. The addictionologist who spoke at the meeting presented some very important information; his book will be provided for Board members' review. Examining this topic will be helpful to this Board, especially as it relates to discipline. It was suggested that AA/NA is also a good source for information in this area.

NCSBN POLICY PERSPECTIVES: Highlights were noted. A Registered Nurse is the new Director of AARP. Also discussed was an item regarding the elimination of Collaboration Agreements in some states. An economic value model for nursing was also included in the publication. Louisiana court proceedings continue in the matter of CRNA scope of practice.

NCSBN COMMITTEE APPOINTMENTS: This handout was briefly reviewed.

ANA/COURT ORDER CA DEPARTMENT OF EDUCATION PRESS RELEASE: G. Damgaard briefly reviewed this handout, which was provided as an informational piece.

GOAC: An update was presented pertaining to a request for information from the GOAC.

ARSD 20:62:03:05 UPDATE AND TIMELINE: L. Young presented. The proposed rule change addresses the advanced practice nurse's collaborating physician onsite requirements. Notice is to be published by March 15, 2009, and the Public Hearing to be held jointly with the South Dakota Board of Medical and Osteopathic Examiners to consider this rule change is scheduled for April 8, 2009.

MAP OF CNP/CNM PRACTICE SITES: L. Young presented. Not surprisingly, most of the CNPs and CNMs practice within Minnehaha, Lincoln, and Pennington counties. The map shows where CNPs and CNMs practice primarily, yet some APNs practice in more than one county. There are several counties within which no South Dakota licensed CNPs or CNMs are practicing, although at least some of those counties may be served in federal facilities by APNs licensed elsewhere.

STRATEGIC PLAN – JUST CULTURE: D. Berkland shared with the Board a video presentation entitled "The North Carolina Just Culture Journey," which outlines six major steps towards the Destination: (1) Executive Buy-in; (2) System and Policy Change; (3) Managerial Training; (4) Staff Training; (5) Coaching and Mentoring; and (6) Feedback and Measurement. Just Culture is a culture of justice; it is not about mistakes and punishment, rather it is a strategy leading to error prevention. A possible scenario involving well-meaning healthcare professionals wherein harried doctors and nurses fail to communicate clearly, leading to medication errors and patient harm, was reviewed, especially as related to the philosophy of Just Culture. A booklet *The Justice Culture Algorithm* was distributed to Board members. Board discussion centered on components of Just Culture, and how these components affect staffing issues, discipline, and reckless behavior (warrants punishment) vs. human error (warrants consolation). G. Damgaard shared information regarding Just Culture that was discussed at a recent National Council meeting. It was agreed that institutions across South Dakota should consider implementing steps leading to Just Culture, and some are already doing so. This Board is more likely to be alerted to cases of reckless behavior than those of human errors.

UNIVERSITY OF SIOUX FALLS – Request for Prerequisite Status: N. Bohr shared with the Board that all state requirements have been met. Guests Barbara Vellenga and Dr. Brett Bradfield were present. Handouts were provided outlining facets of the three-track program, including budget, faculty development, and anticipated student cohort numbers. B. Vellenga, who is in the process of moving to Sioux Falls and is experienced in program development, said that support at USF for the nursing program is tremendous. Dr. Bradfield said that it has been quite a journey, beginning a few years ago with establishing a base of support. Dr. Bradfield added that there is interest within the donor base regarding nursing and they have been flooded with calls from prospective students. The guests responded to questions from the Board regarding requirements.

MOTION: Diana Berkland moved that the South Dakota Board of Nursing approve the request for University of Sioux Falls for Prerequisite Status of the Baccalaureate of Science in Nursing Program, accelerated eight semester, and RN-BSN options.

Seconded by Dori Dufault.

Diana Berkland	YES	John Jones	YES	Deb Soholt	YES
Linda Bunkers	ABSENT	June Larson	YES	Patricia Wagner	YES

Teresa Disburg	ABSENT	Adrian Mohr	ABSENT	Robin York	YES
Dori Dufault	YES	Christine Pellet	YES	8 YES – MOTION CARRIED	

EDUCATION PROGRAM UPDATE: N. Bohr shared with the Board that upon resignation of the previous chair of National American University's Nursing Program, Interim Chair Larry Simmons, who is well-qualified, has been selected to fill the position. At the University of South Dakota, following June Larson's acceptance of her new position as Associate Dean of the School of Health Sciences, Linda Benedict has been named Acting Chair of the USD Nursing Education Program.

WESTERN DAKOTA TECHNICAL INSTITUTE: N. Bohr shared with the Board that the program has added a second annual cohort.

LEGISLATIVE REPORT: G. Damgaard presented based on a handout outlining bills of interest coming before the South Dakota Legislature. K. O'Connell, who serves on a committee dealing with emergency and disaster response, shared with the Board that an item regarding immunity for healthcare providers during an emergency is being considered. Various bills related to healthcare have been introduced this session. Copies of the Lay Midwife bills were provided for the Board, which include a proposal that the Department of Health regulate lay midwives. This Board agreed by consensus to monitor but not to pursue involvement in the lay midwife issue at this time.

**PERSONNEL**

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THE BOARD MOVED INTO CLOSED SESSION FOR PURPOSES OF DISCIPLINE AND PERSONNEL

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THE BOARD MOVED INTO OPEN SESSION

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**DISCIPLINE**

DISCIPLINE COMMITTEE MINUTES were approved unanimously by that committee January 14, 2009. Board Attorney Kristine O'Connell reviewed the handout which deals with municipal charges.

**CONSENT AGENDA**

Rose Burckhard-Simons: Approve Voluntary Surrender

L. J. L.: Letter of Concern

R. E.: Letter of Concern & continued HPAP

C. K. K.: Board Dismissal

M. R.: Board Dismissal

M. R.: Mandate 5 years HPAP

Lorraine Nez: One Year Probation with quarterly reports and modules:

- 1) Ethics
- 2) Documentation
- 3) Medication Errors

C. M.: Board Dismissal

K. P.: Letter of Concern & either a class on Anger Management or a class on Stress Reduction to be completed prior to licensure renewal

K. J. W.: Letter of Concern noting that licensee should have answered "Yes" on current renewal application regarding the question about being under investigation, and Professional Accountability

D. K.: Board Dismissal

A. L. A.: Letter of Concern

R. S.: Letter of Concern

Candace C. Persoon: Reactivate SD RN license with Letter of Reprimand

MOTION: Robin York moved that the South Dakota Board of Nursing approve the Consent Agenda with the removal of #12 J. R. A.

Seconded by June Larson.

Diana Berkland	YES	John Jones	YES	Deb Soholt	YES
Linda Bunkers	ABSENT	June Larson	YES	Patricia Wagner	YES
Teresa Disburg	ABSENT	Adrian Mohr	ABSENT	Robin York	YES
Dori Dufault	YES	Christine Pellet	YES	8 YES - MOTION CARRIED	

R. E., LPN Applicant – Formal Appearance: K. Rausch, Nursing Program Specialist, reviewed background on this case. R. E. was present to address the Board.

MOTION: June Larson moved that the South Dakota Board of Nursing issue R. E. a Temporary Permit to practice in the LPN role. Refer R. E. to HPAP for a structured recovery plan to help her maintain her abstinence from alcohol/drugs. Issue LPN license upon passing NCLEX–PN and demonstration that she established a structured recovery plan.

Seconded by Robin York.

Diana Berkland	YES	John Jones	NO	Deb Soholt	YES
Linda Bunkers	ABSENT	June Larson	YES	Patricia Wagner	YES
Teresa Disburg	ABSENT	Adrian Mohr	ABSENT	Robin York	YES
Dori Dufault	YES	Christine Pellet	YES	7 YES – 1 NO – MOTION CARRIED	

PAUL AHRENDT – Formal Appearance: K. Rausch, Nursing Program Specialist, presented background. P. Ahrendt was present to address the Board. S. Grismer of HPAP was also present.

MOTION: Robin York moved that the South Dakota Board of Nursing reinstate the RN license of Paul Ahrendt with Board mandated HPAP for five years with credit for time of previous successful participation in the program with HPAP recommended restriction on access to narcotics and HPAP Evaluation Committee will review after six months of employment as an RN.

Seconded by John Jones.

Diana Berkland	YES	John Jones	YES	Deb Soholt	YES
Linda Bunkers	ABSENT	June Larson	YES	Patricia Wagner	YES
Teresa Disburg	ABSENT	Adrian Mohr	ABSENT	Robin York	YES
Dori Dufault	YES	Christine Pellet	YES	8 YES – MOTION CARRIED	

LAURA HALLIGAN – Formal Appearance: K. Rausch, Nursing Program Specialist, presented background on this Request for Reinstatement. L. Halligan was present to address the Board.

MOTION: Robin York moved that the South Dakota Board of Nursing reinstate the RN license of Laura Halligan with Board mandated HPAP for five years from this time with monitoring conditions to be determined by HPAP.

Seconded by Diana Berkland.

Diana Berkland	YES	John Jones	YES	Deb Soholt	YES
Linda Bunkers	ABSENT	June Larson	YES	Patricia Wagner	YES
Teresa Disburg	ABSENT	Adrian Mohr	ABSENT	Robin York	YES
Dori Dufault	YES	Christine Pellet	YES	8 YES – MOTION CARRIED	

SHELBY MCKELVEY: Formal Hearing, January 22, 2009, 3:00 p.m. President D. Soholt announced that this is the time and place for the Formal Hearing of Shelby McKelvey. Board Attorney K. O’Connell presented background on this case. Sandy Hetland and Cindy Nitz attended. Although duly noticed regarding this Hearing scheduled for 3:00 p.m., S. McKelvey had not appeared by 3:30 pm., nor was she represented by legal counsel. K. O’Connell distributed Exhibits 1–10 to the Board members and presented an opening statement, reviewing facts of the incident that brought this matter before the Board. K. Rausch, Nursing Program Specialist and Board Investigator, testified as to the findings of her investigation. Exhibits 1–10 were reviewed.

MOTION: June Larson moved that the South Dakota Board of Nursing indefinitely suspend the LPN license of Shelby McKelvey.

Seconded by Diana Berkland.

Diana Berkland	YES	John Jones	YES	Deb Soholt	YES
Linda Bunkers	ABSENT	June Larson	YES	Patricia Wagner	YES
Teresa Disburg	ABSENT	Adrian Mohr	ABSENT	Robin York	YES
Dori Dufault	YES	Christine Pellet	YES	8 YES – MOTION CARRIED	

M. W.: Formal Appearance: K. Rausch, Nursing Program Specialist, presented background. M. W. was present to address the Board.

MOTION: June Larson moved that the South Dakota Board of Nursing issue an RN license to M. W. upon successful completion of the NCLEX–RN.

Seconded by Dori Dufault.

Diana Berkland	YES	John Jones	YES	Deb Soholt	YES
Linda Bunkers	ABSENT	June Larson	YES	Patricia Wagner	YES
Teresa Disburg	ABSENT	Adrian Mohr	ABSENT	Robin York	YES

Dori Dufault YES | Christine Pellet YES | 8 YES – MOTION CARRIED

KATHLEEN D. ARBUCKLE: K. Rausch, Nursing Program Specialist, presented background on this case.

MOTION: Diana Berkland moved that the South Dakota Board of Nursing accept the Voluntary Surrender of the LPN license of Kathleen D. Arbuckle.

Seconded by Patricia Wagner.

Diana Berkland	YES	John Jones	YES	Deb Soholt	YES
Linda Bunkers	ABSENT	June Larson	YES	Patricia Wagner	YES
Teresa Disburg	ABSENT	Adrian Mohr	ABSENT	Robin York	YES
Dori Dufault	YES	Christine Pellet	YES		8 YES – MOTION CARRIED

J. A.: K. Rausch, Nursing Program Specialist, presented background on this case. An investigation will be conducted.

POLICY ON LICENSURE VERIFICATION: G. Damgaard shared that a policy statement should be composed.

MOTION: June Larson moved that the South Dakota Board of Nursing Policy is that the Online Verification of Licensure serves as written verification and employers are encouraged to use this resource. Seconded by Dori Dufault. The motion was passed in a unanimous voice vote.

APN COLLABORATIVE AGREEMENT MODIFICATION REQUEST for Van Genderen, CNP: L. Young shared with the Board that this CA modification request is not without precedent, in that another CNP has been granted such a modification by the Joint Boards. A handout was provided. Van Genderen has completed requirements.

MOTION: Robin York moved that the South Dakota Board of Nursing approve the request of Betsy Van Genderen, CNP, to modify her Collaborative Agreement to allow her to perform ultrasound guided paracentesis, pending Joint Board approval. Seconded by June Larson. The motion was approved in a unanimous voice vote.

#### ANNOUNCEMENTS

NCSBN Mid-Year Meeting, Chicago: NCSBN will pay expenses for two Board staff to attend.

MOTION: Diana Berkland moved that South Dakota Board of Nursing approve up to four people to attend the NCSBN Mid-Year Meeting March 2–4, 2009.

Seconded by Dori Dufault.

Diana Berkland	YES	John Jones	YES	Deb Soholt	YES
Linda Bunkers	ABSENT	June Larson	YES	Patricia Wagner	YES
Teresa Disburg	ABSENT	Adrian Mohr	ABSENT	Robin York	YES
Dori Dufault	YES	Christine Pellet	YES		8 YES – MOTION CARRIED

Next Board Meeting and Public Hearing: April 7–8, 2009

Dori Dufault requested that this Board place on the April agenda consideration of the LPN scope of practice in the light of advances in medical procedures and as it relates to different practice settings. L. Young and R. York will help prepare documentation.

ADJOURNMENT: 11:00 a.m.