



## SOUTH DAKOTA BOARD OF NURSING

4305 SOUTH LOUISE AVENUE SUITE 201, SIOUX FALLS SD 57106

APRIL 7-8, 2009

### MINUTES

Joint Boards met April 8, 9:00 a.m. at the office of the Board of Medical and Osteopathic Examiners.

THE BOARD OF NURSING MEETING WAS CALLED TO ORDER by President Deb Soholt April 7, 2009 at 9:00 a.m.

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#### BOARD MEMBERS

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

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#### BOARD STAFF PRESENT

Gloria Damgaard, Executive Director  
Nancy Bohr, Nursing Program Specialist  
Kathleen Rausch, Nursing Program Specialist  
Linda Young, Nursing Program Specialist  
Kristine O'Connell, Board Attorney  
Erin Matthies, Licensure Operations Manager  
Winora Robles, Program Assistant

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MINUTES: January 22–23, 2009 Board Meeting Minutes, with the change of one name to initials only, were approved in a unanimous voice vote.  
February 2, 2009 Teleconference Board Meeting Minutes were approved in a unanimous voice vote.

AGENDA APPROVAL: The Agenda was approved as presented.

FINANCIAL REPORT: Robert Garrigan, Senior Accountant, presented based on the eight-month statement. As usual, around graduation time, increased licensure exam fees are anticipated. Expenses are down due to the travel restrictions and capital assets freeze implemented by the governor. The Financial Report was approved as presented in a unanimous voice vote.

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THE BOARD MOVED INTO CLOSED SESSION FOR PURPOSES OF FINANCIAL MATTERS

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THE BOARD MOVED INTO OPEN SESSION

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CENTER FOR NURSING WORKFORCE: L. Young, CNW Director, presented. The date for the Diabetes World Café to be held in Rapid City may be changed. A brochure regarding the NEDDs retreat was made available; it is to be held in June in Mitchell, cosponsored by the CNW. L. Young attended a conference that dealt with Care in an Aging Society; highlighted was the nursing shortage and its effect on care for the elderly. *Ethical Decision Making in Clinical Care* is an article to look for in the *Dakota Nurse Connection*; at least one follow-up article is being considered. Data from the Department of Labor regarding education initiatives and targeted occupations were discussed.

CNA QUARTERLY REPORT: N. Bohr presented based on the report that is sent to the Department of Health each quarter per the agreement that this Board manage the CNA Registry for the DOH.

NURSING EDUCATION PROGRAMS ANNUAL REPORT: D. Soholt welcomed nursing education program representatives Lisa Krogman, Western Dakota Tech; Linda Benedict, USD; Janet Lord, SDSU; Linda Burdette, Presentation College; Kristin Possehl, Southeast Technical Institute; Adele Jacobson, Dakota Wesleyan University; Margot Nelson, Augustana College; Jacquie Kelley, Mount Marty College. N. Bohr shared a summary of the programs' narrative statements, copies of the statistical reports were distributed, and a Power Point presentation was viewed. Discussion centered on the improvement of NCLEX pass rates; clinical site availability is a challenge for many programs, but simulation can be used to supplement student experiences. G. Damgaard shared that transition to practice improvements and innovative education models are being explored through National Council of State Boards of Nursing. Online transition programs are being considered to support the newly licensed nurse. M. Nelson thanked this Board for not over-regulating curriculum, which allows nursing education programs to be more innovative. J. Larson noted that there is a real need

to support faculty in order to retain them. NEDDs will hold a meeting soon, cosponsored by South Dakota Center for Nursing Workforce, and will have the opportunity to discuss these issues further.

**NCSBN POLICY PERSPECTIVES:** It was noted that policy-making based on patient ratio has not always worked as well as had been hoped. Reimbursement for medical mistakes and the increase in the number of Certified Nurse Practitioners were also discussed.

**NCSBN STATE AND FEDERAL LEGISLATIVE TRACKING:** G. Damgaard reviewed the report with the Board.

**NCSBN MID-YEAR MEETING:** Approval has been received for G. Damgaard and N. Bohr to attend.

**THE NEW WORK OF THE NONPROFIT BOARD:** G. Damgaard shared this article which outlines recent information.

**ARTICLE – ANA VALUE OF NURSING REPORT:** G. Damgaard provided this as an informational piece.

**JUST CULTURE AND REGULATION ARTICLE – NAQ:** L. Young provided copies for the Board.

***Make Your Mark* BROCHURE:** Opportunities for involvement in various NCSBN committees and Board of Directors are included.

**AACN PRESS RELEASE – TOO FEW NURSES ENTERING THE HEALTHCARE WORKFORCE:** G. Damgaard briefly reviewed this information with the Board.

**CGFNS MEMO – FOREIGN EDUCATED PRACTICAL NURSES:** G. Damgaard shared that some LPNs coming from other countries may not be qualified per U.S. requirements and standards; their education and English-speaking abilities must be reviewed prior to granting licensure here.

**NCSBN IMPLEMENTS EPUSH TECHNOLOGY:** Board members can sign up online for this service, which announces and describes technological advances in healthcare.

**SEIU AND CNA/NNOC UNIONS PRESS RELEASE:** It was noted that these two organizations have united to advocate for unionization of nurses across the country.

**TRANSITION TO PRACTICE:** G. Damgaard discussed the outline, which is available to interested Board members. Clinical experiences and simulation appear to complement each other well as aids for the new nurse in the work environment. Attrition rates among new nurses within the first few months of practice are high, ranging from 35%–60% as reported by three different national studies. Due to changes to computerized testing, a new graduate can sit for the NCLEX® and be licensed within a few days. He or she may be expected to function with a limited amount of transition time. Online modules are being developed which may be offered to help the inexperienced nurse during the transition period. Residencies as used in medicine may serve as a model in a less formal situation for nursing. L. Young said that the CNW, on a national level, is conducting a survey asking whether a nurse is planning to leave the field, and if so, why; the South Dakota CNW will continue to research the topic. D. Dufault proposed that a subcommittee of the Board, coordinated by L. Young, be formed to look into the LPN's place in the workplace as related to skill level and Scope of Practice.

**84<sup>TH</sup> LEGISLATIVE SESSION:** G. Damgaard summarized matters of interest to healthcare. The lay midwife bill died in committee.

**NLCA UPDATE:** G. Damgaard shared with the Board regarding issues related to the Nurse Licensure Compact. Missouri has legislation under consideration; if successful, Missouri would be the first union state to join. Minnesota is holding hearings; via a grassroots effort, support is being garnered among healthcare organizations in the state. Minnesota Nurses Association has presented some questionable information in opposition to Compact implementation. Responses to the seven ANA talking points are being drafted by the NLCA.

**SDSU REFRESHER COURSE ANNUAL REPORT:** N. Bohr presented based on the written report. Twenty-four nurses returned to practice in South Dakota via SDSU refresher courses.

**MOTION:** Robin York moved that the South Dakota Board of Nursing accept the SDSU Annual Report for RN and LPN Refresher Courses offered at South Dakota State University and renew approval for 2009 for both the RN and LPN Refresher Courses.

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

**PRESENTATION COLLEGE:** N. Bohr shared that, based on NCLEX pass rates, the AD & BSN nursing education programs, per South Dakota statute, are to be placed on probationary status. Linda Burdette, MS,

RN; Chair of the Presentation College Nursing Programs, was present to address the Board. The school's most recent report to NLNAC was shared. L. Burdette outlined steps taken in 2007 and 2008 to increase pass rates. Recently, the curriculum has been adjusted to more closely follow NCLEX topics; the minimum GPA needed to enter the nursing program has been raised; the passing grade requirement for progression within the program has been reviewed; and faculty teaching and learning styles are being reviewed with more emphasis on mentoring. Student learning style is being examined so that their needs can be met. A remediation plan is being designed for each class. A nursing consultant will examine the rigor and relevance of the programs' curricula, including math and science course delivery. More faculty will soon be masters prepared. Student attrition has been a matter of concern; recent nurse layoffs appear to have contributed to the problem. Area employers are requiring that students need to have passed the NCLEX prior to hire; this is expected to help keep students from delaying taking the NCLEX after graduation.

MOTION: Robin York moved that the South Dakota Board of Nursing place the Presentation College BSN and ADN Nursing Education Programs on Probationary Status for two years.

Seconded by Dori Dufault.

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

USD ACTING CHAIR: Linda Benedict has been appointed Acting Chair for the USD Department of Nursing.

NURSING EDUCATION PROGRAMS – MEASURING PERIOD: N. Bohr shared with information regarding the minimum NCLEX pass rates needed for a nursing education program to attain/retain full approval status.

2010 NCLEX–RN TEST PLAN: G. Damgaard noted proposed revisions and reasoning behind them. Comments from Board members may be given to G. Damgaard, who will forward them for consideration by the test plan committee.

DISCIPLINE

- FYI: Criminal Background Check Summary YTD: Kathleen Rausch reviewed the informational piece.
- Discipline Committee Minutes of March 26, 2009 were approved prior to this Board meeting.

MOTION: Diana Berkland moved that the South Dakota Board of Nursing remove from the Consent Agenda the case of M. S.

Seconded by Teresa Disburg.

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	YES	11 YES – MOTION CARRIED	

CONSENT AGENDA Approval

- J. A. Letter of Concern
- T. G. Letter of Concern
- L. K. Board Dismissal
- A. B. Board Dismissal
- D. L. Board Dismissal
- A. S. Mandated HPAP
- J. P. Mandated HPAP
- B. K. Board Dismissal
- E. B. Letter of Concern and Remediation
- T. D. Letter of Concern
- M. N. Letter of Concern
- N. V. Board Dismissal

MOTION: Robin York moved that the South Dakota Board of Nursing accept the Consent Agenda with the exception of M. K.

Seconded by Patricia Wagner.

Diana Berkland	YES	John Jones	YES	Deb Soholt	YES
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Linda Bunkers	YES	June Larson	YES	Patricia Wagner	YES
Teresa Disburg	ABSTAIN	Adrian Mohr	YES	Robin York	YES
Dori Dufault	YES	Christine Pellet	YES	10 YES – MOTION CARRIED	

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THE BOARD MOVED INTO CLOSED SESSION FOR PURPOSES OF DISCIPLINE

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THE BOARD MOVED INTO OPEN SESSION

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M. K.: Kathleen Rausch, Nursing Program Specialist, presented background on this case.

MOTION: Linda Bunkers moved that the South Dakota Board of Nursing require and pay for a psychological evaluation with report back to South Dakota Board of Nursing by a South Dakota Board of Nursing approved psychiatrist for M. K.

Seconded by Patricia Wagner.

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

MOTION: Robin York moved that South Dakota Board of Nursing mandate L. J. to participation in HPAP.

Seconded by Dori Dufault.

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	

KATHRINA CLINE: Kathleen Rausch, Nursing Program Specialist, presented background. K. Cline was present to address the Board. Also present was Sherry Grismer, HPAP representative.

MOTION: Adrian Mohr moved Kathrina C. M. Cline's South Dakota LPN license be reinstated with Probation with terms and conditions to be set by HPAP for a period of five years with credit from May 2008 and continued reported psychiatric care.

Seconded by June Larson.

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	YES	11 YES – MOTION CARRIED	

IVA JEAN BOLMAN – Formal Hearing, April 7, 2009 3:30 pm: Deb Soholt, Board President, announced that this is the time and place for hearing the matter involving Iva Jean Bolman. Kristine O'Connell, Board Attorney, presented background and made an opening statement. Ms. Bolman was present to address the Board, accompanied by Attorneys Jon Olson and Eric Lorro. Jon Olson presented an opening statement. Kathleen Rausch, Nursing Program Specialist, was called to testify and sworn in. Ms. Bolman was sworn and testified. Exhibits 1-6 were distributed.

Exhibit #1: Email from complainant to K. Rausch dated September 17, 2008.

Exhibit #2: Informal Meeting Summary dated October 2008.

Exhibit #3: Job description for I. J. Bolman's employment at the optometric clinic.

Exhibit #4: 2009 Renewal application for I. J. Bolman's LPN license.

Exhibit #5: 2007 Renewal application for I. J. Bolman's LPN license.

Exhibit #6: The South Dakota statute describing practice of a Licensed Practical Nurse.

Various duties performed by Ms. Bolman as part of her employment as a "Field Health Nurse" were described to determine whether Ms. Bolman does indeed function as a nurse.

MOTION: June Larson moved that the South Dakota Board of Nursing renew the LPN license of Iva Jean Thompson Bolman.

Seconded by Linda Bunkers.

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	YES	11 YES – MOTION CARRIED	

T. A. – Formal Appearance: Kathleen Rausch, Nursing Program Specialist, presented background. T. A., who is seeking RN licensure by endorsement, was present to address the Board.

MOTION: Robin York moved that the South Dakota Board of Nursing issue an RN license to T. A.

Seconded by Dori Dufault.

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	YES		11 YES – MOTION CARRIED

SHERI DEIBERT – Formal Appearance: Kathleen Rausch, Nursing Program Specialist, presented background. S. Deibert was present to address the Board regarding her request for reinstatement. Sherry Grismer was also present to represent HPAP.

MOTION: Linda Bunkers moved that the South Dakota Board of Nursing reinstate the RN license for Sheri Deibert with Probation with terms and conditions set by HPAP for a total of five years.

Seconded by Patricia Wagner.

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	YES		11 YES – MOTION CARRIED

MICHELE SCHMIDT, CNP: Kathleen Rausch, Nursing Program Specialist, presented background on the case.

MOTION: Teresa Disburg moved that the South Dakota Board of Nursing ask for the Voluntary Surrender of the RN license of Michele J. Schmidt; if M. Schmidt does not Voluntarily Surrender, the license, proceed with Summary Suspension and Notice for Formal Hearing.

Seconded by Diana Berkland.

Diana Berkland	YES	John Jones	YES	Deb Soholt	YES
Linda Bunkers	YES	June Larson	ABSTAIN	Patricia Wagner	YES
Teresa Disburg	YES	Adrian Mohr	YES	Robin York	YES
Dori Dufault	YES	Christine Pellet	YES		10 YES – MOTION CARRIED

RULES HEARING ARSD 20:62:03:05: G. Damgaard shared that some written testimony has been received.

L. Young summarized the proposed changes: collaborating physician hourly contact requirements with Certified Nurse Practitioners would decrease in number, but, in some cases, the physician would be required to be present for onsite collaboration at multiple practice sites. The changes, if implemented, would match more closely requirements for Physician Assistants.

CORE REPORT 2007: A Power Point presentation was viewed and discussion followed. South Dakota Board of Nursing is one of nine Boards which regulate fewer than 20,000 licensees; these nine are considered “similar Boards.” For each Board, comparisons were drawn with “all Boards” and with “similar Boards” in several categories. Rankings were submitted via survey by stakeholders within each Board’s jurisdiction. South Dakota Board of Nursing ranked quite well as compared with similar Boards and with all Boards. A few areas with room for improvement were also pointed out.

NATIONAL AMERICAN UNIVERSITY: N. Bohr shared that NAU has announced the appointment of Ebony S. Fisher as Chair of the Online RN to BSN Program effective April 1, 2009.

NEXT BOARD MEETING: June 18–19, 2009 in Sioux Falls

#### TRAVEL REQUESTS

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

- IT Summit: May 12–13<sup>th</sup> – NCSBN, Funded 2
- Attorney Investigator Summit: May 19–21, 2009, NCSBN Funded 1
- Executive Officer Seminar: June 22– 24, 2009, NCSBN Funded 1
- NCSBN Delegate Assembly: August 12–14, 2009, Philadelphia PA, NCSBN Funded 2
- NCLEX® Item Review Subcommittee: July 28–31, 2009 – Linda Young, NCSBN Funded
- Diabetes World Café: Rapid City
- Long Term Care Leadership Academy: April 21, 2009, Chamberlain
- School Nurse Association: July 22, 2009, Chamberlain
- CNW Sponsored NEDDs Seminar: June 4–5, 2009, Mitchell

Seconded by Patricia Wagner.

Diana Berkland	YES	John Jones	YES	Deb Soholt	YES
Linda Bunkers	YES	June Larson	ABSENT	Patricia Wagner	YES
Teresa Disburg	YES	Adrian Mohr	YES	Robin York	YES
Dori Dufault	YES	Christine Pellet	YES	10 YES - MOTION CARRIED	

ADJOURNMENT: April 8, 2009 2:44 P.M.