



# SOUTH DAKOTA BOARD OF NURSING

FEBRUARY 6-7, 2007

SIOUX FALLS

## MINUTES

CALL TO ORDER & ROLL CALL 9:10 a.m. by President June Larson.

BOARD MEMBERS		BOARD STAFF PRESENT	
Diana Berkland, RN	Present Feb 6 only	Gloria Damgaard	Executive Director
Linda Bunkers, RN	Present	Nancy Bohr	Nursing Program Specialist
Teresa Disburg, RN	Excused	Linda Young	Nursing Program Specialist
Dori Dufault, LPN	Present	Andrew Albers	Nursing Program Specialist
John Jones, Public Member	Present	Kristine O'Connell	Attorney for the Board
June Larson, RN, President	Present Feb 6 a.m. only	Robert Garrigan	Senior Accountant
Adrian Mohr, Public Member	Present	Winora Robles	Recording Secretary
Christine Pellet, LPN, Secretary	Excused		
Deb Soholt, RN, Vice President	Present		
Patricia Wagner, LPN	Present		
Robin York, RN	Present		
GUESTS: FEBRUARY 6, 2007		GUESTS: FEBRUARY 7, 2007	
Mike Coley, DHG; SDHPAP		Mike Coley, DHG; SDHPAP	
Jeanne Prentice		Gloria Thompson, Dakota Wesleyan U Nursing	
Kathryn R. Dean, CNM		Alta Jaquet, Sisseton Wahpeton	
Lisa VanGerpen, CNM		Kristin Possehl, Southeast Technical Institute	
Teri VanderStouwe, CNM		MaryAnn Fanning, Sinte Gleska	
Karen Pettigrew		Ellie Brooks, National American University	
Teresa Buell, CNM		Pamela Schroeder, Augustana College	
Sarah Coulter Danner		Janet Lord, SDSU	
Ellie Brooks, NAU		Sarah Coulter Danner, Oglala Lakota College	
		Linda Burdette, Presentation College	
		Ruth Pakieser, Mount Marty College	

APPROVAL OF MINUTES: Minutes of both the November 2006 Board Meeting and the December 14, 2006 Conference Call were approved in a unanimous voice vote.

AGENDA was approved following a brief explanation regarding the CNM legislation item, added late to the agenda within Item 9A, to accommodate a request that was received just last week, in a unanimous voice vote.

FINANCIAL REPORTS: Senior Board Account R. Garrigan presented. The state has taken over reimbursement to Board members; a new form is available. A written financial report was distributed to Board members. Following review, the financial report was approved in a unanimous voice vote.

NURSE AIDE ANNUAL REPORT – N. Bohr presented based on the handouts. A comparison of 2005 – 2006 shows that the state has roughly the same numbers of active CNAs. The capability for online verification of CNAs has drastically decreased the number of verifications done by Board staff via phone, fax, and email.

NCLEX® 4<sup>th</sup> QUARTER REPORT – N. Bohr presented based on the handouts. South Dakota RN rates vs those of neighboring states have generally not compared favorably. Possible reasons for the disappointing pass rates were discussed. This spring, the passing standard will be raised, and the test will be changed as well, which may be expected to present more challenges to students.

HEALTH TRACKING: TRENDS – G. Damgaard presented the encouraging news that, based on results of his study, Peter Buerhaus of Vanderbilt University Medical Center now predicts a much less drastic shortage of nurses in the future than had been estimated; in fact, the shortage is now expected to be only about half what had been projected. One important reason seems to be that the generation born in the 1970s is entering the nursing workforce in their twenties, which is an unanticipated development. Traditionally, for example, in the 1950s, people would choose a nursing career immediately after high school graduation.

NCSBN POLICY CALL HIGHLIGHTS 11/29/06 – G. Damgaard shared with the Board information about the American Medical Association's position concerning oversight of midlevel practitioners.

INSTITUTE OF REGULATORY EXCELLENCE – G. Damgaard, L. Young, and N. Bohr recently attended. These three Board staff members are currently working on literature review and writing pieces for the Institute.

NCLEX® FIRST TIME WRITERS: MEASURING PERIODS – N. Bohr led the discussion based on the handouts previously provided to the Board members.

SD CENTER FOR NURSING WORKFORCE – L. Young reviewed the Minutes of the most recent Governance Council meeting. Their next meeting is scheduled for March 20, 2007. Raw data for the 5<sup>th</sup> edition of the biennial Nursing Workforce Supply Report, based on licensure renewal surveys, was collected January 31, 2007.

CRIMINAL BACKGROUND CHECK SUMMARY – A. Albers provided a summary of the results of criminal background checks. Discussion of this agenda item was combined with discussion of the flow diagrams describing licensure and criminal background check procedures to be followed.

NCLEX-RN® EXAMINATION PASSING STANDARD REVISED – This was included as an informational piece.

EXCELSIOR COLLEGE LAWSUIT – This was included as an informational piece.

COMMUNICATION FROM SDSMA – G. Damgaard included this announcement that Barbara Smith began her role as Chief Executive Officer for South Dakota State Medical Association in January 2007.

HEALTHCARE WORKER FRAUD – A. Albers presented information concerning a video documentary about drug diversion that was recently produced by the Medicaid Fraud Unit of the Vermont Attorney General's Office. A. Albers, per the Board's request, will look into ordering that video.

WISCONSIN NURSE PROSECUTION UPDATE – G. Damgaard discussed with the Board this update about criminal charges being brought against a nurse in Illinois as a result of a medical error that led to the patient's death.

NATIONAL AMERICAN UNIVERSITY – INTERIM STATUS UPDATE: N. Bohr shared with the Board that Dr. Brooks, Administrator, reports governance issues and budgetary concerns at the University. Following introductions, Dr. Ellie Brooks explained that her expectations as expressed to this Board at the November Board meeting have not materialized; those expectations were based on promises made to her that have not materialized. As Administrator of the program, not having control of the budget is a small part of the problem; not having control of the program is the crux of the problem. Clearly defined authority at the program is not in place, which puts the program out of compliance. Plans for admitting international students to begin prerequisite courses for nursing have been made without consultation with the Program Chair. Dr. Brooks noted that administration is not being acknowledged that the approval is for a completion program, not a generic program. Dr. Brooks has approached her supervisor regarding corrections to be made and a timeline for implementing those corrections. The supervisor is concerned with the impact on campuses, and Dr. Brooks was asked to set up an organizational structure. Curriculum is being reviewed; course development is being worked on by the graduate program, not by nurses. N. Bohr reviewed for the Board that the program had been placed on probationary status by this Board for noncompliance with SD ARSD 20:48:07:38 in September of 2006 and given a year to come into compliance; however, when Dr. Brooks came to the program as of November 1, 2006, the program was returned to interim status.

MOTION: Diana Berkland moved that South Dakota Board of Nursing notify National American University of non-compliance with the rules for approval of schools and request a corrective action plan by April 17, 2007. Motion seconded by Linda Bunkers.

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

GOAC MEETING – G. Damgaard reported that she appeared before the Government Operations and Audit Committee in December 2006 to answer questions regarding the financial status of the Board.

JOINT BOARD MEETING – L. Young reported that September 11 has been set for this year’s Joint Board meeting. This fall’s Board of Nursing meeting will be rescheduled to September 11-12, 2007 for the convenience of the Board of Nursing members. Board members not present today will be notified.

CLARIFICATION OF POSITION STATEMENT ON MASSAGE THERAPY – L. Young presented a request for clarification on the Massage Therapy Position Statement. The legislature has addressed Massage Therapy; an RN and LPN may perform massage and request compensation under their license, per the exemption in the Massage Therapy law. This Board will review its position statement on the topic which is now in effect and, by consensus, the Board agreed to revisit this issue at the April 2007 Board meeting.

2007 LEGISLATION UPDATE – HB 1207 & HB 1267. G. Damgaard led discussion regarding the legislative proposal to eliminate the requirement for a Collaborative Agreement (CA) for CNMs. Several Certified Nurse Midwives arrived to address the Board. A CA is not required of federal employees, such as within Indian Health Services, but no waiver from the CA requirement can legally be issued by the Board of Nursing. CNMs have been unable to find physicians who are willing to sign a Collaborative Agreement that allow them to provide home birth services, often due to insurance difficulties. The CNMs perceive an unfilled need, especially in rural areas, where women giving birth at home can be attended by family members, but cannot legally be attended by Certified Nurse Midwives. They seek this legislation in an effort to minimize risks to such women. Jeanne Prentice, CNM, requests support from this Board for the proposed legislation. It was reviewed that on a phone conference held in June 2006 with this Board, J. Prentice, CNM, and Karen Pettigrew, CNM, participating, this Board’s legislative process was explained. It had been agreed that a task force would be convened to deal with this issue. L. Young had written a letter to J. Prentice explaining the Board’s position, and requesting that J. Prentice contact the Board about it. Representatives from the Board of Nursing and the Board of Medical and Osteopathic Examiners did meet, but this Board did not hear back from any CNM, and was not aware that the proposed legislation had been introduced. J. Prentice’s understanding was that a task force was appointed in September, but that it had never met. Due to the breakdown in communication, the legislative process has been initiated without Board involvement. It was further clarified that the Boards will consider approval of a CA with home practice settings. Sarah Coulter Danner, CNM, said that home birth is one element, but access to care is the bigger concern. In other states where S. Danner has worked, (30 states have no Collaborative Agreement requirement) the CNM license is enough of a credential; she also cited instances where drafted Collaborative Agreements were never completed due to insurance issues or logistics related to driving distance. The Collaborative Agreement requirement is an obstacle that prevents some CNMs from moving to South Dakota to practice. J. Prentice regards the requirement as restraint of trade in a competitive market place; in South Dakota, a CNM is forced to contract with a physician, and this Board has no authority to force contracts. Also, patient abandonment could become an issue if the Collaborative Agreement is dissolved, or if the Physician dies. J. Prentice recommends that if CAs are required, then physicians should be required to make themselves available if they receive Title 19 or anything from the state. The bill now under consideration is being introduced by individuals, not by a CNM organization. J. Prentice asked to go on record saying that there is a lot of outside support for this; although it is being handled by individuals, the national organization is very supportive. A meeting to further consider this issue will be held at the Board office in March 2007, and potential participants will be contacted. The guests left, and Board discussion of this topic resumed later in the day.

MOTION: Diana Berkland moved that the South Dakota Board of Nursing directs Executive Director Gloria Damgaard to testify in opposition to HB 1267 for the following reasons:

1. The South Dakota Board of Nursing has had no input into crafting of the bill language.
2. The South Dakota Board of Nursing has not had the opportunity to conduct thorough analysis of ramifications.
3. The crafters of the bill failed to involve the South Dakota Board of Nursing in the agency process of proposed changes.
4. The crafters of the bill have failed to involve other nursing organizations in the state of South Dakota and therefore cannot support the process.

Motion seconded by Linda Bunkers.

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

MOTION: Robin York moved that the South Dakota Board of Nursing takes the following position on HB 1207 – in opposition.

Motion seconded by Patricia Wagner.

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

CLINICAL ENRICHMENT PROGRAM APPROVAL – N. Bohr presented requests for approval of the summer programs submitted by Spearfish Regional Hospital and Avera Sacred Heart Hospital. Only a few minor changes are being made in the programs.

MOTION: Robin York moved that South Dakota Board of Nursing grant continuing approval for Summer 2007 for Clinical Enrichment Programs at (1) Spearfish Regional Hospital, and (2) Avera Sacred Heart Hospital.

Motion seconded by Patricia Wagner.

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

NCSBN: CALL FOR NOMINATIONS – G. Damgaard shared the notice that an Area II Director will be elected this year. If any Board members are interested, nominations are now open.

ANNUAL REPORT 2006 NURSING EDUCATION PROGRAMS: Representatives from South Dakota Nursing Education Programs from across the state were in attendance. N. Bohr presented, based on the published statistical reports that were distributed to those in attendance. South Dakota pass rates as compared to those in neighboring states and national rates were discussed. Presentation at Fairmont will graduate its first class this spring; NCLEX and licensing fees are included in registration fees in an effort to encourage students to test and pursue initial nurse licensure directly after graduation.

MOTION: Robin York moved that South Dakota Board of Nursing approve the Annual Report: 2006 Nursing Education Programs.

Motion seconded by Patricia Wagner.

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

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THE BOARD MOVED INTO CLOSED SESSION FOR DISCUSSION OF DISCIPLINE MATTERS

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THE BOARD RECONVENED IN OPEN SESSION

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DISCIPLINE CONSENT AGENDA ♦ February 2007

1. E. S. Non-Disciplinary Contract with Remediation
2. W. J. Rescind Letter of Reprimand
3. B. F. Letter of Concern
4. Gail Lee Letter of Reprimand

MOTION: Robin York moved that South Dakota Board of Nursing accept the Consent Agenda as written.

Motion seconded by Patricia Wagner.

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

STEVEN COURSON: Formal Hearing. Kristine O’Connell, Board Attorney, announced that this was the time and place for the consideration of discipline for S. Courson, and presented background on the case. S. Courson was present to address the Board.

MOTION: Linda Bunkers moved that South Dakota Board of Nursing Suspend the RN license of Steve Courson for two years, at which time he can petition for reinstatement upon showing of good cause.

Motion seconded by Dori Dufault.

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

MICHAEL KUSEK: Formal Hearing. Kris O’Connell, Board Attorney, announced that this was the time and place for the consideration of discipline for M. Kusek, and presented background on the case. M. Kusek, who was served due notice at the address and telephone number last submitted to this Board, was not present.

MOTION: Diana Berkland moved that South Dakota Board of Nursing Indefinitely Suspend the RN license of Michael D. Kusek.

Motion seconded by John Jones.

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

MITCHELL JENNER: Formal Appearance. Andrew Albers, Nursing Program Specialist, reviewed background on this case with the Board. M. Jenner was present to address the Board.

MOTION: Linda Bunkers moved that South Dakota Board of Nursing reinstate the RN license of Mitchell Jenner, that his license be placed on Probation for five years of active practice, and that HPAP participation continue for the period of probation. The terms of probation shall include no access to narcotics for a period of one year of active practice.

Motion seconded by Dori Dufault.

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

J. H.: Formal Appearance. Andrew Albers, Nursing Program Specialist, reviewed background on this case with the Board. J. H. was present to address the Board.

MOTION: Robin York moved that South Dakota Board of Nursing issue a license for J. H.

Motion seconded by Patricia Wagner.

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

RICHARD ANGELASTRO: Formal Appearance. Andrew Albers, Nursing Program Specialist, presented background. R. Angelastro, who had requested this appearance, was present to address the Board.

MOTION: Linda Bunkers moved that South Dakota Board of Nursing accept the Voluntary Surrender of the RN license and CRNA license from Richard Angelastro.

Motion seconded by Dori Dufault.

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

B. W.: Formal Appearance. Andrew Albers, Nursing Program Specialist, announced that B. W. had called to say that he will be unable to appear to present his request for reinstatement, because his truck broke down in Kadoka. B. W. had requested this appearance; no Board action is required.

CHERYL LIEN: Formal Appearance. Andrew Albers, Nursing Program Specialist, presented background on this case. C. Lien was present to address the Board.

MOTION: Robin York moved that South Dakota Board of Nursing reinstate the nursing license of Cheryl Lien with mandated HPAP for five years of active practice.

Motion seconded by John Jones.

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

KATHY DEDRICKSON: Formal Appearance. Andrew Albers, Nursing Program Specialist, presented background on this case. K. Dedrickson was present to address the Board.

MOTION: Dori Dufault moved that South Dakota Board of Nursing deny the return of Kathy Dedrickson's RN nursing license.

Motion seconded by Patricia Wagner.

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

M. N.: Formal Appearance. Andrew Albers, Nursing Program Specialist, presented background on this case. M. N. was present to address the Board.

MOTION: Patricia Wagner moved that South Dakota Board of Nursing grant M. N. to take the NCLEX Board exam and proceed to license.

Motion seconded by Robin York.

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

D. M.: Formal Appearance via teleconference. Andrew Albers, Nursing Program Specialist, presented background on this case. D. M. addressed the Board via teleconference.

MOTION: Linda Bunkers moved that South Dakota Board of Nursing grant a single-state South Dakota RN license to D. M.

Motion seconded by Dori Dufault.

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

TERESA NEUROTH – Andrew Albers, Nursing Program Specialist, and Kris O’Connell, Board Attorney presented background on this case.

MOTION: Robin York moved that South Dakota Board of Nursing issue a Summary Suspension for the nursing license of Teresa Neuroth and Notice for a Formal Hearing.

Motion seconded by Patricia Wagner.

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

ROBYN EMERY – Andrew Albers, Nursing Program Specialist, presented background on this case.

MOTION: Patricia Wagner moved that South Dakota Board of Nursing accept the Voluntary Surrender for Robyn Emery.

Motion seconded by Robin York.

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

SUZANNE LYMAN – Andrew Albers, Nursing Program Specialist, presented background on this case.

MOTION: Dori Dufault moved that South Dakota Board of Nursing accept the Voluntary Surrender of Suzanne Lyman’s license.

Motion seconded by Linda Bunkers.

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

JAYNE MARSHALL – Andrew Albers, Nursing Program Specialist, presented background on this case.

MOTION: Linda Bunkers moved that South Dakota Board of Nursing move to not accept the Informal Agreement, and Order a Summary Suspension of the RN license for Jayne Marshall and Notice for Formal Hearing.

Motion seconded by Dori Dufault.

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

Upon the introduction of new information from HPAP Director Mike Coley, the case of Jayne Marshall was readdressed and the Motion was Held. Following further discussion, the Motion stands.

NANCY KORBEL – Andrew Albers, Nursing Program Specialist, presented background on this case.

MOTION: Adrian Mohr moved that South Dakota Board of Nursing accept the Voluntary Surrender of Nancy Korbel’s South Dakota RN license.

Motion seconded by John Jones.

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

T. B. – Andrew Albers, Nursing Program Specialist, presented background on this case.

MOTION: Robin York moved that South Dakota Board of Nursing give permission for T. B. to practice nursing in the state of South Dakota under her Nebraska Compact License.

Motion seconded by Patricia Wagner.

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

CRIMINAL BACKGROUND CHECK POLICY: Discussion was led by A. Albers based on the handouts previously provided. Certain felony convictions constitute reason to bar an individual from licensure; any person who is denied licensure based on the reasons outlined in this list has the right to petition this Board.

DISCIPLINARY POLICY: Discussion was led by A. Albers. It is suggested that a Disciplinary Committee be formed to consider discipline cases before they come before the Board.

MOTION: Robin York moved that South Dakota Board of Nursing accept the Complaint Resolution Policy as written.

Motion seconded by Patricia Wagner.

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

MOTION: Robin York moved that South Dakota Board of Nursing accept the process for “CBC Results” criminal background checks proposal.

Motion seconded by Patricia Wagner.

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

MOTION: Robin York moved that South Dakota Board of Nursing establish a Disciplinary Committee consisting of a minimum of three members from the Board, Board staff, and other individuals as appropriate.

Motion seconded by Patricia Wagner.

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

HPAP POLICY: G. Damgaard and A. Albers led the discussion. The Disciplinary Committee will review cases periodically, and prior to each Board meeting. A. Albers stated that the act of substitution causes patient harm, and so must lead to disciplinary action; actual patient harm and risk of patient harm are equally important. A nurse who is using while on duty puts patients in imminent danger, and discipline is required. HPAP is of great benefit to the chemically dependent nurse, but that nurse should not be allowed to practice until recovery is complete and good cause is shown; public protection is of higher priority than the nurse's rehabilitation. Criteria for determining whether to institute disciplinary vs. non-disciplinary action, and what constitutes "good cause" will be reviewed. A list of examples of "good cause" has been drafted for consideration, and may include a signed HPAP agreement, negative drug tests for a specific amount of time, AA/NA attendance. This Board has a responsibility to alert facilities and other states when a nurse is under Voluntary Refrain, which is non-disciplinary, not legally binding, and does not appear on NURSYS. M. Coley said that, currently, an offender cannot return to practice for a minimum of three months. A. Albers reviewed cases of nurses who have diverted, used, and have been reported by their employers to DEA and/or DCI, but never reported to this Board, so their licenses are not affected. Revisions to the flow diagrams were suggested. This work will be addressed by the Disciplinary Committee.

LRC REQUEST FOR INFORMATION SANE TRAINING – G. Damgaard included this as an informational piece. This Board neither provides nor tracks SANE Training. The Senator has been sent an appropriate response.

REVIEW OF PROPOSED CHANGES TO NCLEX®-PN TEST PLAN – G. Damgaard shared with the Board that National Council has asked that this Board review the proposed changes and send comments by March 16, 2007. Board Member Robin York approved of the changes included in the test plan; no negative comments were made. G. Damgaard will communicate this Board's positive opinion of the test plan to National Council.

OGLALA LAKOTA COLLEGE NURSING PROGRAM-REQUEST FOR PROBATIONARY STATUS – N. Bohr presented a written report. Sarah Coulter Danner, Chair of the Oglala Lakota Nursing Program, reviewed with the Board the issue of pass rates that have been below the minimum for the nursing program. Recent applicants have been better qualified academically. This year, for the first time, money has been allotted for national accreditation. Curriculum is being revised. There will be six in this year's graduating class, and eleven next year. The next group should consist of 16-18 good, qualified applicants. S. Danner discussed some culturally-based challenges facing the students, and said that testing is an issue for some. Waiting too long after graduation to test contributes to the lower pass rates. An n=21 is needed to compute the pass rate.

MOTION: Patricia Wagner moved that South Dakota Board of Nursing issue Probationary Status for Oglala Lakota College Nursing Program for non-compliance periods pursuant to ARSD 20:48:07.47.

Motion seconded by Robin York.

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

#### ANNOUNCEMENTS

MOTION: Patricia Wagner moved that South Dakota Board of Nursing approve travel for the NCSBN APRN Summit February 26, 2007 in Chicago, to be paid for by NCSBN.

Motion seconded by Robin York and carried in a unanimous voice vote.

Forum on the Transition of New Nurses from Education to Practice: February 22, 2007 in Chicago. Travel for up to 4 has already been approved by this Board.

Mid-Year Meeting: April 3-4, 2007 in New Orleans, LA: Travel for up to 4 has already been authorized by this Board; to be paid for by the South Dakota Board of Nursing.

APRN Roundtable March 22, 2007 in Chicago for all APN groups: Travel for up to four has already been approved by this Board.

Delegate Assembly will be held in Chicago this year.

ADJOURNMENT – The Meeting was adjourned by Vice President Deb Soholt at 1:59 p.m.