



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

JUNE 19-20, 2008
MINUTES

The meeting was called to order by Vice President Robin York at 8:40 a.m.

BOARD MEMBERS

Diana Berkland, RN; Excused
Linda Bunkers, RN
Teresa Disburg, RN; arrived 10 a.m.
Dori Dufault, LPN; Excused
John Jones, Public Member
June Larson, RN
Adrian Mohr, Public Member
Christine Pellet, LPN, Secretary; Excused
Deb Soholt, RN, President; Excused
Patricia Wagner, LPN
Robin York, RN, Vice President

BOARD STAFF PRESENT

Gloria Damgaard, Executive Director
Nancy Bohr, Nursing Program Specialist
Kathy Rausch, Nursing Program Specialist
Linda Young, Nursing Program Specialist
Attorney Kristine O'Connell
Attorney Matthew Bock
Winora Robles, Recording Secretary

MINUTES of the April 29-30, 2008 regular meeting and the May 22, 2008 teleconference meeting were approved in unanimous voice votes.

AGENDA APPROVAL: Today's agenda, with the addition of Item 9L) Collaborative Agreement Rules, and Item 9M) Travel Requests, was approved in a unanimous voice vote.

FINANCIAL REPORTS & LOAN ASSISTANCE & FY 2009 BUDGET: Gloria Damgaard presented based on the reports prepared by the Board Accountant. South Dakota Center for Nursing Workforce will reimburse this Board for specific expenses such as travel. RN endorsement, renewal, temporary permit, and NCLEX® exam income are up, while LPN NCLEX® exam income is down. Travel expenses remain reasonable. The FY 2009 budget will be reviewed in the areas of in-state travel and legal expenses. Health Professionals Assistance Program expenses are up considerably; this Board manages financial matters for HPAP; reimbursements from other participating Boards will help offset this expense. For the RN Loan Program, 56 applications were received, 49 RN students and 6 advanced practice students will be awarded loans.

MOTION: June Larson moved that the South Dakota Board of Nursing accept the Financial Report and approve the FY09 Budget.

Seconded by Linda Bunkers. Roll call vote was taken.

Diana Berkland	ABSENT	John Jones	YES	Deb Soholt	ABSENT
Linda Bunkers	YES	June Larson	YES	Patricia Wagner	YES
Teresa Disburg	ABSENT	Adrian Mohr	YES	Robin York	YES
Dori Dufault	ABSENT	Christine Pellet	ABSENT	6 YES – MOTION CARRIED	

MOTION: Teresa Disburg moved that the South Dakota Board of Nursing approve the education Loan Assistance Annual Disbursement Report.

Seconded by Linda Bunkers. Roll call vote was taken.

Diana Berkland	ABSENT	John Jones	YES	Deb Soholt	ABSENT
Linda Bunkers	YES	June Larson	YES	Patricia Wagner	YES
Teresa Disburg	YES	Adrian Mohr	YES	Robin York	YES
Dori Dufault	ABSENT	Christine Pellet	ABSENT	7 YES – MOTION CARRIED	

FIRST QUARTER NCLEX® REPORT: Nancy Bohr presented based on reports that were previously distributed. South Dakota pass rates are above the national standard for this quarter. LPN pass rates were 95.65% for South Dakota candidates, with 22 of the 23 writers passing; the national pass rate was 85.41%. South Dakota RN candidates achieved a pass rate of 89.81%, which compared favorably to the national rate of 87.06%.

NCSBN POLICY PERSPECTIVES: G. Damgaard briefly reviewed highlights, including information regarding advanced practice nurse education requirements and scope of practice, nursing shortage data, midwife updates, continued competence issues, protecting nurses from violence in the workplace, school nurses, and “medical home” terminology as it relates to coordination of patient care.

NEDDS MEETING June 6, 2008: G. Damgaard and N. Bohr attended. The nursing education capacity summit proposal was discussed, and favorably received. A nursing faculty meeting to be held in July will focus on NCLEX® preparation for students; the Center for Nursing Workforce will also be involved in this effort.

ATTORNEY INVESTIGATOR SUMMIT May 19-21, 2008: G. Damgaard and K. Rausch attended. G. Damgaard spoke on discipline procedures within the Compact. At the Summit, an FBI representative explained audits, and what this Board may expect, such as an inspection regarding access to records and compliance with privacy requirements, and shredding criminal background check cards and results on-site.

NATIONAL NURSING WORKFORCE MEETING June 11-12, 2008: G. Damgaard and L. Young shared that this was an excellent conference, and well-attended. Information learned there regarding best practices for recruitment and retention will be very useful. The number of applicants who are being turned away from nursing programs is high; attrition and pass rates are also matters of concern. The number of new graduates who leave the field after six months of employment is up, probably due to high-stress work environments; methods to help support these new nurses during the first year of employment are being considered.

NCSBN UAP SEMINAR June 13, 2008: N. Bohr attended. Delegation of tasks and curriculum were discussed.

SDAHO ACUTE CARE COUNCIL May 15, 2008: G. Damgaard spoke regarding the CNM legislation that passed during the 2008 Legislative Session. There was a good discussion regarding midwifery in South Dakota.

LONG TERM CARE LEADERSHIP COUNCIL June 3, 2008: G. Damgaard and L. Young attended; the Board of Nursing has partnered with SDAHO and SDNA to pursue the goals of this group.

AMA RESOLUTION / DR. TITLE AND RESIDENCY: G. Damgaard presented based on the handout.

CBC YTD SUMMARY: K. Rausch presented based on the handout. This Board is considering contracting out the criminal background testing as is done in some other states such as North Dakota.

MODERN HEALTHCARE *The Nurse Staffing Outlook Gets Brighter*, May 2008: G. Damgaard provided this handout as an informational piece. The nursing shortage projection has been scaled back.

CNM WAIVER OF COLLABORATIVE AGREEMENT for Out of Hospital Births: L. Young presented the document for CNMs to request a waiver of the collaborative agreement for out of hospital births which included modifications since the previous Board Meeting. The Executive Director of the Board of Medical and Osteopathic Examiners has approved this same document. Data will be gathered to demonstrate outcomes for out of hospital births conducted by CNMs.

MOTION: June Larson moved that the South Dakota Board of Nursing accept the CNM Waiver of Collaborative Agreement for Out of Hospital Births as presented.

Seconded by Linda Bunkers. Roll call vote was taken.

Diana Berkland	ABSENT	John Jones	YES	Deb Soholt	ABSENT
Linda Bunkers	YES	June Larson	YES	Patricia Wagner	YES
Teresa Disburg	YES	Adrian Mohr	YES	Robin York	YES
Dori Dufault	ABSENT	Christine Pellet	ABSENT	7 YES – MOTION CARRIED	

MOTION: Linda Bunkers moved that the South Dakota Board of Nursing approve the request for Jeanne Prentice, CNM, for a Waiver of the Collaborative Agreement to attend out-of-hospital births in accordance with accepted guidelines from South Dakota Board of Medical and Osteopathic Examiners and South Dakota Board of Nursing.

Seconded by Patricia Wagner. Roll call vote was taken.

Diana Berkland	ABSENT	John Jones	YES	Deb Soholt	ABSENT
Linda Bunkers	YES	June Larson	YES	Patricia Wagner	YES
Teresa Disburg	YES	Adrian Mohr	YES	Robin York	YES
Dori Dufault	ABSENT	Christine Pellet	ABSENT	7 YES – MOTION CARRIED	

NURSING EDUCATION CAPACITY SUMMIT: G. Damgaard presented. The Center for Nursing Workforce will be the lead agency for the project, with Marge Hegge as team leader. The goal of the team, when established, will be to achieve a 15% increase in the number of qualified faculty to replace retirements, and a 10% increase in the number of RNs entering the workforce. A joint proposal was submitted by the Department of Labor and Board of Nursing for participation in the National Nursing Education Capacity Summit sponsored by the Center to Champion Nursing. South Dakota was not selected for participation.

NATIONAL AMERICAN UNIVERSITY SITE VISIT: Nancy Bohr presented the report. NAU's Julia Bronner, Dean of Nursing and Diana Kostrzewski, Chair of the Online RN-BSN Program, were present to address the Board. N. Bohr and J. Larson, who conducted the site visit, reported that great improvements have been made since the previous visit. Exemplary leadership and supportive relationships among administration and nursing personnel are evident. All four recommendations made by the site visitors can and will be implemented.

MOTION: Patricia Wagner moved that the South Dakota Board of Nursing approve full status with strengths and recommendations and accept the Site Report for National American University.

Seconded by John Jones. Roll call vote was taken.

Diana Berkland	ABSENT	John Jones	YES	Deb Soholt	ABSENT
Linda Bunkers	YES	June Larson	YES	Patricia Wagner	YES
Teresa Disburg	YES	Adrian Mohr	YES	Robin York	YES
Dori Dufault	ABSENT	Christine Pellet	ABSENT	7 YES – MOTION CARRIED	

SINTE GLESKA UNIVERSITY: Nancy Bohr and June Larson presented background based on the report previously distributed. Mary Ann Fanning, Jim Poignes, and Georgia Hackett were present to represent Sinte Gleska University, which is currently under Interim Status. Issues regarding current compliance to standards as outlined by the Board in September 2005 as well as strengths of the program were discussed. J. Poignes provided a document listing nineteen written responses addressing the most recent site visit report findings. M. Fanning and G. Hackett also spoke in support of the program. J. Larson remarked that students expressed satisfaction with the program and spoke very highly of the faculty. By consensus, the Board deferred action pending the gathering and submission of more information.

BOB CARR RECOGNITION: In honor of the retirement of Bob Carr, an open house was held. G. Damgaard and M. Eining presented a Proclamation issued by Governor Mike Rounds honoring Dr. Carr for his many contributions, his years of work and volunteerism in the fields of abuse and addiction, declaring June 19, 2008 as **Dr. Robert Carr Day in South Dakota**.

LEGAL OPINIONS: G. Damgaard reviewed the four memos that were provided by the Board Attorney's office.

- (1) Absolute Bars to Licensure
- (2) Impaired Nurses and Prescription Pain Medications
- (3) Rescission of Board Action due to Executive Pardon
- (4) Voluntary Refrain from Practice Statement

DISCIPLINE

DISCIPLINE COMMITTEE MINUTES of June 5, 2008 were approved prior to this meeting of the full Board.

THE BOARD MOVED INTO CLOSED SESSION FOR PURPOSES OF DISCIPLINE

THE BOARD MOVED INTO OPEN SESSION

CONSENT AGENDA APPROVAL

1. S.J.A.: Mandate HPAP; further action pending evaluation results
2. V.J.A.: Letter of Concern & Mandate HPAP one year, then re-evaluate for rule-out-risk
3. Sheri D. Deibert: R031241 – Accept Voluntary Surrender

4. Nancy S. Meyer: P006344 – Accept Voluntary Surrender
5. Natalie J. Pray: R031294 – Accept Voluntary Surrender
6. Sharon Rose Azure: R028066 – Summary Suspension & Notice for Hearing
7. Kristina K. Bender: R028801 – Accept Voluntary Surrender
8. Rebekah Stallings: R031565 – Summary Suspension & Notice for Hearing
9. K.M.E.: Mandate HPAP one year as rule-out-risk; when in compliance, inactivate her South Dakota license.
10. J.A.L.: Board Dismissal
11. B.D.: Letter of Concern and Remediation Module: Documentation
12. A.J.E.: Board Dismissal
13. A.J.: Board Dismissal
14. T.W.: Letter of Concern and Remediation Module: Documentation
15. Tammy D. Moran: R031728 – Letter of Reprimand
16. L.K.V.: Board Dismissal
17. Carol Walter: P003629 – Letter of Reprimand
18. P.L.N.: Letter of Concern
19. T.R.H.: Letter of Concern
20. J.W.: Letter of Concern & flag for Board review prior to reactivation
21. M.M.R.: Board Dismissal
22. L.M.B.: Submit recommendation for a Letter of Concern to the Board of Medical & Osteopathic Examiners
23. L.R.H.: Submit recommendation for a Letter of Concern to the Board of Medical & Osteopathic Examiners
24. C.A.G.: Letter of Concern
25. B.L.H.: Letter of Concern
26. C.E.S.: Letter of Concern
27. K.Y.: Letter of Concern
28. A.L.Z.: Letter of Concern
29. Virginia D. Mathieu: R023171 – Deny request to rescind Board Action pending Attorney review

MOTION: June Larson moved that the South Dakota Board of Nursing accept the Consent Agenda and approve the recommendations of the Discipline Committee.

Seconded by Linda Bunkers. Roll call vote was taken.

Diana Berkland	ABSENT	John Jones	YES	Deb Soholt	ABSENT
Linda Bunkers	YES	June Larson	YES	Patricia Wagner	YES
Teresa Disburg	YES	Adrian Mohr	YES	Robin York	YES
Dori Dufault	ABSENT	Christine Pellet	ABSENT	7 YES – MOTION CARRIED	

CONSIDERATION OF DISCIPLINE

THERESA CAMERON: R034430 – Kathleen Rausch, Nursing Program Specialist, shared background on this case.

MOTION: Linda Bunkers moved that the South Dakota Board of Nursing mandate HPAP participation for five years with probation on her RN license for two years according to the HPAP contract for Theresa Cameron, RN.

Seconded by Teresa Disburg. Roll call vote was taken.

Diana Berkland	ABSENT	John Jones	YES	Deb Soholt	ABSENT
Linda Bunkers	YES	June Larson	YES	Patricia Wagner	YES
Teresa Disburg	YES	Adrian Mohr	YES	Robin York	YES
Dori Dufault	ABSENT	Christine Pellet	ABSENT	7 YES – MOTION CARRIED	

B.J.P.: Kathleen Rausch, Nursing Program Specialist, shared background on this case.

MOTION: Adrian Mohr moved that the South Dakota Board of Nursing send a Letter of Concern to B.J.P. for failure to disclose his misdemeanor convictions for possession of marijuana and possession of drug paraphernalia on his RN license application.

Seconded by John Jones. Roll call vote was taken.

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

Teresa Disburg	YES	Adrian Mohr	YES	Robin York	YES
Dori Dufault	ABSENT	Christine Pellet	ABSENT	7 YES – MOTION CARRIED	

ANN M. MECHTENBERG: 06/19/2008 2:00 p.m. Judge Hillary Brady announced that this is the time and place for Hearing the matter of Ann M. Mechtenberg, RN, South Dakota license #R028205. Ann M. Mechtenberg was present and represented by Attorney Todd Epp. Attorney Kristine O’Connell represented the Board of Nursing. Judge H. Brady explained the procedures to be followed today.

Attorney K. O’Connell and Attorney T. Epp began with opening statements.

A. Mechtenberg was called, sworn in, and testified. Exhibits 1-8 were entered into evidence.

A. Mechtenberg responded to questions posed by Board members.

The Hearing was adjourned; Board discussion was held in Closed Session.

MOTION: Linda Bunkers moved that the South Dakota Board of Nursing reinstate the RN license of Ann Mechtenberg on probationary status with quarterly reports from self, employer, and treating professional. We will reevaluate in one year.

Seconded by Patricia Wagner. Roll call vote was taken.

Diana Berkland	ABSENT	John Jones	YES	Deb Soholt	ABSENT
Linda Bunkers	YES	June Larson	YES	Patricia Wagner	YES
Teresa Disburg	YES	Adrian Mohr	YES	Robin York	YES
Dori Dufault	ABSENT	Christine Pellet	ABSENT	7 YES – MOTION CARRIED	

BETTY C. ARTHUR: 06/19/2008 10:00 a.m. Judge Hillary Brady announced that this is the time and place for Hearing the matter of Betty C. Arthur, RN, South Dakota license #R034888. Betty C. Arthur was present and represented by Attorney Elizabeth Lorina. Attorney Kristine O’Connell represented the Board of Nursing. Also present were Dawn Hendricks, RN, Regional Health, Inc.; Attorney Paula McInerney Hall, Regional Health, Inc.; William Arthur, husband of Betty Arthur; Maria Eining, Director, South Dakota Health Professionals Program; Andrew Albers, RN, former Nursing Program Specialist/Investigator, South Dakota Board of Nursing.

Judge H. Brady explained the procedures to be followed today.

Exhibits 1-14 were entered into evidence.

Attorney K. O’Connell and Attorney E. Lorina began with opening statements.

A. Albers was called, sworn in, and testified.

D. Hendricks was called, sworn in, and testified.

M. Eining was called, sworn in, and testified.

B. Arthur was called, sworn in, and testified. B. Arthur responded to questions posed by Board members.

Attorneys rested without giving closing comments. The Hearing was adjourned at 12:50 p.m.

Board discussion was held in closed session. The Board moved into open session.

New evidence has just been discovered. G. Damgaard was called, sworn in, and testified. Board discussion was held in closed session. The Board moved into open session.

MOTION: June Larson moved that the South Dakota Board of Nursing revoke the RN license of Betty C. Arthur based on the evidence presented at this Hearing.

Seconded by John Jones. Roll call vote was taken.

Diana Berkland	ABSENT	John Jones	YES	Deb Soholt	ABSENT
Linda Bunkers	YES	June Larson	YES	Patricia Wagner	YES
Teresa Disburg	YES	Adrian Mohr	YES	Robin York	YES
Dori Dufault	ABSENT	Christine Pellet	ABSENT	7 YES – MOTION CARRIED	

NICHOLE L. GJORAAS: Request for Reinstatement. Kathleen Rausch, Nursing Program Specialist, shared background on this case. N. Gjoraas was present, represented by Attorney Michael Henderson.

MOTION: Linda Bunkers moved that the South Dakota Board of Nursing approve the request of Nichole Gjoraas to reinstate her RN license with continued participation HPAP for one more year.

Seconded by Adrian Mohr. Roll call vote was taken.

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

Dori Dufault

ABSENT |

Christine Pellet

ABSENT |

7 YES – MOTION CARRIED

SUZANNE R. LYMAN: Request for Reinstatement. Kathleen Rausch, Nursing Program Specialist, gave background on the case.

MOTION: June Larson moved that the South Dakota Board of Nursing reinstate the RN license #R027317 of Suzanne Lyman with the restriction of no access to narcotics as monitored and determined by HPAP and mandated continued participation in HPAP.

Seconded by Patricia Wagner. Roll call vote was taken.

Diana Berkland	ABSENT	John Jones	YES	Deb Soholt	ABSENT
Linda Bunkers	YES	June Larson	YES	Patricia Wagner	YES
Teresa Disburg	YES	Adrian Mohr	YES	Robin York	YES
Dori Dufault	ABSENT	Christine Pellet	ABSENT		7 YES – MOTION CARRIED

MITCH P. JENNER: Kathleen Rausch, Nursing Program Specialist, shared background. M. Jenner was present to address the Board.

MOTION: Linda Bunkers moved that the South Dakota Board of Nursing reinstate the CNP license of Mitch Jenner with probationary terms as stated in the Order of Reinstatement for RN license of 02/06/2007 with deletion of mood altering drugs in statement #11 and with continued HPAP monitoring and participation for two additional years from date of active practice.

Seconded by June Larson. Roll call vote was taken.

Diana Berkland	ABSENT	John Jones	YES	Deb Soholt	ABSENT
Linda Bunkers	YES	June Larson	YES	Patricia Wagner	YES
Teresa Disburg	YES	Adrian Mohr	YES	Robin York	YES
Dori Dufault	ABSENT	Christine Pellet	ABSENT		7 YES – MOTION CARRIED

THE BOARD MOVED INTO CLOSED SESSION FOR PURPOSES OF PERSONNEL

THE BOARD MOVED INTO OPEN SESSION

ADOPTION OF FY 2009 BUDGET: This Item was combined with the Financial Report above.

GOVERNMENT OPERATIONS AND AUDIT REQUEST June 10, 2008: G. Damgaard shared that a letter of response has been drafted, stating that South Dakota does not accept licensure by reciprocity.

NCSBN DELEGATE ASSEMBLY August 5-8, 2008: Selection of Delegates/Recommendations. G. Damgaard shared with the Board that Assembly will be held in Nashville; the 30th Anniversary will be acknowledged. L. Young will be inducted into the Institute of Regulatory Excellence, and N. Bohr is seeking office.

ANCC CREDENTIALS FOR APNs: L. Young shared with the Board that there have been some issues regarding titles and protective status for the same, especially as the titles may vary from state to state.

COLLABORATIVE AGREEMENT RULES: L. Young and G. Damgaard have been working on these revisions; handouts were provided to Board members. Language reflects that which is in place for Physician Assistants. Proposed revisions will be submitted to the Board of Medical and Osteopathic Examiners.

MOTION: Teresa Disburg moved that the South Dakota Board of Nursing accept the proposed revision of ARSD 20:62:03:03 and proceed with the rule promulgation process.

Seconded by Linda Bunkers and carried in a unanimous voice vote.

TRAVEL REQUEST: Kathleen Rausch to attend the National Certified Investigator Training in Anchorage, Alaska.

MOTION: Linda Bunkers moved that the South Dakota Board of Nursing approve travel for Kathleen Rausch to attend the Investigator Training in Anchorage, Alaska.

Seconded by John Jones. Roll call vote was taken.

Diana Berkland	ABSENT	John Jones	YES	Deb Soholt	ABSENT
Linda Bunkers	YES	June Larson	YES	Patricia Wagner	YES
Teresa Disburg	YES	Adrian Mohr	YES	Robin York	YES
Dori Dufault	ABSENT	Christine Pellet	ABSENT		7 YES – MOTION CARRIED

ANNOUNCEMENTS

Next Board Meetings: September 9-10, 2008; Joint Boards meet
 November 6-7, 2008

Board Retreat in Chamberlain tentatively to be scheduled in the fall of 2008.

ADJOURNMENT: 1:20 p.m.

Maria Eining shared with the Board an update on the Health Professionals Assistance Program. The Affinity online monitoring system is working very well, and case management is much more efficient. Across the country, suicide among health professionals attempting to recover from chemical dependency and/or mental health issues has increased; understanding their vulnerability and how to help them is an important and urgent focus.