



SOUTH DAKOTA BOARD OF NURSING

4305 S. LOUISE AVENUE SUITE 201 • SIOUX FALLS SD 57106

SEPTEMBER 9-10, 2008

MINUTES

JOINT BOARD MEETING held September 10, 9:00 a.m. at the downtown Holiday Inn.

THE BOARD OF NURSING MEETING WAS CALLED TO ORDER by President Deb Soholt September 9 at 8:33 a.m.

BOARD MEMBERS

Diana Berkland, RN
Linda Bunkers, RN
Teresa Disburg, RN; Excused
Dori Dufault, LPN; Excused
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

MINUTES of the June 19-20, 2008 Board Meeting were approved in a unanimous voice vote.

AGENDA APPROVAL: Today's agenda with rearrangements was approved in a unanimous voice vote. The Board allowed the additions of "NLCA Rules Changes" and "M. Jenner Reinstatement" during the meeting.

FINANCIAL REPORTS: Robert Garrigan, Senior Accountant, presented based on the handouts. RN Renewals and especially Endorsements are higher than had been anticipated.

MOTION to approve the balance sheet as presented for June 2008 carried in a unanimous voice vote.

MOTION to approve the balance sheet as presented for August 2008 carried in a unanimous voice vote.

CNA SECOND QUARTER: Nancy Bohr presented based on the written reports. Numbers have stayed relatively stable, and online renewals are going well.

NCLEX[®] SECOND QUARTER: Nancy Bohr shared that NCLEX[®] results for South Dakota writers have improved quite substantially as compared to the first quarter results. It was noted that the NEDDs group and South Dakota Center for Nursing Workforce have been working on methods to help nursing students succeed.

AMA RESOLUTION: Discussion focused on some of the highlights of the Resolution.

2008 DOH ANNUAL REPORT: Gloria Damgaard presented based on the reports previously distributed. Discipline and Financial data were reviewed.

2008 NCSBN DELEGATE ASSEMBLY: Gloria Damgaard, Nancy Bohr, and Linda Young attended the Assembly in Nashville, which included an observance marking the 30th Anniversary of NCSBN. Revised Education and APN rules were adopted. L. Young was inducted into the Institute of Regulatory Excellence; N. Bohr was elected to the Leadership Succession Committee for Area II. The 2009 Assembly will be held August 11-14 in Philadelphia.

MEDICAL PROFESSIONALS RECOVERY PROGRAM at Tallgrass and the Twelve Step Living Corporation-Recovery: Gloria Damgaard presented. The Tallgrass Program is intended to help medical professionals who have already begun treatment as part of a commitment to recover from chemical dependency. The Board of Nursing has signed on as an Ambassador in support of the Medical Professionals Recovery Program.

APN ADVISORY COMMITTEE MEETING: Linda Young presented an update. Proposed Collaborative Agreement revisions are supported by the group. APN Advisory Committee representation on this Board was discussed.

DIRECT CARE WORKERS: Linda Young briefly reviewed advocacy for long term healthcare workers.

NCSBN POLICY PERSPECTIVES: Gloria Damgaard reviewed highlights.

CAC NEWS AND VIEWS: Citizens Advocacy Center's annual meeting will be held October 27-29, 2008 in Ashville, North Carolina. The Board approved travel for two individuals to attend.

APN CERTIFICATION UPDATES: Linda Young presented this document as an informational piece.

DIPLOMA MILLS/BOGUS DEGREES: Gloria Damgaard presented this as an informational piece; healthcare boards must be aware that fraudulent, purchased diplomas are an issue in several states now. This Board has policies in place to detect and to safeguard against acceptance of such documents.

OGLALA LAKOTA COLLEGE: Nancy Bohr, Nursing Program Specialist, presented results of the April 2008 Site Visit. Present to represent Oglala Lakota College were Joan G. Nelson, new Nursing Department Chair, and Dr. Gerald Giraud, Vice President. Lakota values are interwoven throughout the curriculum. A video presentation that was produced as a recruitment tool, depicting improvements at the College including new buildings and state-of-the-art equipment, was viewed. J. Nelson remarked that besides the central campus, there are teaching centers throughout the area, with upgrades of all facilities on the reservation. Two research grants are ongoing, as well as a diabetes research program, and ongoing study of SIDS, which has been a large problem within the community. Strengths of the program and recommendations made by Board site visitors were reviewed. Some of those recommendations have already been addressed. The major issues with the nursing program are the low NCLEX[®] pass rates. Focus has been on testing methods and study aids; faculty members continue to upgrade their own education levels. Many graduates of the program are employed in the area. The program has been approved for NLNAC candidacy.

MOTION: Diana Berkland moved that the South Dakota Board of Nursing support continued Probationary Status and return to Full Approval Status when NCLEX[®] pass rates meet the required standard of 75%. Seconded by June Larson. Roll call vote was taken.

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

NURSING EDUCATION CAPACITY NCSBN Summit: Gloria Damgaard presented. To deal with similar issues in South Dakota, the Center for Nursing Workforce has prepared a project to be launched in October 2008.

SINTE GLESKA UNIVERSITY Site Visit: Nancy Bohr and June Larson, who conducted the visit, reported based on the handouts. Administration's financial support of the Nursing Program, including the furthering of faculty members' education and current faculty salary levels, was reviewed. Nursing students who were interviewed were open and very enthusiastic in their praise of faculty. Facilities for staff are outdated and/or inadequate. Deficiencies and recommendations for improvement have been drafted by the Board representatives.

MOTION: June Larson moved that the South Dakota Board of Nursing place the Sinte Gleska University LPN Nursing Program on Probationary Status and put the University on Notice that they have one year to demonstrate Correction of Deficiencies. At the end of the Probationary period, if the Program has failed to correct the Deficiencies and has not implemented the Board of Nursing Recommendations, the Board may withdraw Approval after a Hearing in accordance with SDCL Chapter 1-26.

Seconded by Diana Berkland. Roll call vote was taken.

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

CNE-NET – Update from North Dakota Board of Nursing: Nancy Bohr shared with the Board that revisions implemented by CNE-NET are included in the handout.

GOAC Follow-Up: Gloria Damgaard reviewed the Board's response to GOAC's request for information.

CENTER FOR NURSING WORKFORCE: Linda Young presented an update. The Strategic Plan outlines five initiatives, with focus on: policy development regarding students with diabetes in the schools; initiating a task force on new models of nursing practice; just culture, including safe choices; ethics in healthcare; and a formula for determining future nursing demand.

MOUNT MARTY COLLEGE: Appointment of Nursing Chair Jacquelyn Kelley, RN, DNP, MPH: Nancy Bohr presented.

MOTION to accept information on the new Chair for Mount Marty College carried in a unanimous voice vote.

CLINICAL ENRICHMENT PROGRAM REPORTS: Nancy Bohr presented; all of the programs are in compliance.

MOTION: Robin York moved that the South Dakota Board of Nursing accept the evaluation reports for the Clinical Enrichment Programs and grant continue approval for the Summer 2009 programs for:

- St. Michael's Hospital Avera, Tyndall
- South Dakota Human Services Center, Yankton
- Avera McKennan, Sioux Falls
- Rapid City Regional Hospital, Rapid City

Motion seconded and carried in a unanimous voice vote.

CONSENSUS MODEL FOR APRN REGULATION/Model Rules: Linda Young outlined the model proposed by a committee of NCSBN as well as other groups, with implementation scheduled for the year 2015. This Board will study the various specific suggestions within the document for future discussion.

NLCA RULES CHANGES: Gloria Damgaard presented based on the documents distributed. The changes were approved by NLCA in August 2008; promulgation of the SD Rules 20:48.15 may proceed.

MOTION: Diana Berkland moved that the South Dakota Board of Nursing proceed with promulgation of amendment of 20:48:15 Nurse Licensure Compact as finalized by the Nurse Licensure Compact Administrators on August 4, 2008.

Motion seconded by June Larson carried in a unanimous voice vote.

THE BOARD MOVED INTO CLOSED SESSION FOR CONSIDERATION OF DISCIPLINE

THE BOARD MOVED INTO OPEN SESSION

- Criminal Background Checks Summary FY 2008-2009: Kathleen Rausch presented based on the handout.
- June 2008 Discipline Committee Minutes corrected and approved: V.A. was issued a LOR, not LOC: the June 2008 Discipline Committee Minutes were approved as corrected in a unanimous voice vote.
- August 19, 2008 Minutes were approved by the Discipline Committee prior to this meeting. Adrian Mohr, Committee President, presented. The Consent Agenda is based on the August 19, 2008 Minutes.
- Consent Agenda Approval

MOTION: Robin York moved that the South Dakota Board of Nursing approve the Consent Agenda with the exceptions of M. M., J. N., and J. S.

- Jay A. Erickson – Letter of Reprimand with Remediation
- Daniel J. Winkler – Letter of Reprimand with Remediation
- B. M. L. – Complaint Dismissed
- G. B. – Complaint Dismissed
- R. H. – No Action Taken pending submission of Application
- J. W. – Complaint Dismissed
- E. H. – HPAP Mandated
- D. H. – Complaint Dismissed
- H. B. – No Action pending NCLEX
- S. L. – Letter of Concern
- Donna L. Bossman – Letter of Reprimand with Remediation
- S. P. – Letter of Concern
- K. C. – Letter of Concern
- C. B. – Letter of Concern
- R. R. – Complaint Dismissed
- B. P. – Letter of Concern Rescinded

Seconded by Linda Bunkers. Roll call vote was taken.

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

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

SHARON AZURE – Formal Hearing: September 9, 2008, 11:00 a.m. Kristine O’Connell, Board Attorney, announced that this is the time and place for Hearing the matter involving S. Azure, who, although duly noticed, did not appear for this Hearing.

MOTION: Linda Bunkers moved that the South Dakota Board of Nursing continue the Suspension of the RN license for Sharon Azure.

Seconded by Diana Berkland. Roll call vote was taken.

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

D. D. – Formal Appearance: Kathleen Rausch, Nursing Program Specialist, presented background on this matter. D. D. was present to address the Board.

MOTION: Robin York moved that the South Dakota Board of Nursing grant D. D. an LPN license.

Seconded by June Larson. Roll call vote was taken.

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

R. C. – Formal Hearing: September 10, 2008, 10:00 a.m. Kristine O’Connell, Board Attorney, announced that this is the time and place for Hearing the matter involving R. C., who, although duly noticed, did not appear.

MOTION: Robin York moved that the South Dakota Board of Nursing continue the lapsed status of the RN license of R. C. and, if at any time reinstatement is sought, it be brought before the Board of Nursing for review and action.

Seconded by John Jones. Roll call vote was taken.

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

L. F. – Formal Hearing: Kristine O’Connell, Board Attorney, announced that this is the time and place for Hearing the matter of L. F.; although duly noticed, L. F. did not appear.

MOTION: Robin York moved that the South Dakota Board of Nursing remove the Summary Suspension of the RN license of L. F. and continue the lapsed status of her license. Should she seek reinstatement of the lapsed license, the case will be reviewed and action taken at that time.

Seconded by Patricia Wagner. Roll call vote was taken.

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

BETTY C. ARTHUR: Kristine O’Connell, Board Attorney, presented background.

MOTION: Robin York moved that the South Dakota Board of Nursing accept the Findings of Fact, Conclusions of Law, and Order of Revocation for Betty C. Arthur.

Seconded by Patricia Wagner. Roll call vote was taken.

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

ANN M. MECHTENBERG: Kristine O'Connell, Board Attorney, presented background.

MOTION: Linda Bunkers moved that the South Dakota Board of Nursing approve the Findings of Fact, Conclusions of Law, and Order of Reinstatement with Probation of the RN license of Ann M. Mechtenberg.

Seconded by Adrian Mohr. Roll call vote was taken.

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

EUGENE D. SARHA: Kristine O'Connell, Board Attorney, presented background.

MOTION: June Larson moved that the South Dakota Board of Nursing approve the Voluntary Surrender of the RN license by Eugene D. Sarha.

Seconded by Patricia Wagner. Roll call vote was taken.

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

JUDDSON NOLAND: Kathleen Rausch, Nursing Program Specialist, presented background on this case.

MOTION: Patricia Wagner moved that the South Dakota Board of Nursing approve the Voluntary Surrender of Juddson Noland, LPN, with Modifications; do not accept hand-written modifications.

Seconded by June Larson. Roll call vote was taken.

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

J. S.: Kathleen Rausch, Nursing Program Specialist, reviewed the case.

MOTION: Robin York moved that the South Dakota Board of Nursing issue a Letter of Concern to J. S.

Seconded by June Larson. Roll call vote was taken.

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

BECKY L. COISMAN: Kristine O'Connell, Board Attorney, presented background on this case.

MOTION: Robin York moved that the South Dakota Board of Nursing accept the Voluntary Surrender of Becky L. Coisman's RN license.

Seconded by Patricia Wagner. Roll call vote was taken.

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

MATTHEW MARKS: Kristine O'Connell, Board Attorney, presented background on this case.

MOTION: June Larson moved that the South Dakota Board of Nursing approve the Voluntary Surrender of the Privilege to Practice as a Registered Nurse from Matthew Marks.

Seconded by Patricia Wagner. Roll call vote was taken.

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

HIPDB REPORTING: Gloria Damgaard presented. As of August 2008, South Dakota Board of Nursing is in 100% compliance, and is submitting discipline information on a timely basis.

PERSONNEL: Gloria Damgaard presented. The RFP process is underway for HPAP being housed at Avera Behavior Health Center in Sioux Falls; the written proposal was distributed and reviewed by the Board.

MOTION: Linda Bunkers moved that the South Dakota Board of Nursing accept the RFP from Avera Behavioral Health Center for operations and management of the HPAP program.

Seconded by John Jones. Roll call vote was taken.

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

MITCH P. JENNER: K. Rausch announced that the Board of Medical and Osteopathic Examiners has called to say that Mitchell Jenner's license has just been approved by that Board for reinstatement. The Board of Nursing had already approved such reinstatement.

MOTION: Diana Berkland moved that the South Dakota Board of Nursing accept the recommendation from the South Dakota Board of Medical and Osteopathic Examiners to attach an addendum to the Order of Reinstatement for CNP license for Mitchell Jenner, requesting a report at the end of the first year from the Collaborating Physician to the Joint Boards.

Seconded by Linda Bunkers. Roll call vote was taken.

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

THE BOARD MOVED INTO CLOSED SESSION FOR FURTHER DISCUSSION OF PERSONNEL AND HIPDB MATTERS

THE BOARD MOVED INTO OPEN SESSION

TRAVEL REQUESTS

MOTION: Diana Berkland moved that the South Dakota Board of Nursing approve travel for:

1. Citizens Advocacy Center Annual Meeting, Asheville NC, October 27-29, 2008, for 2 people
2. UCLR Conference, November 5-6, 2008, for 3 staff, paid by NCSBN
3. MN Board of Nursing NLC Presentation, Minneapolis, September 12, 2008, for the Executive Director

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

AMERICAN PSYCHIATRIC NURSES ASSOCIATION: Linda Young presented. This group requests acceptance of the specific exam which measures entry-level knowledge and competency so that the practitioner may be licensed as a CNS or CNP with the Psych/Mental Health Specialty in South Dakota.

MOTION: Diana Berkland moved that the South Dakota Board of Nursing approve the request by American Psychiatric Nurses Association that South Dakota will issue a CNS or CNP license, based on requirements for the education of the role, in the Psych/Mental Health Adult Specialty using the updated combined CNS/CNP examination – ANCC Certification Exam for Psych Mental Health Adult Specialty.

Motion seconded and carried in a unanimous voice vote.

APN ADVISORY COMMITTEE Appointments: Linda Young presented; the Board has reviewed the applications that were submitted to the Board. CNP Nancy Kertz and CNM Susan Rooks were selected to fill the appointments in a unanimous voice vote.

NOVEMBER BOARD Meeting: To accommodate other scheduled items, the next Board meeting will be moved to November 13-14, 2008 in Sioux Falls. A generative discussion regarding matters such as the Strategic Plan will be an item of business on the November Agenda.

ANNOUNCEMENTS

- CLEAR Conference – September 22-27, 2008
- SDONE Presentation – September 25, 2008
- SDNA Convention – September 28-29, 2008
- PUBLIC HEARING – November 13, 2008, 9:00 a.m.

ADJOURNMENT: 2:23 p.m.