



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

APRIL 10-11, 2008

MINUTES

CALL TO ORDER & ROLL CALL 8:30 a.m.

BOARD MEMBERS

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

BOARD STAFF PRESENT

Gloria Damgaard, Executive Director
Andrew Albers, Nursing Program Specialist
Nancy Bohr, Nursing Program Specialist
Kathy Rausch, Nursing Program Specialist
Linda Young, Nursing Program Specialist
Kristine O'Connell, Board Attorney
Robert Garrigan, Senior Accountant
Maria Eining, HPAP
Winora Robles, Recording Secretary
Phil Loving, HPAP

GUEST

Michelle Pesicka, Augustana Nursing Student

Welcome Kathleen Rausch, Nursing Program Specialist

MINUTES of the January 29-30, 2008 Board meeting were approved as presented in a unanimous voice vote.

AGENDA APPROVAL: The handout labeled "9D" Education Programs should have been labeled "5G".

MOTION to approve the Agenda was seconded and approved in a unanimous voice vote.

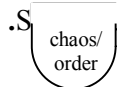
FINANCIAL REPORTS were presented by Senior Accountant Robert Garrigan. FY2007 Third Quarter Reports were distributed and reviewed by the Board.

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

CENTER FOR NURSING WORKFORCE: Linda Young, CNW Program Director, presented based on the handouts previously distributed. Robert Wood Johnson and other partnering organizations will host a two-day Nursing Education Capacity Summit on June 26-27, 2008. States must apply to attend the summit by April 18, 2008. The application must include goals and objectives, identification of team members, and willingness to share findings and be followed for results for one year. June Larson and Robin York will work with Linda Young to develop the plan as soon as possible. The Board directed that efforts proceed in this matter. The Minutes from the February 29, 2008 meeting of the CNW Governance Council were distributed. Leadership development and initiatives were addressed.

New models of arriving at group solutions were discussed. Moving from the problem to the solution is not just a straight line: Problem. _____ .Solution. The letter U is used to demonstrate how to arrive at the solution:

Problem. .S_____ It is also important to take note of dissension from below.



CNA 1ST QUARTER REPORT: Nancy Bohr presented based on the handout previously distributed.

TALLGRASS HEALTH PROFESSIONALS PROGRAM: G. Damgaard presented based on the handouts. The part of the program that serves health professionals has been renamed the Medical Professionals Assistance Program. Participants will be able to stay at the facility in a home-like setting. Charlie Day is the Executive Director.

NCSBN MID-YEAR Meeting March 3-5, 2008 in Chicago. G. Damgaard presented. The Conference this year had an international focus. The European Union has mutual recognition of nursing licensure among the various countries, even though they do not all speak the same language. The support of NCSBN is very important in the work that the individual boards such as South Dakota Board of Nursing can accomplish.

FACULTY SHORTAGE Conference March 26, 2008: June Larson and Robin York shared what they had learned at the Conference. Innovation and creativity avoid creation of barriers in nursing education. There were many educators there, as well as board representatives. Use of robots in healthcare education was demonstrated.

TERCAP (Taxonomy of Error, Root Cause Analysis and Practice-Responsibility) FORUM April 7, 2008:

G. Damgaard presented an update. Kathy Rausch will head up the efforts in South Dakota. Six of the nine states that are currently involved are Compact States.

MOTION: Diana Berkland moved that South Dakota Board of Nursing authorize and support the Board's participation in TERCAP (Taskforce on Errors and Root Cause Analysis Process).

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	YES	Adrian Mohr	YES	Robin York	YES
Dori Dufault	YES	Christine Pellet	ABSENT		10 YES – MOTION CARRIED

NURSING EDUCATION PROGRAM Annual Report 2007: Linda Young reviewed the document with the Board.

NCSBN POLICY PERSPECTIVES: G. Damgaard remarked that the E-Health Alliance, which was organized by governors from around the country, has endorsed the Nurse Licensure Compact.

CRIMINAL BACKGROUND CHECKS for FY2007 to date: A. Albers provided a brief update.

STRATEGIC PLAN: G. Damgaard provided an update, and handouts were included to provide additional resource information. An initiative regarding quality of care has been drafted. Minutes of the Task Force meeting looking into medications, laws, and investigations were included; the Task Force will meet again May 5, 2008. Certified medication administration by unlicensed personnel is being studied by Nancy Bohr, who gave an update on the status of that feasibility study; also, the South Dakota Department of Health will add a question to their regular survey regarding Medical Assistants. The initials "MA-C" are being used to indicate "Medication Assistant-Certified." Regarding a legislative initiative for mandatory reporting, G. Damgaard said that the person who initiated last year's legislation has been asked to be involved. Just Culture as it relates to nursing regulation as well as best practices in regulation were also discussed. Absolute bars to licensure will be further studied by the Board Attorney. The state of Washington has uniform sentencing guidelines for healthcare boards; this Board will review those guidelines. Criminal background checks will continue to be explored. Efforts on the national level involving Advanced Practice Nurses continue to be monitored by Linda Young. The issue regarding the handling of diabetes in the schools will be included within the initiatives of the Strategic Plan. Pain management issues, both for practitioners and for patients, will be further studied as well. Education standards will be addressed by June Larson and Robin York. Infrastructure of the Board was discussed; implementation of appropriate technology falls within this initiative. This Board will consider electronic meeting possibilities at its September Board meeting. A disaster plan for the Board will be reviewed, keeping in mind the state's plan. The objective dealing with obtaining a vehicle for travel has been achieved.

APN 2008 DRAFT REGULATORY MODEL: Linda Young presented based on the handouts previously distributed. In April and in May, meetings will be held to discuss further changes to the draft. The ten main points outlined in the current draft were reviewed, as well as other important issues being discussed.

LICENSURE SOFTWARE/RFP UPDATE: This Board had previously approved purchase of Systems Automation licensure software; however, since then, it has been determined that this may not be the best option available. The Board is now considering staying with the currently operating IFMC system and contracting for upgrades to the system; a contract with Net Integrated Consulting has been drafted.

MOTION: Diana Berkland moved that the South Dakota Board of Nursing defer the purchase of system licensure technology. The motion also includes the recommendation that South Dakota Board of Nursing enter into a service contract with Net Integrated Consulting; and also submit for a cost proposal for upgrade technology support from VX Systems. Motion seconded by John Jones and carried in a unanimous voice vote.

RAPID CITY REGIONAL HOSPITAL SCOPE OF PRACTICE Clarification: L. Young presented. Based on a letter issued in 2000 by BON Executive Secretary Diana VanderWoude, the RCRH request was approved by her at that time. A physician-issued order for the medication must exist. Pertinent CMS regulations were consulted. It is not within the nurse’s scope of practice to issue a prescription or to order medications; a medication refill based on a physician’s order issued within the prior six months is within the nurse’s scope of practice. The Board directed that a letter be drafted and sent to RCRH.

MOTION: June Larson moved that the South Dakota Board of Nursing has revisited the request for clarification regarding the issue of nurses authorizing refill prescriptions. The Board of Nursing has determined the first bullet presented in the letter dated January 7, 2008 from the Vice President of Patient Care at Rapid City Regional Hospital, i.e., “The physician has ordered that authorization to refill prescriptions each time the treatment protocols are renewed and signed by the physician” is within the scope of nursing practice. The second bullet is not consistent with the practice of nursing pursuant to 36-9.

Seconded by Robin York. Roll call vote was taken.

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

HPAP CONTRACT UPDATE: G. Damgaard said that new arrangements have been made with Avera McKennan regarding the Health Professionals Assistance Program. Maria Eining, who will remain the point of contact for this Board, reviewed the changes, and mentioned the personnel who will be involved. Offices are being prepared, and support staff will soon be in place. The National Confederation of Professional Services (NCPS) system has been used for drug testing, but the program is switching to Affinity Online Solutions (AOS). Participants can view their own compliance status online and will be able to submit their reports through this system as well. Drug screens and day-to-day call-ins, prescription information, and so forth will be entered. This will result in more timely updates, and decrease the chance that the filing of a report could be missed. The case load remains quite high. A review of what other states are doing to better monitor participants is being conducted. A ten-year study completed in 2005 describes three predictors of relapse: the individual 1) has had a previous relapse; 2) has a family member with addiction problems; or, 3) uses opioids while dealing with an existing mental or emotional issue.

APN COLLABORATION REQUIREMENTS: Linda Young said that Physician Assistant requirements have changed, and this change has generated questions about APN requirements. The requirements differ in the amount of time that APNs must have contact with the collaborating physician as compared with PAs. By the fall of 2008, this Board shall have drafted rule changes for the CNPs and CNMs.

MOTION: Robin York moved that the South Dakota Board of Nursing move towards a rule change in the CNM and CNP collaboration requirements.

Motion was seconded by Dori Dufault and carried in a unanimous voice vote.

CERTIFIED NURSE MIDWIFE WAIVER APPLICATION: Linda Young presented. Waiver applications will be handled much like modification requests are handled, in conjunction with the Board of Medical and Osteopathic Examiners. An article will be published in the *Dakota Nurse Connection* to help distribute information to nurse midwives. Adverse outcomes and need for hospitalization should be reported in a timely fashion.

MOTION: Linda Bunkers moved that the South Dakota Board of Nursing approve the Application for Collaborative Agreement Waiver for Certified Nurse Midwives to present to the South Dakota Board of Medical and Osteopathic Examiners, and to develop and present the procedures and mechanisms for quality review by June 2008.

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	YES	Christine Pellet	ABSENT	9 YES – MOTION CARRIED	

MOUNT MARTY NURSING PROGRAM DIRECTOR: Nancy Bohr reported that Sister Corrine Lemmer, who has been the Director of that program in the past, is now the Acting Program Director.

CLINICAL ENRICHMENT PROGRAM – Bennett County Hospital: Nancy Bohr presented based on the handout that was previously distributed. The Department of Health had issued deficiencies against the Nursing Home and approval for the Nursing Home’s CNA Training Program was withdrawn; notice was received in the Board office from the Department of Health that the deficiencies have been addressed and that the CNA Training Program could be reinstated.

MOTION: Robin York moved that the South Dakota Board of Nursing grant approval for the Bennett County Hospital and Nursing Home Clinical Enrichment Program for 2008.

Seconded by John Jones and carried in a unanimous voice vote.

LEGAL SUBCOMMITTEE for the Emergency System for Advance Registration of Health Professions Volunteers: This Board has considered a contract for involvement.

MOTION: Diana Berkland moved that the South Dakota Board of Nursing support Kris O’Connell as the Board member to serve on the Legal Subcommittee for Emergency System for Advance Registration of Health Professions Volunteers.

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	YES	Adrian Mohr	YES	Robin York	YES
Dori Dufault	YES	Christine Pellet	ABSENT	10 YES – MOTION CARRIED	

DISCIPLINE

MANDATORY REPORTING LAWS in the United States: Kris O’Connell presented based on the documents that had been prepared and were previously distributed. It was noted that 29 states have mandatory reporting laws in place, 21 do not.

THE BOARD MOVED INTO CLOSED SESSION FOR PURPOSES OF DISCIPLINE

THE BOARD MOVED INTO OPEN SESSION

DISCIPLINE COMMITTEE MINUTES of March 2008 have been approved unanimously by involved members. Adrian Mohr, Committee President, presented.

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

CONSENT AGENDA APPROVAL: John Jones asked about complaints that are received from prison inmates; those complaints are investigated just as any other complaint would be. D. Berkland requested that item B3) L.C. be removed from the Consent Agenda; that case was moved to C5.

B1 Diane Drago: Rescind Letter of Reprimand

B2 M.V.: Letter of Concern

B4 D.T.: Strong Letter of Concern with 2 Modules: Ethics & Respecting Professional Boundaries; if not compliant, Letter of Reprimand

B5 R.G.: Board Dismissal

- B6 D.D.: Board Dismissal
- B7 Gail Renee Lee: Approve Voluntary Surrender
- B8 L.S.: Board Dismissal
- B9 R.H.: One Year Non-Disciplinary Contract & Remediation Module: Medication Administration
- B10 J.K.: Mandate HPAP
- B11 C.F.: Letter of Concern
- B12 Shelley Rae Selwyn: Approve Voluntary Surrender
- B14 Michele D Uhing: Approve Voluntary Surrender
- B15 Darcy J Knoll: Release from Board Probation

MOTION: Diana Berkland moved that the South Dakota Board of Nursing accept the Consent Agenda as presented with the removal of B3) L.C. from that Agenda. I also recommend we accept recommendations as presented.

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	YES	Adrian Mohr	YES	Robin York	YES
Dori Dufault	YES	Christine Pellet	ABSENT	10 YES – MOTION CARRIED	

DONNA VOETBERG - Formal Hearing - 04/10/2008, 10:00 a.m.: Board Attorney Kris O’Connell announced that this is the time and place for Hearing the matter of Donna Voetberg and presented background on this case. Ms. Voetberg, although duly noticed, did not appear.

MOTION: June Larson moved that the South Dakota Board of Nursing continue the Suspension of the RN license of Donna Voetberg, RN, until that time she can show good cause for reinstatement.

Seconded by Dori Dufault. 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	YES	Adrian Mohr	YES	Robin York	YES
Dori Dufault	YES	Christine Pellet	ABSENT	10 YES – MOTION CARRIED	

B.C. - Formal Hearing - 04/10/2008, 2:00 p.m. Because B.C. was unable to attend, a continuance was granted by the Board.

T.P. - Formal Appearance - 04/11/2008, 10:00 a.m. Andrew Albers, Nursing Program Specialist, provided background on the case. T. P. was present to address the Board.

MOTION: Robin York moved that the South Dakota Board of Nursing take the request for reinstatement of the nursing license of T.P. under advisement pending the collection of information regarding criminal charges and criminal probation, with continued participation in HPAP, followed by another appearance before the Board of Nursing no earlier than November 2008.

Seconded by Dori Dufault. Roll call vote was taken.

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

MARTHA VANLAECKEN - Formal Appearance - 04/11/2008, 10:30 a.m. Andrew Albers, Nursing Program Specialist, presented background on the case. M. VanLaecken was present to address the Board.

MOTION: Linda Bunkers moved that the South Dakota Board of Nursing release Martha VanLaecken, RN from probationary terms on her license.

Seconded by Adrian Mohr. Roll call vote was taken.

Diana Berkland	ABSENT	John Jones	YES	Deb Soholt	YES
Linda Bunkers	YES	June Larson	YES	Patricia Wagner	YES
Teresa Disburg	YES	Adrian Mohr	YES	Robin York	YES

Dori Dufault	YES		Christine Pellet	ABSENT		9 YES – MOTION CARRIED
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HEIDI HOUGHTALING - Formal Appearance - 04/11/2008. Andrew Albers, Nursing Program Specialist, and Maria Eining, HPAP, provided background on the case. H. Houghtaling was present to address the Board.

MOTION: Teresa Disburg moved that the South Dakota Board of Nursing Reinstates the LPN license of Heidi Houghtaling with Probation, mandated HPAP for five years starting July 7, 2007, no access to narcotics in the first year of practice, and if a personal prescription is needed for a narcotic or sedative, or medication that has been shown to have addictive properties, participant would agree to Voluntarily Refrain from Practice while the prescription is active. The length of Probation will match the HPAP requirement.

Seconded by Dori Dufault. Roll call vote was taken.

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

SHELLY MOREAU - Formal Appearance - 04/11/2008, 11:30 a.m. Andrew Albers, Nursing Program Specialist, shared background with the Board. S. Moreau was present to address the Board.

MOTION: Dori Dufault moved that the South Dakota Board of Nursing release the Probation of Shelly Moreau and Reinstates her lapsed license.

Seconded by Robin York. Roll call vote was taken.

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

RONALD L COOPER: Andrew Albers, Nursing Program Specialist, presented background on this case.

MOTION: Robin York moved that the South Dakota Board of Nursing Summarily Suspend the nursing license of Ronald L. Cooper and notice him for a Formal Hearing.

Seconded by Dori Dufault. 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	YES		Adrian Mohr	YES		Robin York	YES
Dori Dufault	YES		Christine Pellet	ABSENT		10 YES – MOTION CARRIED	

NANCY S. MEYER: Andrew Albers, Nursing Program Specialist, presented background on this case.

MOTION: Dori Dufault moved that Nancy S. Meyer be asked to Voluntarily Surrender her license; if not, that South Dakota Board of Nursing issue a Summary Suspension and Notice of Formal Hearing.

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	YES		Adrian Mohr	YES		Robin York	YES
Dori Dufault	YES		Christine Pellet	ABSENT		10 YES – MOTION CARRIED	

EUGENE D. SARHA: Andrew Albers, Nursing Program Specialist, presented background on this case.

MOTION: Linda Bunkers moved that the South Dakota Board of Nursing order a Summary Suspension and Notice for Hearing to Eugene D. Sarha, RN.

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	YES		Adrian Mohr	YES		Robin York	YES
Dori Dufault	YES		Christine Pellet	ABSENT		10 YES – MOTION CARRIED	

DANA LUXEM: Andrew Albers, Nursing Program Specialist, and Kris O'Connell, Board Attorney presented background on this case.

MOTION: Patricia Wagner moved that the South Dakota Board of Nursing accept the Voluntary Surrender of Dana Luxem.

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	YES	Adrian Mohr	YES	Robin York	YES
Dori Dufault	YES	Christine Pellet	ABSENT	10 YES – MOTION CARRIED	

L.C.: Andrew Albers, Nursing Program Specialist, shared background on this case.

MOTION: Robin York moved that the South Dakota Board of Nursing issue a Letter of Concern to L.C. with required completion of the following two modules: 1) Documentation, and 2) Medication Administration. If not compliant, a Letter of Reprimand be issued against the license of L.C.

Seconded by Teresa Disburg. Roll call vote was taken.

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

AVERA PROFESSIONAL DEVELOPMENT PROGRAM MODIFICATION: Nancy Bohr presented. It was noted that post-graduate nursing students should not be included in the Professional Development Program; clarification of the proposed modification will be requested from Avera. A revised request from Avera was received and distributed on the second day of this meeting.

MOTION: June Larson moved that the South Dakota Board of Nursing approve the expansion of the Avera McKennan Professional Development Program to nursing students who are one semester away from graduating and who have been hired by the organization pending their passing the NCLEX. The Professional Development Program hours are to be completed prior to graduation from the nursing education program.

Seconded by Patricia Wagner. Roll call vote was taken.

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

THE BOARD MOVED INTO CLOSED SESSION FOR PURPOSES OF PERSONNEL

THE BOARD MOVED INTO OPEN SESSION

TRAVEL REQUESTS

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

Medicare/Medicaid Fraud Training Conference, May 6-9, 2008 (1)

American Academy of Nurse Practitioners Region 8 Meeting, May 31, 2008 (1)

Taking the Long View: 6th Nursing Workforce Conference, June 11-12, 2008, Denver (2)

Workshop on Regulation of Unlicensed Assistive Personnel, June 13, 2008, Chicago (1)

Executive Officer Seminar, June 22-24, 2008 (1)

NLCA Executive Committee, July 7-8, 2008 (1)

NCSBN Delegate Assembly, Nashville, August 5-8, 2008 (up to 4, 3 sponsored by NCSBN)

Nursing Education Summit (3)

Motion seconded by Patricia Wagner and carried in a unanimous voice vote.

ANNOUNCEMENTS

Next Board Meeting: June 19-20, 2008, Sioux Falls

Nurse's Appreciation Tea, May 3, 2008, Sioux Falls Washington Pavilion

CAC Continuing Competence Workshop, May 12-13, 2008, Washington, DC

Medications and Investigations Task Force, May 7, 2008

Nursing Workforce Center, May 14, 2008

Board Strategic Planning Meeting to be scheduled for Fall 2008.

ADJOURNMENT: 1:13 P.M.