



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

NOVEMBER 13-14, 2008

MINUTES

PUBLIC HEARING – Joint Boards: November 13, 2008, 9:00 a.m. at the Sheraton in Sioux Falls.

THE BOARD OF NURSING MEETING WAS CALLED TO ORDER by President Deb Soholt November 13 at 10:08 a.m.

BOARD MEMBERS

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

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
Winora Robles, Program Assistant

Guests

Mary Nelson, Augustana Faculty
Adele Jacobson, Dakota Wesleyan University

MINUTES:

September 9–10, 2008 Board Minutes were approved as presented in a unanimous voice vote.

September 22, 2008 Teleconference Minutes were approved as presented in a unanimous voice vote.

September 2008 Joint Board Minutes draft was approved as presented in a unanimous voice vote.

AGENDA APPROVAL: The Agenda was approved as presented.

FINANCIAL REPORTS: Senior Accountant Robert Garrigan presented. RN endorsements are up significantly, many of those are travelers; there are now 12,611 RNs actively licensed in South Dakota. LPN loan program awards were reviewed; each of 24 applicants will receive \$500.

MOTION to approve the Financial Reports was seconded and carried in a unanimous voice vote.

MOTION to approve the LPN loan disbursement was seconded and carried in a unanimous voice vote.

NCLEX 3RD QUARTER REPORT: N. Bohr presented a summary of the written reports previously distributed. Overall, RN pass rates are up about 5% compared with last year, and about 2% above the national average. South Dakota LPN pass rates are at almost 8% above the national rate. Discrepancies were noted on the written reports; N. Bohr will see that corrections are made. In keeping with Uniform Licensure Requirements, LPN equivalency requirements will be reviewed.

CNA 3RD QUARTER REPORT: N. Bohr presented; recent figures show that about 67% of CNAs are renewing online. Board activities involving CNA registrations and training programs were reviewed.

UCLR SEMINAR: G. Damgaard, K. Rausch, and N. Bohr attended the meeting last week. CORE standards are currently being met by most boards of nursing. Two issues being considered are absolute bars to licensure and criminal background checks.

BOARD OF REGENTS WORKFORCE ROUNDTABLE: G. Damgaard presented information shared at the November 3, 2008 meeting. Although there is no way to determine precise healthcare workforce future statistics, there is consensus among the participants that more healthcare providers will be needed. It was suggested that pertinent education programs be increased by 30%.

HPAP PRESENTATION TO HEALTH CARE COMMISSION: G. Damgaard reported to the Board concerning the meeting held October 22, 2008 in Pierre.

NCSBN POLICY PERSPECTIVES: Among many topics, Advanced Practice Nursing matters are addressed in this issue. Also, the National Governors Association has endorsed the Nurse Licensure Compact.

NURSE AIDE REGISTRIES AND CMS REGULATIONS: Report of Findings. G. Damgaard presented. Nurse Aides are charged for registration in some states, which is contrary to CMS regulations.

SCOPE OF PRACTICE – LPNs in Dialysis: G. Damgaard presented regarding the report from NCSBN.

LOUISIANA COURT RULING: G. Damgaard shared with the Board that the Louisiana Board of Nursing's statement regarding CRNA scope of practice was challenged, and the Louisiana court ruled that the statement "substantively expands the scope of practice for CRNAs into an area where they have not traditionally practiced, i.e. chronic or interventional pain management ... solely the practice of medicine."

NCSBN COUNCIL CONNECTOR: D. Soholt pointed out that G. Damgaard was highlighted in this publication as an IRE Fellow regarding projects for fulfilling IRE requirements.

LOS ANGELES TIMES ARTICLE – Criminal Past No Bar to Nursing in CA: G. Damgaard reviewed the article with the Board, and this Board's policies concerning criminal convictions were discussed.

CENTER FOR NURSING WORKFORCE

L. Young shared that the recent meeting resulted in consideration of three options, including: Prepare students in basic competencies using alternative methods; Pilot test acute care clinical educators as an alternative to university instructors to supervise student clinical experiences; and Develop an Encore Career program for experienced nurses to encourage proficiency and passion in less physically demanding roles. The group will select one of these topics for further focus.

GENERATIVE DISCUSSION – STRATEGIC PLAN

Discussion centered on the upcoming Diabetes World Café and Advanced Practice topics. The topic of Just Culture will be discussed at the next Board meeting. G. Damgaard noted that at today's Joint Meeting, issues with the rules regarding Advanced Practice/Physician Assistant practice requirements were resolved; December 2, 2008, the Interim Rules Committee is scheduled to review the proposed change. Next, promulgation of the rule regarding multiple practice sites will begin, with a Public Hearing tentatively to be held in conjunction with the Board's April meeting. L. Young said that some Nurse Practitioners who practice at multiple sites with the same collaborating physician have expressed concern about the requirement included in the proposal that the collaborating physician would be required to visit each practice site every 90 days. In some rural areas, the Nurse Practitioner is the primary healthcare provider, due at least in part to current primary care physician shortages. Expiration dates for APN Temporary Permits was discussed; currently, the Permit expires upon notification of exam results. Within this Board's Strategic Plan, foundations of accreditation for nursing programs will be reviewed at the next Board meeting, as well as requirements for certification and education. The Diabetes World Café will bring together stakeholders in an informal environment to discuss challenges in diabetes care, such as insulin administration in the schools. Technological tools such as pagers and telehealth, as well as delegation, are ideas being considered to address the issues.

DWU RN–BAN SITE VISIT

N. Bohr and J. Larson, site visitors, reported that the program has made exceptional progress. Director Adele Jacobson, RN, EdD, was present to address the Board. The Dakota Wesleyan University RN–BAN Completion program was granted interim status in 2006, and now requests full approval. All standards have been met, and have been exceeded in many respects; effective leadership and commitment to excellence are in strong evidence. Student evaluations were also very good. Board staff recommends full approval status with no deficiencies noted. A. Jacobson remarked that online programs encounter challenges regarding approval to offer courses in some states, based on laws specific to each state. The director was commended on all that has been accomplished at the program.

MOTION: Robin York moved that the South Dakota Board of Nursing grant full approval status to the Dakota Wesleyan RN–BAN Online Completion Program.
Seconded by June Larson and carried in a unanimous voice vote.

CLINICAL ENRICHMENT PROGRAMS: N. Bohr presented based on the handouts.

MOTION: Robin York moved that the South Dakota Board of Nursing update the Clinical Enrichment Program Policy and accept the 2008 reports and grant approval for the following 2009 Clinical Enrichment Programs:

Avera Sacred Heart Hospital	Avera St. Luke's Hospital
Bennett County Hospital & Nursing Home	Sanford Health USD Medical Center with
Pine Ridge Indian Hospital	modification to offer expansion of the clinical
Spearfish Regional Hospital	enrichment to include Sanford Clinics.

Seconded by Dori Dufault. Roll call vote was taken:

Diana Berkland	ABSENT	John Jones	YES	Deb Soholt	YES
Linda Bunkers	YES	June Larson	YES	Patricia Wagner	YES
Teresa Disburg	YES	Adrian Mohr	YES	Robin York	YES
Dori Dufault	YES	Christine Pellet	ABSENT	9 YES – MOTION CARRIED	

SEVEN HEALTHCARE ACADEMY REQUEST for Approval RN and LPN Refresher Course: N. Bohr presented. The Academy is seeking approval in South Dakota for the Refresher Courses so that South Dakota licensees may be issued a limited license in this state, enabling them to participate in clinicals. These Refresher Courses are currently approved by the Arizona Board of Nursing. N. Bohr reviewed requirements for approval in Arizona as compared with South Dakota requirements.

MOTION: June Larson moved that the South Dakota Board of Nursing approve the LPN and RN Refresher Courses provided by SEVEN Healthcare Academy.

Seconded by Robin York. Roll call vote was taken:

Diana Berkland	ABSENT	John Jones	YES	Deb Soholt	YES
Linda Bunkers	YES	June Larson	YES	Patricia Wagner	YES
Teresa Disburg	YES	Adrian Mohr	YES	Robin York	YES
Dori Dufault	YES	Christine Pellet	ABSENT	9 YES – MOTION CARRIED	

ADOPTION OF RULES ARSD 20:48:15:02 and 03: G. Damgaard shared background.

MOTION: Teresa Disburg moved that the South Dakota Board of Nursing formally adopt the amendment ARSD 20:48:15:02 and 03 – Nurse Licensure Compact.

Seconded by Patricia Wagner. Roll call vote was taken:

Diana Berkland	ABSENT	John Jones	YES	Deb Soholt	YES
Linda Bunkers	YES	June Larson	YES	Patricia Wagner	YES
Teresa Disburg	YES	Adrian Mohr	YES	Robin York	YES
Dori Dufault	YES	Christine Pellet	ABSENT	9 YES – MOTION CARRIED	

THE BOARD MOVED INTO CLOSED SESSION FOR CONSIDERATION OF DISCIPLINE

THE BOARD MOVED INTO OPEN SESSION

DISCIPLINE COMMITTEE MINUTES of October 22, 2008 were approved prior to this meeting.

CONSENT AGENDA:

SHELBY LYNN MCKELVEY: Summary Suspension with Notice for Hearing

L.M.H.: Chemical Dependency Evaluation at Licensee's Expense with follow-through based on results of the Evaluation

K.R.O.: Letter of Concern based on Ethics in Nursing and Leadership

H.L.B.: Upon successful NCLEX, issue license with mandated 5 year HPAP participation to include time already enrolled

A.L.H.: Grant license

R.A.C.: Letter of Concern

G.R.H.: Letter of Concern

H.L.L.: Letter of Concern

MOTION: Linda Bunkers moved that the South Dakota Board of Nursing approve the Consent Agenda with the additions of approval of the signed Voluntary Surrender for Sandra L. Koenig and approval of the signed Voluntary Surrender for Darci J. Knoll.

Seconded by John Jones. Roll call vote was taken:

Diana Berkland	ABSENT	John Jones	YES	Deb Soholt	YES
Linda Bunkers	YES	June Larson	YES	Patricia Wagner	YES
Teresa Disburg	YES	Adrian Mohr	YES	Robin York	YES
Dori Dufault	YES	Christine Pellet	ABSENT	9 YES – MOTION CARRIED	

REBEKAH H. STALLINGS: Formal Hearing, November 13, 2008 1:30 p.m. Kristine O'Connell, Board Attorney, announced that this is the time and place for Hearing the matter of Rebekah H. Stallings. Licensee R. Stallings, although duly noticed, did not appear for this Hearing.

MOTION: Linda Bunkers moved that the South Dakota Board of Nursing suspend the license of Rebekah H. Stallings.

Seconded by June Larson. Roll call vote was taken:

Diana Berkland	ABSENT	John Jones	YES	Deb Soholt	YES
Linda Bunkers	YES	June Larson	YES	Patricia Wagner	YES
Teresa Disburg	YES	Adrian Mohr	YES	Robin York	YES
Dori Dufault	YES	Christine Pellet	ABSENT		9 YES – MOTION CARRIED

JAY A. ERICKSON: Formal Hearing, Nov 13, 2008 1:50 p.m. Board President Deb Soholt announced that this is the time and place for Hearing the matter of Jay A. Erickson. J. Erickson was present to address the Board. Kristine O'Connell, Board Attorney, reviewed the matter regarding the Letter of Reprimand issued in September 2008 by this Board; J. Erickson has appealed the issuance of this discipline action.

MOTION: Robin York moved that the South Dakota Board of Nursing remove the Letter of Reprimand for Jay Erickson, RN, and replace it with a Letter of Concern.

Seconded by Dori Dufault. Roll call vote was taken:

Diana Berkland	ABSENT	John Jones	YES	Deb Soholt	YES
Linda Bunkers	YES	June Larson	YES	Patricia Wagner	YES
Teresa Disburg	YES	Adrian Mohr	YES	Robin York	YES
Dori Dufault	YES	Christine Pellet	ABSENT		9 YES – MOTION CARRIED

TYLESE M. PEARSON: Kathleen Rausch, Nursing Program Specialist, shared background with the Board. T. Pearson was present to address the Board. HPAP Director Maria Eining was also present.

MOTION: Robin York moved that the South Dakota Board of Nursing reinstate the LPN license of Tyelese M. Pearson with Probation as set forth in the Return to Practice Criteria.

Seconded by Patricia Wagner. Roll call vote was taken:

Diana Berkland	ABSENT	John Jones	YES	Deb Soholt	YES
Linda Bunkers	YES	June Larson	YES	Patricia Wagner	YES
Teresa Disburg	YES	Adrian Mohr	YES	Robin York	YES
Dori Dufault	YES	Christine Pellet	ABSENT		9 YES – MOTION CARRIED

CHRISTINA M. FERGEN: Kathleen Rausch, Nursing Program Specialist, presented background. C. Fergen was present to address the Board. HPAP Director Maria Eining was also present.

MOTION: Linda Bunkers moved that the South Dakota Board of Nursing discharge Christina Fergen, RN, from HPAP and close the Probation on her license.

Seconded by June Larson. Roll call vote was taken:

Diana Berkland	ABSENT	John Jones	YES	Deb Soholt	YES
Linda Bunkers	YES	June Larson	YES	Patricia Wagner	YES
Teresa Disburg	YES	Adrian Mohr	YES	Robin York	YES
Dori Dufault	YES	Christine Pellet	ABSENT		9 YES – MOTION CARRIED

LISA DIANE FISCHER: Kathleen Rausch, Nursing Program Specialist, reviewed background on this matter. L. Fischer was present to address the Board. HPAP Director Maria Eining was also present.

MOTION: Robin York moved that the South Dakota Board of Nursing reinstate the RN license of Lisa Diane Fischer with Probation and mandated HPAP for five years with credit for time of previous successful participation in the program.

Seconded by Dori Dufault. Roll call vote was taken:

Diana Berkland	ABSENT	John Jones	YES	Deb Soholt	YES
Linda Bunkers	YES	June Larson	YES	Patricia Wagner	YES
Teresa Disburg	YES	Adrian Mohr	YES	Robin York	YES
Dori Dufault	YES	Christine Pellet	ABSENT		9 YES – MOTION CARRIED

ELECTION OF OFFICERS FOR 2009: Following closure of nominations, Teresa Disburg was elected Secretary; Robin York was reelected Vice President; and Deb Soholt was reelected President of this Board.

2009 BOARD MEETING SCHEDULE: This Board selected the following dates for its regular meetings in 2009: January 22-23 in Sioux Falls; April 2-3 or April 7-8 in Sioux Falls pending the Public Hearing date; June 18-19 possibly in Chamberlain; September 15-16 pending the Joint Boards meeting date; November 19-20.

THE BOARD MOVED INTO CLOSED SESSION FOR PURPOSES OF PERSONNEL

THE BOARD MOVED INTO OPEN SESSION

CITIZENS ADVOCACY CENTER Membership: G. Damgaard shared with the Board the advantages of membership.

MOTION that the South Dakota Board of Nursing purchase a Citizens Advocacy Center membership for \$275. Seconded and carried in a unanimous voice vote.

ANNOUNCEMENTS /TRAVEL REQUESTS

- Diabetes World Café - November 20, 2008 5-7 pm
- NCSBN Institute of Regulatory Excellence January 12-14, 2009
- Interim Rules Review Committee December 2, 2008 - Pierre, SD
- NCSBN Mid-Year Meeting March 2-4, 2009
- SDNA Nurses Day at the Legislature - February 9-10, 2009

MOTION: Teresa Disburg moved that the South Dakota Board of Nursing approve travel for up to three people to the NCSBN Institute of Regulatory Excellence, January 12-14, 2009; and for up to two people to attend the Robert Wood Johnson Summit February, 2009.
Seconded by Robin York and carried in a unanimous voice vote.

ADJOURNMENT: November 14, 2008 11:08 a.m.