



SOUTH DAKOTA BOARD OF NURSING
SOUTH DAKOTA DEPARTMENT OF HEALTH
4305 S LOUISE AVENUE SUITE 201 ♦ SIOUX FALLS SD 57106-3115

MINUTES
SEPTEMBER 13-14, 2011

The Meeting was called to order by President Diana Berkland at 9:05 a.m.

BOARD MEMBERS

Diana Berkland, RN; President
Christine Callaghan, LPN
Teresa Disburg, RN
John Jones, Public Member
June Larson, RN; Vice President
Adrian Mohr, Public Member
Nancy Nelson, RN
Sharon Neuharth, LPN
Kristin Possehl, RN
Mary C. Schmidt, LPN
Deb Soholt, RN

BOARD STAFF PRESENT

Gloria Damgaard, Executive Director
Diane Josephson, Nursing Program Specialist
Kathleen Rausch, Nursing Program Specialist
Linda Young, Nursing Program Specialist
Kris O'Connell, Board Attorney
Erin Matthies, Program Assistant II

INTRODUCTIONS

MINUTES of the June 15-16, 2011 Board Meeting, correction made to motion on the RFP Vendor Presentation, minutes will reflect corrected motion as follows, "D. Soholt moved that the South Dakota Board of Nursing endorse the purchase of a new licensure vendor software system and begin new licensure contract negotiations". Minutes approved with correction in a unanimous voice.

MINUTES of the July 11, 2011 Teleconference Board Meeting were approved as presented in a unanimous voice vote.

AGENDA for today's meeting with the addition of item 8F) USD Update and was approved in a unanimous voice vote.

Election of Board Secretary – D. Berkland requested nominations, Terry Disburg was nominated and no other nominations were offered.

MOTION: June Larson moved that the South Dakota Board of Nursing nominate Terry Disburg for position of Board Secretary. Seconded by Deb Soholt.

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| Berkland | YES | Larson | YES | Possehl | YES |
| Callaghan | YES | Mohr | YES | Schmidt | YES |
| Disburg | YES | Nelson | YES | Soholt | YES |
| Jones | YES | Neuharth | YES | 11 YES – MOTION CARRIED | |

REPORTS:

FINANCIAL REPORTS were presented by R. Garrigan, Business Manager, based on the handouts provided.

Garrigan reviewed the report provided to the Department of Health.

MOTION: D. Soholt moved that the South Dakota Board of Nursing approve the financial reports as presented. Seconded by K. Possehl.

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| Berkland | YES | Larson | YES | Possehl | YES |
| Callaghan | YES | Mohr | YES | Schmidt | YES |
| Disburg | YES | Nelson | YES | Soholt | YES |
| Jones | YES | Neuharth | YES | 11 YES – MOTION CARRIED | |

MOTION: T. Disburg moved that the South Dakota Board of Nursing accept the cash center balances report as presented. Seconded by J. Larson.

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|-----------|-----|----------|-----|-------------------------|-----|
| Berkland | YES | Larson | YES | Possehl | YES |
| Callaghan | YES | Mohr | YES | Schmidt | YES |
| Disburg | YES | Nelson | YES | Soholt | YES |
| Jones | YES | Neuharth | YES | 11 YES – MOTION CARRIED | |

NATIONAL COUNCIL STATE BOARDS OF NURSING (NCSBN) DELEGATE ASSEMBLY 2011 – L. Young and G. Damgaard attended and reviewed the highlights of the meeting including the elements of the uniform core license requirements which were passed by the delegate assembly. NCSBN also presented a new white paper on

Social Media which will be printed in the Dakota Nurse Connection. The key note speaker, Chris Warner, Leadership Consultant, was excellent. His message was titled, "High Altitude Leadership", which focused on team performance from a mountaineering perspective.. The 2012 Delegate Assembly will meet in Dallas, Texas.

NCSBN POLICY PERSPECTIVE – The NCSBN Policy Perspectives publication was reviewed.

NCSBN AND THE FORUM OF STATE NURSING WORKFORCE CENTERS – NCSBN and the Forum of State Nursing Workforce Centers are partnering on collecting national nursing workforce supply data. The goal is to create a national picture of nursing workforce supply information for use in development of health care policy.

NCLEX PASS RATES – G. Damgaard reviewed handouts; South Dakota pass rates were reviewed with a 91% pass rate for RN's and 88% pass rate for LPNs. The South Dakota schools passing standards have increased for LPN's.

NCSBN IMPACT OF THE NCLEX-PN PASSING STANDARD - As of April 1, 2011, a new passing standard of -0.27 logits was implemented for the NCLEX-PN Examination. The new standard represents an increase of 0.10 logits from the previous passing standard of -0.37 logits. The NCLEX passing standards are re-evaluated once every three years to accommodate possible changes in entry-level nursing practice. The preliminary impact data of the 2011 NCLEX-PN passing standard suggest that PN candidates are rising to the challenge of the higher passing standards.

OPEN FORUM – NO ONE REQUESTED THE OPPORTUNITY TO ADDRESS THE BOARD

ENVIRONMENTAL SCAN:

PRESS RELEASE SD BOARD OF REGENTS - The South Dakota Board of Regents issued a press release regarding placing salaries at top of budget concerns for public universities, the Board of Regents decided that salary increases for its employees and other state workers will top all other budget priorities for the coming year. The regents have asked Governor Dennis Daugaard to make salary adjustments for all state workers the highest priority when he puts together a recommended budget for Fiscal Year 2013.

DEPARTMENT OF VETERANS AFFAIRS: NURSING SCOPE OF PRACTICE – Communication from the VA System related to Federal Supremacy and Nursing Scope of Practice for Advanced Practice Registered Nurses was reviewed by the Board.

UNFINISHED BUSINESS:

NATIONAL AMERICAN UNIVERSITY (NAU) ANNOUNCEMENT OF PROGRAM CHAIR, SIOUX FALLS, CAMPUS – The NAU School of Nursing announced the appointment of Victoria Britson, PhD, MS, RN, as chair of the BSN program in Sioux Falls, SD. The Sioux Falls BSN program is planning for their first group of students the fall of 2011.

DATA INTEGRITY PROJECT: E. Matthies presented an update. The project is funded by NCSBN and has a budget of \$43,200.00; to date \$16,008.00 has been spent. The goal of the project is to add missing data or correct errors in data in the nursing licensure system, as of July 26th 33% of data integrity issues have been resolved. Discipline orders are also being uploaded to Nursys as part of this project.

VIRTUAL NURSING CARE for Children with Diabetes in the School Setting Grant: An update was presented by G. Damgaard and L. Young. The project went live at the end of March 2011, and was very successful; the trial run went through the end of the school year and will continue this school year. Additional grant money was provided from the DOH Maternal-Child Health Block Grant which has allowed expansion to include more schools and children. Currently there are seventeen schools and 20 children involved. Both Sanford and Avera are partnering on the project. The goal is to have 30 students participating. The potential impact of the virtual nursing care project is exciting and encouraging for South Dakota's citizens.

CENTER FOR NURSING WORKFORCE - The three-day Collaborative Nursing Leadership program was held in July 2011 with over 30 participants. Additional training calls will be held in October and November to provide follow-up training and to explore how to use the skills learned in the training.

SINTE GLESKA UNIVERSITY (SGU) – G. Damgaard reviewed SGU's nursing program status with the board, at the June 2011 Board meeting the Board accepted the site report with recommendations for improvement and granted continued Probationary Status; a follow-up letter from Dorothy Peterson, RN, Director of Nursing at SGU was also reviewed. Ms. Peterson indicated that SGU is working diligently to come into compliance with the board's recommendations for their nursing program and is addressing areas of partial compliance and non-compliance and will be submitting a written timeline regarding implementing changes for compliance. D. Peterson indicated SGU has discontinued their on-line nursing classes beginning with the fall semester; that

Mary Tamayo, BSN has been hired as the new Director of Nursing; and SGU has hired an Assessment Planning Director to comply with the recommendation for Curriculum Construction and Evaluation.

NEW BUSINESS:

National League for Nursing Accrediting Commission's (NLNAC) SD ACCREDITATION DECISIONS - G.

Damgaard reviewed a letter from Sharon J Tanner, Chief Executive Officer for NLNAC. Tanner reported that Presentation College received continuing accreditation with conditions and a follow-up report would be expected in two years addressing Standard 2. Dakota Wesleyan University received continuing accreditation and their next site visit will be spring 2019.

PRESENTATION COLLEGE ACCREDITATION REPORT – A letter was received from Illa Reeve, RN, MS, Chair, Department of Nursing at Presentation College giving the Board a copy of the formal notification of the results of the March 2011 NLNAC continuing accreditation site visit. Reeve indicated Presentation College has made it a priority to recruit and retain Master's prepared faculty and have hired Rhonda Hoven and Amber Landis to the faculty this fall.

SOUTHEAST TECHNICAL INSTITUTE (STI) REQUEST FOR INTERIM STATUS LPN TO RN ASSOCIATE DEGREE PROGRAM -

Kristin Possehl, RN, MSN, Med, Nursing Programs Director for Southeast Technical Institute, and Sara Lecese, RN, addressed the board and requested interim status approval for STI's LPN to RN Associate in Applied Science Program nursing program. STI was approved for Pre-Requisite status at the June 2011 board meeting. Following careful review of documentation submitted by STI and requirements listed in ARSD 20:48:07, the following motion was presented.

MOTION: D. Soholt moved that the South Dakota Board of Nursing Approve Interim Status for the LPN to RN Associate Degree Program at Southeast Technical Institute. Seconded by J. Jones.

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| Berkland | YES | Larson | YES | Possehl | YES |
| Callaghan | YES | Mohr | YES | Schmidt | YES |
| Disburg | YES | Nelson | YES | Soholt | YES |
| Jones | YES | Neuharth | YES | | 11 YES – MOTION CARRIED |

NCSBN UNIFORM LICENSURE REQUIREMENTS – G. Damgaard presented per handouts. The NCSBN core uniform licensure requirements were adopted by the NCSBN delegate assembly on August 5, 2011. The document outlines the essential regulatory requirements for initial, endorsement, renewal and reinstatement licensure needed across the country to ensure safe, competent nursing practice.

HEALTH PROFESSIONALS ASSISTANCE PROGRAM (HPAP) DIRECTOR – It was announced that Maria Eining has resumed the position of HPAP Program Director.

Discipline:

LANGUAGE ON SELECT VOLUNTARY SURRENDERS – K. Rausch presented information regarding RNs that have lost their license that then work in the role of a medication aide; following board discussion, the following motion was presented.

MOTION: K Possehl moved that the South Dakota Board of Nursing direct the disciplinary committee, on a case by case basis, to make recommendations to the Board for licensees' that have voluntarily surrendered their nursing license to be precluded from working as a nurse aide or medication assistant/aide. Seconded by T. Disburg.

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| Berkland | YES | Larson | YES | Possehl | YES |
| Callaghan | YES | Mohr | YES | Schmidt | YES |
| Disburg | YES | Nelson | YES | Soholt | YES |
| Jones | YES | Neuharth | YES | | 11 YES – MOTION CARRIED |

ABSOLUTE BARS to Employment being considered by DOH – G. Damgaard presented the proposed administrative rule change with the Board.

DISCIPLINE COMMITTEE MINUTES from August 2011 were approved by the Discipline Committee prior to this meeting.

DISCIPLINE COMMITTEE MEMBERSHIP – Nancy Nelson requested to be added to the Disciplinary Committee.

MOTION: J. Jones moved that the South Dakota Board of Nursing accept the appointment of Nancy Nelson to the Disciplinary Committee Membership. Seconded by J. Larson.

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|-----------|-----|--------|-----|---------|-----|
| Berkland | YES | Larson | YES | Possehl | YES |
| Callaghan | YES | Mohr | YES | Schmidt | YES |
| Disburg | YES | Nelson | YES | Soholt | YES |

THE BOARD MOVED INTO CLOSED SESSION FOR PURPOSES OF DISCIPLINE

THE BOARD RECONVENED IN OPEN SESSION

Consent Agenda Approval

1. Elizabeth Ann Springer R039669 – Accept Voluntary Surrender
2. Jason Alex Osborn R031835 – Accept Voluntary Surrender
3. PJM – Dismiss
4. May Kay (Hutt) Moliga R027814 – Accept Voluntary Surrender
5. TAB – Mandate HPAP 5 Years
6. AJC – Dismissal
7. Castle Renee Kelly R029598 – Accept Voluntary Surrender
8. Dawn M. Lingemann P005837 – Accept Voluntary Surrender
9. Teri Lynn Bruns P006491 – Accept Voluntary Surrender; if not received, Issue Summary Suspension
10. TMC – Letter of Concern
11. ERH – Letter of Concern
12. TMR – Letter of Concern
13. CJJ -- Defer Action pending further investigation
14. Brenda Kay Muellenberg R026810 – Accept Voluntary Surrender
15. ACR – Mandate HPAP 5 Years
16. BKL – Dismissal
17. Ashley Diane Schenkel P010435 – Request Voluntary Surrender; if not received, Issue Summary Suspension
18. SMW – Letter of Concern and Remediation
19. KLM – Letter of Concern
20. Kristiane Marie Schulte R021727 – Seek Stipulation for Six-Month Suspension with Remediation, to be followed by Two Years Probation. If licensee does not agree to Stipulation, issue Summary Suspension
21. TSP – Letter of Concern and Remediation
22. CEB – Dismissal
23. PAF – Letter of Concern
24. KGM – Grant Reinstatement of SD RN license
25. TMW – Allow Eligibility to take the NCLEX
26. Sara Jane Redepenning R037659 – Close Probation

MOTION: D. Soholt moved that the South Dakota Board of Nursing approve the Consent Agenda with the exception of Jason Alex Osborn and ACR. Seconded by J. Jones.

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| Berkland | YES | Larson | YES | Possehl | YES |
| Callaghan | YES | Mohr | YES | Schmidt | YES |
| Disburg | YES | Nelson | YES | Soholt | YES |
| Jones | YES | Neuharth | YES | 11 YES – MOTION CARRIED | |

MOTION: D. Soholt moved that the South Dakota Board of Nursing accept the Voluntary Surrender for Jason Osborn, RN. Seconded by A. Mohr.

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| Berkland | YES | Larson | YES | Possehl | YES |
| Callaghan | YES | Mohr | YES | Schmidt | YES |
| Disburg | YES | Nelson | YES | Soholt | YES |
| Jones | YES | Neuharth | YES | 11 YES – MOTION CARRIED | |

Consideration of Discipline:

Sloan James, Formal Appearance, September 13, 2011, 1:00 p.m. – K. Rausch presented background. S.James was present to address the Board.

MOTION: D. Soholt moved that the South Dakota Board of Nursing reinstate the RN license of Sloan James. Seconded by C. Callaghan.

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|-----------|-----|----------|--------|--------------------------------------|-----|
| Berkland | YES | Larson | YES | Possehl | YES |
| Callaghan | YES | Mohr | YES | Schmidt | YES |
| Disburg | YES | Nelson | RECUSE | Soholt | YES |
| Jones | YES | Neuharth | YES | 10 YES – MOTION CARRIED 1 RECUSED | |

JB, Formal Appearance, September 13, 2011, 1:30 pm – K. Rausch presented background. JB was present to address the Board.

MOTION: D. Soholt moved that the South Dakota Board of Nursing issue a RN license to JB upon successful completion of the NCLEX-RN Exam with participation in the HPAP Program. Seconded by K. Possehl

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|-----------|-----|----------|-----|---------|-------------------------|
| Berkland | YES | Larson | YES | Possehl | YES |
| Callaghan | YES | Mohr | YES | Schmidt | YES |
| Disburg | YES | Nelson | YES | Soholt | YES |
| Jones | YES | Neuharth | YES | | 11 YES – MOTION CARRIED |

Mary Kaye Kurvink, Formal Appearance, September 13, 2011, 2:00 pm – K. Rausch presented background.

M. Kurvink and her attorney were present to address the Board.

Motion: K. Possehl moved that the South Dakota Board of Nursing deny the request for reinstatement of the RN license for Mary Kurvink. Seconded by J. Larson.

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| Berkland | YES | Larson | YES | Possehl | YES |
| Callaghan | YES | Mohr | YES | Schmidt | YES |
| Disburg | RECUSE | Nelson | YES | Soholt | YES |
| Jones | YES | Neuharth | YES | | 10 YES – MOTION CARRIED |
| | | | | | 1 RECUSED |

Patti Lynn Trapp, Formal Appearance, September 13, 2011, 2:30 pm – K. Rausch presented background.

P. Trapp was present to address the Board.

MOTION: D. Soholt moved that the South Dakota Board of Nursing reinstate the RN license of Patti Trapp. Seconded by C. Callaghan.

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| Berkland | YES | Larson | YES | Possehl | YES |
| Callaghan | YES | Mohr | YES | Schmidt | YES |
| Disburg | YES | Nelson | RECUSE | Soholt | YES |
| Jones | YES | Neuharth | YES | | 10 YES – MOTION CARRIED |
| | | | | | 1 RECUSED |

THE BOARD MOVED INTO CLOSED SESSION FOR PURPOSES OF PERSONNEL

THE BOARD RECONVENED IN OPEN SESSION

ADVANCED PRACTICE NURSING (APN) ADVISORY COMMITTEE MEETING – L. Young reported on the meeting held Friday, August 19, 2011. The committee reviewed SDCL 36-9A-17.3, a law that allows the Joint Boards to waive the physician collaborative agreement for CNMs to allow them to attend out of hospital births, a brief report was provided on the number of CNMs that have approved waivers and the number of out of hospital births attended. The committee discussed the APN world café on February 2011 and national recommendations for APN regulation. The committee unanimously agreed that the Board be requested to form a statewide task force to foster a climate of partnership and build consensus among all healthcare stakeholders regarding the education, practice and regulation of APRNs in South Dakota.

MOTION: K. Possehl moved that the South Dakota Board of Nursing establish a statewide task force to create a climate of partnership and build consensus among all healthcare stakeholders regarding the education, practice and regulation of APRNs in South Dakota. The committee will consider requests from out of state programs for advanced practice. Seconded by C. Callaghan.

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| Berkland | YES | Larson | YES | Possehl | YES |
| Callaghan | YES | Mohr | YES | Schmidt | YES |
| Disburg | YES | Nelson | YES | Soholt | YES |
| Jones | YES | Neuharth | YES | | 11 YES – MOTION CARRIED |

APN ADVISORY COMMITTEE REQUESTS FOR RE-APPOINTMENT - L. Young presented requests by Susan Rooks, CNM and Nancy Kertz, CNP for re-appointment to the APN Advisory Committee for a second term.

MOTION: D. Soholt moved that the South Dakota Board of Nursing approve the reappointment of Nancy Kertz, CNP and Susan Rooks, CNM to the Advanced Practice Nursing Advisory Committee for a 3-year term to expire September 2014. Seconded by N. Nelson.

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| Berkland | YES | Larson | YES | Possehl | YES |
| Callaghan | YES | Mohr | YES | Schmidt | YES |
| Disburg | YES | Nelson | YES | Soholt | YES |
| Jones | YES | Neuharth | YES | | 11 YES – MOTION CARRIED |

FELICIAN COLLEGE REQUEST – D. Damgaard reviewed with the Board a letter from Muriel M Shore, Dean and Professor, Division of Nursing and Health Management from Felician College in Lodi, New Jersey. Ms. Shore is inquiring if the South Dakota Board of Nursing has statutory and/or regulatory requirements for out of state advanced practice nursing distance programs. This program is nationally accredited for their Master of Science in Nursing program through the Commission on Collegiate Nursing Education (CCNE), the school offers tracks in Advanced Nursing Practice, Education and Executive Leadership.

INDIANA STATE UNIVERSITY REQUEST – G. Damgaard reviewed with the Board a letter from Ms. Christie Jacob, Indiana State University, their school has also inquired about the state’s rule and regulation for advanced practice nursing distance programs. Ms. Jacob indicated that their institution is accredited nationally and is seeking to follow South Dakota requirements pertaining to distance higher education.

CLINICAL ENRICHMENT PROGRAMS – G. Damgaard reviewed the program evaluations and requests for reapproval from Avera Sacred Heart, Rapid City Regional, and the South Dakota Human Services Center per handouts. Motion: J. Larson moved that the South Dakota Board of Nursing approve the request for reapproval of the following clinical enrichment programs: Avera Sacred Heart, Rapid City Regional and the South Dakota Human Services Center. Seconded by T Disburg.

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|-----------|-----|----------|--------|-------------------------|-----|
| Berkland | YES | Larson | YES | Possehl | YES |
| Callaghan | YES | Mohr | YES | Schmidt | YES |
| Disburg | YES | Nelson | RECUSE | Soholt | YES |
| Jones | YES | Neuharth | YES | 11 YES – MOTION CARRIED | |
| | | | | 1 RECUSED | |

PETITION FOR DECLARATORY RULING: HISTORY AND PHYSICAL –The South Dakota Association of Nurse Anesthetists (SDANA) petitioned the South Dakota Board of Nursing to issue a declaratory ruling in regard to:

1. SDCL 36-9-3.1 (1) Develop an anesthesia care plan;
2. The facts and circumstances which give rise to the issue to be answered by the board’s declaratory ruling: “Are CRNA’s allowed to perform a history and physical on a patient?” and
3. The precise issue to be answered by the board’s declaratory ruling is: “Is it within the scope of practice of a CRNA to perform a history and physical prior to anesthetizing a patient for their surgery?”

Following discussion the board determined that they did not need to issue a declaratory ruling in regards to the statute, SDCL 36-9-3.1 (1).

UPCOMING EVENTS:

- SDONE, September 22, 2011, Board of Nursing Update, Rapid City, SD
- 2011 SDNA Convention, October 2-3, 2011, Yankton, SD
- NCSBN Leadership and Public Policy Seminar, October 4-6, 2011, Alexandria, VA
- Citizens Advocacy Center Annual Meeting, “Achieving Regulatory Excellence – Effective Discipline Programs”, October 20-21, 2011, Washington, DC
- AANP Region 8 Invitational Leadership Meeting, November 4-5, 2011, Fargo, ND
- NCSBN World Café Education Meeting, December 8-9, 2011

Motion: D. Soholt moved that the South Dakota Board of Nursing approve travel for: SDONE, Board of Nursing Update, Rapid City, SD, September 22, 2011; SDNA Convention, Yankton, SD, October 2-3, 2011; three to attend the NCSBN World Café Education Meeting, December 8-9, 2011; three to attend the AANP Region 8 International Leadership meeting, November 4-5, 2011 in Fargo, ND; and four to attend the NCSBN Leadership & Public Planning Seminar, October 4-6, 2011, Alexandria, VA. Seconded by K Possehl.

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| Berkland | YES | Larson | YES | Possehl | YES |
| Callaghan | YES | Mohr | YES | Schmidt | YES |
| Disburg | YES | Nelson | YES | Soholt | YES |
| Jones | YES | Neuharth | YES | 11 YES – MOTION CARRIED | |

STAFF ACTIVITIES:

- Gloria – Executive Officer Seminar, June 21-22, 2011, Savannah, GA
- Linda, Gloria, Erin, Kathy – Collaborative Leadership Seminar, July 12-14, 2011, Sioux Falls
- Gloria – Assisted Living Center Regulations Workgroup – July 7 and August 10, 2011, Sioux Falls
- Linda, Gloria – NCSBN Delegate Assembly August 2-5, 2011, Indianapolis, IN
- Gloria – Dorothy Graham Scholarship Award Committee, August 1, 2011, Sioux Falls
- Gloria – Background Check Policy Workgroup, Presentation August 18, 2011
- Linda, Gloria – Review of Medication Administration Program for DSS/CBH, August 11, 2011, Sioux Falls

- Gloria – Presentation to SDAHO Home Health and Hospice Group, August 24, 2011
- Gloria, Kathy – Meeting with DEA Supervisor, Tom Cox, August 24, 2011, Board Office
- Gloria, CNA Meeting with DOH and SDHCA, and Headmaster, August 25, 2011
- Linda, Gloria – Advanced Practice Advisory Committee Meeting, August 19, 2011
- Linda, Gloria – Center for Nursing Workforce Governance Meeting, August 30, 2011
- Gloria, Linda – SDBOME Laser Subcommittee, August 31, 2011

ADJOURNMENT: September 15, 2011 at 2:40 P.M.