



SOUTH DAKOTA BOARD OF NURSING

4305 S Louise Avenue Suite 201
Sioux Falls, South Dakota 57106

February 8-9, 2018 9:00 AM CST

Board Members	Board Staff Present
Darlene Bergeleen, RN Present	Gloria Damgaard, RN Executive Director
Carla Borchardt, RN Present	Francie Miller, RN Nursing Program Specialist
Rebekah Craddock, Public Member Present	Tessa Stob, RN Nursing Program Specialist
Doneen Hollingsworth, Public Member Absent	Linda Young, RN Nursing Program Specialist
Deborah Letcher, RN Present	Erin Matthies Licensure Operations Manager
Nancy Nelson, RN, Vice President Present	Robert Garrigan Business Manager
Sharon Neuharth, LPN Present	Jill Vanderbush Program Assistant I
Robin PetersonLund, RN, APRN Present	Abbey Bruner Senior Secretary
Kristin Posschl, RN, President Present	Kristine O'Connell Board Attorney
Mary Schmidt, LPN, Secretary Present	Shelly Munson Board Attorney
Lois Tschetter, RN Present	Others Present
	Catherine Duenwald Administrative Law Judge
	Terri Schildhauer Registered Professional Reporter
Guests: February 8, 2018	Guests: February 9, 2018
Katie Bosch, Northwestern College	Jessica Cameron, Licensee
Alex Stidmon, Northwestern College	Shelley Fox, Licensee
Margie Washnok, Presentation College	Amanda McKnelly, Midwest Health Management Services, LLC
Sandra Welling, Presentation College	Jessica Zephier, Oglala Lakota College
Patty Foley, Lake Area Technical Institute	
Rhonda Stangl, Lake Area Technical Institute	

1. Call to Order and Roll Call - President N Nelson called the meeting to order at 9:02 a.m. on February 8, 2018.

2. Board of Nursing Minutes

Board Action: D Bergeleen moved to approve the November 16, 2017 Board Meeting minutes, seconded by R Craddock. The minutes were approved in a unanimous voice vote. L Tschetter abstained from the voice vote for the minutes.

3. Agenda Approval

Board Action: D Letcher moved to approve the agenda, seconded by S Neuharth. The agenda was approved in a unanimous voice vote.

4. Financial Reports - R Garrigan presented the Financial Report for Fiscal Year 2018 (July-December), and responded to Board questions. G Damgaard added there hasn't been a fee increase since 2003, that is something the Board will need to look at this year. With the upcoming retirement of the Board of Nursing's Business Manager, it was discussed what the expectations are for the financial report moving forward. G Damgaard and E Matthies answered Board questions.

Board Action: M Schmidt moved to approve the Financial Report for Fiscal Year 2018 (July-December), seconded by C Borchardt. The Financial Report for Fiscal Year 2018 (July-August) was approved in a unanimous voice vote.

5. Reports

A) Licensure and Operations Report - E Matthies presented the February 2018 Licensure and Operations report. Currently there are 18,277 actively licensed Registered Nurses (RN) in South Dakota; 2,631 Licensed Practical Nurses (LPN); 35 Certified Nurse Midwives (CNM); 967 Certified Nurse Practitioners (CNP); 67 Clinical Nurse Specialists (CNS) and 467 Certified Registered Nurse Anesthetists (CRNA). The licensure team continues work on going live with Unlicensed Medication Aide (UMA) & Unlicensed Diabetes Aide (UDA) online renewals, developing an online application for Certified Nurse Aide (CNA) endorsement applicants and developing online Unlicensed Diabetes Aide (UDA) training.

B) Center for Nursing Workforce – See New Business item 9J.

C) External Meeting Reports – G Damgaard, K O'Connell spoke on the Nurse Licensure Compact (NLC) Legal Forum they attended in January in Chicago, IL.

L Young spoke on the Institute for Regulatory Excellence (IRE) Conference she attended in San Francisco in January.

D) Unlicensed Assistive Personnel (UAP) Report – T Stob presented the 2017 UAP Report and responded to Board questions. Currently there are 10,334 actively registered CNA’s in South Dakota, 5,422 actively registered UMA’s, 86 actively registered UDA’s and 58 actively registered Unlicensed Dialysis Technician’s (UDT).

6. Open Forum – N Nelson, President, provided the opportunity for guests to address the Board, no one requested to do so.

7. Environmental Scan - Documents provided for informational purposes.

8. Unfinished Business

A) Dakota Wesleyan University (DWU) Communication – G Damgaard presented the communication from Joseph M. Roidt, Provost DWU, that Professor Diane Sandhoff, the current Administrative Chair of DWU’s nursing program, will be retiring at the conclusion of the 2017-2018 academic year. Dr. Margaret Hegge will assume the role of Administrative Chair of Nursing effective January 15, 2018.

Board Action: K Possehl moved that the South Dakota Board of Nursing accept DWU’s communication, seconded by M Schmidt. Motion accepted in a verbal voice vote.

B) Clinical Enrichment Program (CEP) Avera St. Luke’s and Rapid City Indian Health Services (IHS) Hospital – G Damgaard presented the report of the 2017 CEP at Avera St. Luke’s Hospital Aberdeen and their request to offer the program in 2018. G Damgaard also presented the report from Rapid City IHS Hospital, due to budgetary restrictions the hospital did not hire a nurse extern in the summer of 2017; they received funding for 2018 and request reapproval.

Board Action: C Borchardt moved that the South Dakota Board of Nursing accept the report of the 2017 clinical enrichment program at St. Luke’s Aberdeen, SD Hospital and grant approval to offer the program in 2018, and approve the application for Rapid City Indian Health Service Hospital to offer a 2018 clinical enrichment program. Seconded by R PetersonLund.

Bergeleen	Yes	Neuharth	Yes
Borchardt	Yes	PetersonLund	Yes
Craddock	Yes	Possehl	Yes
Hollingsworth	Absent	Schmidt	Yes
Letcher	Yes	Tschetter	Yes
Nelson	Yes	10 Yes	MOTION Carried

C) Advance Practice Registered Nurse (APRN) Practice Guidelines – L Young presented updated APRN practice guidelines and APRN Scope of Practice Decisioning Algorithm. D Bergeleen moved that the South Dakota Board of Nursing approve the APRN Practice Guidelines with recommended changes. Seconded by R PetersonLund.

Bergeleen	Yes	Neuharth	Yes
Borchardt	Yes	PetersonLund	Yes
Craddock	Yes	Possehl	Yes
Hollingsworth	Absent	Schmidt	Yes
Letcher	Yes	Tschetter	Yes
Nelson	Yes	10 Yes	MOTION Carried

D) Board Decision model Approval – G Damgaard updated Board members on the Board Decisioning Model progress. K Possehl moved that the South Dakota Board of Nursing approve the expenditure of \$1650.00 to update the pictorial model of the Board decisioning framework. Seconded by D Letcher.

Bergeleen	Yes	Neuharth	Yes
Borchardt	Yes	PetersonLund	Yes
Craddock	Yes	Possehl	Yes
Hollingsworth	Absent	Schmidt	Yes
Letcher	Yes	Tschetter	Yes
Nelson	Yes	10 Yes	MOTION Carried

E) eNLC Update – G Damgaard presented the eNLC update. She reported that 29 states enacted the new compact on January 19, 2018 and that South Dakota’s transfer of licensure data elements to Nursys was successful. Damgaard also reported that several more states are currently pending legislation to adopt the eNLC.

9. New Business

A) Commission on Collegiate Nursing Education (CCNE) Report of Actions – National American University (NAU) Update – G Damgaard presented a report from CCNE on NAU’s baccalaureate program. At CCNE’s Board of Commissioners meeting on June 16, 2017 they acted to vacate a “show cause” directive that was issued to NAU on October 12, 2016. The Board staff will monitor NAU’s CCNE status.

B) Council on Accreditation (COA) Report of Actions – Mount Marty CRNA Program – L Young presented the COA report of actions on the Mount Marty CRNA program; the program is in good standing with the COA.

C) South Dakota State University (SDSU) Notification-Change in APRN Program- G Damgaard presented SDSU College of Nursing’s notice on their decision to eliminate the Pediatric Clinical Nurse Specialist tract. The request was approved by the South Dakota Board of Regents on October 5, 2017.

D) Mount Marty College (MMC) Educational Policy Proposal-APRN Program – L Young presented the document from CCNE regarding MMC’s approval of the following Educational Policy Proposal: #691 Creation of the Psychiatric Mental Health Nurse Practitioner and post graduate certificate MSN Track.

E) Lake Area Technical Institute (LATI) Request Interim Approval for the AAS RN Program – Patty Foley and Rhonda Stangl presented a request for Interim status approval for LATI’s Applied Associate of Science (AAS) RN program. They responded to Board questions.

Board Action: K Possehl moved that the South Dakota Board of Nursing approve interim status for the LPN to RN nursing program at LATI. Seconded by M Schmidt.

Bergeleen	Yes	Neuharth	Yes
Borchardt	Yes	PetersonLund	Yes
Craddock	Yes	Possehl	Yes
Hollingsworth	Absent	Schmidt	Yes
Letcher	Absent	Tschetter	Yes
Nelson	Yes	9 Yes	MOTION Carried

F) eNLC Update Final Rules and Maps – G Damgaard presented the final rules adopted by the Interstate Commission of Nurse Licensure Compact Administrator’s which became effective January 19, 2018. Damgaard also presented a map of states in the eNLC.

G) Presentation College Action Plan – Sandra Welling and Margie Washnok presented Presentation College’s comprehensive action plan to address improving their NCLEX pass rates. They responded to Board questions.

Board Action: C Borchardt moved that the South Dakota Board of Nursing accept the action plan submitted by Presentation College to meet the NCLEX pass rate requirement for ongoing full approval and place the nursing program on probationary status with a report to the Board in one year.

Bergeleen	Yes	Neuharth	Yes
Borchardt	Yes	PetersonLund	Yes
Craddock	Yes	Possehl	Yes
Hollingsworth	Absent	Schmidt	Yes
Letcher	Yes	Tschetter	Yes
Nelson	Yes	10 Yes	MOTION Carried

H) Oglala Lakota College (OLC) Request Full status Approval of AAS RN Program - G Damgaard presented a request by OLC for reevaluation of their AAS RN program’s approval state. Jessica Zephier, OLC’s Nursing Program Chair, was present via teleconference and provided a report. Zephier informed the Board that OLC successfully implemented an NCLEX improvement plan and that their pass rate in 2017 was 80%. She requested to have OLC’s approval status changed from Probationary status to Full status and that OLC is considering pursuing national accreditation through the Commission of Nursing Education Accreditation (CNEA).. G Damgaard reviewed ARSD 20:48:07:47 regarding requirements for full status approval with the Board.

Board Action: L Tschetter moved that the South Dakota Board of Nursing approve the request to remove Probationary status for the AAS RN nursing program at Oglala Lakota College and reinstate Full Approval status. Seconded by K Possehl.

Bergeleen	Yes	Neuharth	Yes
Borchardt	Yes	PetersonLund	Yes
Craddock	Yes	Possehl	Yes
Hollingsworth	Absent	Schmidt	Yes
Letcher	Absent	Tschetter	Yes
Nelson	Yes	9 Yes	MOTION Carried

I) Out of Hospital Birth Report – Postpone until April Board meeting

J) Center for Nursing Workforce (CNW) Policy on Strategic Planning and Grants – L Young presented a policy for the CNW on strategic planning and grant opportunities.

Board Action: K Possehl moved that the South Dakota Board of Nursing approve the policy for the South Dakota Center for Nursing Workforce strategic planning and offering grants. Seconded by S Neuharth.

Bergeleen	Yes	Neuharth	Yes
Borchardt	Yes	PetersonLund	Absent
Craddock	Yes	Possehl	Yes
Hollingsworth	Absent	Schmidt	Yes
Letcher	Absent	Tschetter	Yes
Nelson	Yes	8 Yes	MOTION Carried

K) South Dakota State University (SDSU) Nursing Refresher Course Annual Report 2017 – G Damgaard presented the SDSU refresher course annual report, included in the presentation are the theory and clinical syllabus. Tuition is \$900 for RN, \$700 for LPN, plus the cost of the required textbook for each course. Between January 1, 2017 to December 31, 2017 there were 102 New Students in the RN program, of that number 14 were from South Dakota, the rest from other states. 45 new students for the LPN program, of that number 4 were from South Dakota, the rest from other states.

Board Action: K Possehl moved that the South Dakota Board of Nursing accept the annual report of the SDSU Refresher Course for RN’s and LPN’s and grant approval for the program. Seconded by M Schmidt.

Bergeleen	Yes	Neuharth	Yes
Borchardt	Yes	PetersonLund	Yes
Craddock	Yes	Possehl	Yes
Hollingsworth	Absent	Schmidt	Yes
Letcher	Absent	Tschetter	Yes
Nelson	Yes	9 Yes	MOTION Carried

L) 2018 Legislative Update – G Damgaard presented the Legislative updates to the Board including HB1319, a temporary licensing bill affecting most professions and occupations. When an individual requests a temporary license, the board would issue a temporary license within 30 days for a term of 18 months, or for 2 years if the applicant is a military spouse. In Section 9, language was included to protect licensed nurses’ participation in the eNLC.

M) Audio Conferencing Proposal (AVI) – G Damgaard presented the Audio Conferencing Proposal from AVI Retail Sales. Bureau of Information and Telecommunications (BIT) worked with AVI Retail Sales and the Boards and provided options to use the Dakota Digital Network (DDN) or lease equipment. The DDN option seems most viable for the BON as it allows for a variety of meetings to be held for the Board and the CNW with greater convenience and flexibility. Installing the DDN equipment will require minor changes to the Board’s conference room.

Board Action: K Possehl moved that the South Dakota Board of Nursing approve the audio conferencing proposal presented by AVI Retail Sales. Seconded by M Schmidt.

Bergeleen	Yes	Neuharth	Yes
Borchardt	Yes	PetersonLund	Yes
Craddock	Yes	Possehl	Yes
Hollingsworth	Absent	Schmidt	Yes
Letcher	Absent	Tschetter	Yes
Nelson	Yes	9 Yes	MOTION Carried

N) NCLEX Pass Rates – G Damgaard presented the pass rates report. South Dakota’s pass rate for all LPN program’s was 93.75%, the national pass rate was 83.84%. South Dakota pass rate for RN program’s was 88.50% and the national pass rate was 87.11%.

O) University of South Dakota (USD) Closure of AS Program in Watertown – G Damgaard presented a letter of notice from USD regarding voluntary closure of their Associate Science (AS) RN Degree program in Watertown, SD.

Board Action: M Schmidt moved that the South Dakota Board of Nursing accept the University of South Dakota closure of the Associate Degree Nursing Program at Watertown on December 18, 2018. Seconded by L Tschetter.

Bergeleen	Yes	Neuharth	Yes
Borchardt	Yes	PetersonLund	Yes
Craddock	Yes	Possehl	Yes
Hollingsworth	Absent	Schmidt	Yes
Letcher	Absent	Tschetter	Yes
Nelson	Yes	9 Yes	MOTION Carried

P) Draft 2019 NCLEX RN Test Plan & Feedback – G Damgaard presented National Council State Boards of Nursing’s Proposed 2019 NCLEX RN test plan. The test plan will be voted on at the 2018 Delegate Assembly.

Board Action: D Bergeleen moved the South Dakota Board of Nursing direct Board staff to provide Board members feedback on the proposed 2019 NCLEX test plan. Seconded by S Neuharth.

Bergeleen	Yes	Neuharth	Yes
Borchardt	Yes	PetersonLund	Yes
Craddock	Yes	Possehl	Yes
Hollingsworth	Absent	Schmidt	Yes
Letcher	Absent	Tschetter	Yes
Nelson	Yes	9 Yes	MOTION Carried

Q) Personnel – the Board moved to enter executive session, pursuant to SDCL §1-25-2(1) for the purpose of Personnel.

10. Discipline

A) Discipline Review Panel Recommendations – F Miller submitted the recommendations from the disciplinary review panel as identified in the following table. (The acronym “HPAP” as used below represents “Health Professionals Assistance Program”).

Disciplinary Review Panel Recommendations February 2018			
	Last Initial	First Initial	Recommended Action
1	A	L	Grant single state licensure and mandate HPAP.
2	B	L	Close Probation on APRN license
3	B	S	Letter of Concern with Remediation: 1) NCSBN Professional Accountability and Legal Issues and 2) RN.org Communication with Cognitively Impaired Patients
4	B	E	Letter of Reprimand with Remediation: 1) NCSBN Medication Errors Causes and Prevention and 2) NCSBN Professional Accountability and Legal Issues
5	B	M	Grant licensure
6	B	C	Follow recommendations as set forth by Dr. Nordgrin's 11/03/2017 assessment, if not agreed upon, notice for hearing.
7	B	J	Successful discharge from HPAP, close Probation
8	C	C	Letter of Concern
9	C	M	Letter of Reprimand with Mandated HPAP and Psychological Evaluation
10	E	T	Letter of Concern with Remediation: 1) NCSBN Professional Accountability and Legal Issues and 2) RN.org Communication with Cognitively Impaired Patients
11	F	F	Grant limited license for clinical practicum. May license when all requirements completed.
12	H	S	Letter of Concern
13	H	S	Letter of Concern
14	L	M	Accept Voluntary Surrender
15	R	S	Grant CRNA licensure upon completion of all licensure requirements, with mandated HPAP.
16	R	K	Letter of Reprimand
17	S	S	Request Voluntary Surrender, if not agreed upon, Summarily Suspend and Notice for Hearing
18	S	S	Request Voluntary Surrender, if not agreed upon, Summarily Suspend and Notice for Hearing
19	S	M	Deny Reinstatement
20	S	T	Mandate to HPAP with single state license.
21	S	B	Request Voluntary Surrender, if not agreed upon, Summarily Suspend and Notice for Hearing
22	S	B	Summarily Suspend and Notice for Hearing
23	T	D	Request Voluntary Surrender, if not agreed upon, Summarily Suspend and Notice for Hearing
24	T	J	Not eligible for Licensure

B) Additional Discipline Cases for Review

Disciplinary Review Panel Recommendations – Additional Cases for February 2018			
	Last Initial	First Initial	Recommended Action
1	B	M	Summarily Suspend PTP and Notice for Hearing
2	C	M	Letter of Reprimand with mandated HPAP and Psychological Evaluation
3	R	J	Upon meeting Licensing Requirements, Single State License with conditions of 2018 Texas Board of Nursing Order

Board Action: M Schmidt moved that the South Dakota Board of Nursing accept the recommendations of the disciplinary review panel as presented and outlined in the Disciplinary Review Panel Recommendations document. Seconded by K Possehl.

Bergeleen	Recuse	Neuharth	Yes
Borchardt	Recuse	PetersonLund	Yes
Craddock	Yes	Possehl	Yes
Hollingsworth	Absent	Schmidt	Yes
Letcher	Absent	Tschetter	Yes
Nelson	Yes	7 Yes	MOTION Carried

C) Call to Order and Roll Call – Administrative Law Judge (ALJ) C Duenwald called the meeting to order at 9:00 a.m. on February 9, 2018.

1. Ebonie Thomas, SD RN Endorsement Applicant, Formal Hearing-with ALJ C Duenwald presiding. Licensee served with notice. Licensee did not appear. K O’Connell represented the Board. F Miller provided testimony.

Board Action – K Possehl moved that the South Dakota Board of Nursing uphold the denial of licensure for Ebonie Thomas. Seconded by M Schmidt.

Bergeleen	Recused	Neuharth	Yes
Borchardt	Recused	PetersonLund	Yes
Craddock	Yes	Possehl	Yes
Hollingsworth	Absent	Schmidt	Yes
Letcher	Yes	Tschetter	Yes
Nelson	Yes	8 Yes	MOTION Carried

2. Beth Berens, SD R033164, Formal Hearing-with ALJ C Duenwald presiding. Licensee served with notice. Licensee did not appear. K O’Connell represented the Board. F Miller provided testimony.

Board Action – M Schmidt moved that the South Dakota Board of Nursing Suspend the License of Beth Berens, SD R033164. Seconded by S Neuharth.

Bergeleen	Recused	Neuharth	Yes
Borchardt	Recused	PetersonLund	Yes
Craddock	Yes	Possehl	Yes
Hollingsworth	Absent	Schmidt	Yes
Letcher	Yes	Tschetter	Yes
Nelson	Yes	8 Yes	MOTION Carried

3. Jessica Cameron, SD R044614, Formal Hearing-with ALJ C Duenwald presiding. Licensee served with notice. Licensee did appear. K O’Connell represented the Board. A McKnelly and J Cameron provided testimony.

Board Action – M Schmidt moved that the South Dakota Board of Nursing Suspend the License of Jessica Cameron, SD R044614. Seconded by K Possehl.

Bergeleen	Yes	Neuharth	Yes
Borchardt	Yes	PetersonLund	Yes
Craddock	Yes	Possehl	Yes
Hollingsworth	Absent	Schmidt	Yes
Letcher	Yes	Tschetter	Yes
Nelson	Recused	9 Yes	MOTION Carried

4. Shelley Fox, SD P010132, Formal Hearing-with ALJ C Duenwald presiding. Licensee served with notice. Licensee did appear. K O’Connell represented the Board. F Miller and S Fox provided testimony.

Board Action –D Letcher moved that the South Dakota Board of Nursing uphold the Summary Suspension and continue to investigate the complaint for Shelley Fox, SD P010132. Seconded by L Tschetter.

Bergeleen	Recused	Neuharth	Yes
Borchardt	Recused	PetersonLund	Yes
Craddock	Yes	Possehl	Recused
Hollingsworth	Absent	Schmidt	Yes
Letcher	Yes	Tschetter	Yes
Nelson	Yes	7 Yes	MOTION Carried

5. Ann Mechtenberg, SD R028205, Formal Hearing-with ALJ C Duenwald presiding. Licensee served with notice. Licensee did not appear. K O’Connell represented the Board. F Miller provided testimony.

Board Action – M Schmidt moved that the South Dakota Board of Nursing Suspend the License of Ann Mechtenberg, SD R028205. Seconded by D Letcher.

Bergeleen	Yes	Neuharth	Yes
Borchardt	Yes	PetersonLund	Yes
Craddock	Yes	Possehl	Yes
Hollingsworth	Absent	Schmidt	Yes
Letcher	Yes	Tschetter	Yes
Nelson	Yes	10 Yes	MOTION Carried

6. Heather Thomas, SD R035409, Formal Hearing-with ALJ C Duenwald presiding. Licensee served with notice. Licensee did not appear. K O’Connell represented the Board. F Miller provided testimony.

Board Action– K Possehl moved that the South Dakota Board of Nursing Suspend the License of Heather Thomas, SD R035409. Seconded by L Tschetter.

Bergeleen	Yes	Neuharth	Yes
Borchardt	Yes	PetersonLund	Yes
Craddock	Yes	Possehl	Yes
Hollingsworth	Absent	Schmidt	Yes
Letcher	Yes	Tschetter	Yes
Nelson	Yes	10 Yes	MOTION Carried

Formal Hearings adjourned at 1:00 PM Friday, February 9, 2018

11. Board Member Development - Deferred

12. Upcoming Events

Board Action: C Borchardt moved that the South Dakota Board of Nursing approve the following travel requests. Seconded by S Neuharth. The travel requests were approved in a verbal voice vote.

- March 4, 2018 eNLC Commission Administrators-Midyear Meeting; Chicago, IL (2)
- March 5-7, 2018 NCSBN Mid-Year Meeting; Chicago, IL (4)
- April 5, 2018 Disciplinary Review Panel SD BON Office
- April 10, 2018 NCSBN APRN Roundtable; Rosemont, IL (2)

13. Staff and Board Member Activities

G. Damgaard – NCSBN Board of Directors Meeting, December 4-6, 2017 Chicago, IL

L. Young - National Forum of State Nursing Workforce Centers Executives' Mtg, Dec 5- 6, 2017 San Antonio, TX

G. Damgaard and Kris O'Connell, NLC Legal Forum, January 4, 2017, Chicago IL

L. Young – NCSBN IRE Conference, January 23-25, 2018 San Francisco, CA

L. Young – NCSBN Standards Committee Meeting, January 30-31, 2018 Chicago, IL

G. Damgaard, E. Matthies – DOH Fiscal Meeting, January 31, 2018; Pierre, SD

G. Damgaard – NCSBN Board of Directors Meeting, February 5-7, 2018 Chicago, IL

C Borchardt moved to adjourn, seconded by K Possehl, meeting adjourned at 2:52 PM Thursday, February 8, 2018