CALL TO ORDER at 9:43 a.m.

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

ALSO PRESENT
Gloria Damgaard, Executive Director
Stephanie Orth, Nursing Program Specialist
Kathleen Tinklenberg, Nursing Program Specialist
Linda Young, Nursing Program Specialist
Kristine O’Connell, Board Attorney
Erin Matthies, Program Assistant II
Winora Robles, Program Assistant
Guest Katie Hoven, Nursing Student

MINUTES of the April 26-27, 2012 Board Meeting were approved as presented in a unanimous voice vote.

AGENDA for this meeting was approved in a unanimous voice vote.

REPORTS

FINANCIAL REPORTS were presented by Business Manager Robert Garrigan based on previously distributed spreadsheets. A summary of Fiscal Year 2012 and the budget for Fiscal Year 2013 were reviewed.

MOTION: D. Soholt moved that South Dakota Board of Nursing approve the Fiscal Year 2012 Financial Report as presented. The motion was seconded and carried in a unanimous voice vote.

MOTION: D. Soholt moved that South Dakota Board of Nursing approve the Fiscal Year 2013 Budget with amendments as discussed. The motion was seconded and carried in a unanimous voice vote.

MOTION: T. Disburg moved that the South Dakota Board of Nursing approve the purchase of the enhancement to Big Picture for a separate unlicensed personnel database.
Seconded by D. Berkland

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1ST QUARTER NCLEX REPORT AND NEDDS UPDATE: S. Orth shared that the SD NCLEX-RN pass rate was 87%, the national rate was 91%; the SD NCLEX-PN pass rate was 93%, while the national rate was 83.7%.

LEGISLATIVE REPORT: Recent legislation pertinent to healthcare across the country was discussed.

- AL SJR 83 – Creates an Interim Study Committee to review the feasibility of delegating to trained school personnel the authority to administer insulin and glucagon to students with diabetes
- TN SB 1935 – Establishes requirements for the supervision of nurses and physician assistants by certain physicians when engaged in interventional pain management
- VT SB 236 – Allows the signature of an APRN certified as a nurse practitioner or nurse midwife to be used whenever the signature of a physician is required
- LA HB 326 - Authorizes a psychiatric mental health nurse practitioner to execute emergency certificate for admission to a treatment facility of a minor suffering from mental illness or substance abuse
- DE HB 238 - Simplifies the process for a military spouse applying for reinstatement; six-month temporary license or permit while the application for endorsement is being processed

NCSBN POLICY PERSPECTIVES was provided as an informational piece.

CENTER FOR NURSING WORKFORCE: L. Young reported that at the Governance Council meeting held June 13, 2012, Strategic Initiative Tactics and Outcomes for FY 2010-2012 were updated. The Minutes were distributed.
SD Action Coalition Executive Steering Committee met May 24, 2012 and again July 9, 2012; Minutes of both of these meetings were provided to Board members. The purpose statement has been drafted: “To develop and prepare nurses to provide leadership resulting in high quality, patient-centered care in South Dakota by effectively implementing the Institute of Medicine’s recommendations on the Future of Nursing.”

Nurse Aide Training Program Changes: S. Orth reported that reorganization at the national level within American Red Cross resulted in changes with training programs and requirements. The Board will approve nurse aide training programs that use the “American Red Cross curriculum” only if specific conditions are met, and notified facilities by mail March 30, 2012 that as of July 1, 2012, facilities using the Red Cross curriculum must submit specified documents to be reapproved. Outdated materials are being removed as curriculum options.

Health Professionals Assistance Program: Maria Eining, HPAP Director, met with the Board to discuss the Service Committee meeting held May 22, 2012 and other matters of interest to both organizations.

Institute of Human Becoming: D. Berkland and G. Damgaard attended this conference featuring nurse theorist Dr. Parse. G. Damgaard reported that her article “High Altitude Leadership and the Human Becoming Leading—Following Model: An Executive Director’s Perspective” will be published in Nursing Science Quarterly, October 2012.

Attorney / Investigator Conference: K. Tinklenberg attended the meeting in Fort Lauderdale FL. According to the featured speaker, cheating and workplace theft are prevalent across the country. A case study of an individual diagnosed with bipolar disorder was presented by a police psychiatrist. A high percentage of individuals with addictions also have bipolar disorder, which requires medication for treatment; the nurse using such medication may have the bipolar disorder under control, but may be working impaired. In North Carolina, a criminal background check is required with reinstatement of licensure.

NCSBN IT: E. Matthies and R. Garrigan provided a report on the conference they attended in Minneapolis.

NCSBN Executive Officers: G. Damgaard reported on the summit held June 18-20, 2012 in Idaho. Social media, privacy issues, and related Constitutional rights, federal legislation, and court legal decisions were discussed.

Taking the Long View Nursing Workforce Conference: L. Young reported on the conference in Indianapolis. According to the featured speaker, nursing workforce supply is growing, but is not expected to be sustainable.

Open Forum – No one requested the opportunity to address the Board

Environmental Scan: items were provided for information purposes; highlights were briefly discussed.

Council of State Governments: The CGS Resolution regarding telehealth was reviewed; the resolution was adopted May 20, 2012 at CSG’s National Leadership Conference in LaQuinta, California.

Governor Creates Primary Care Task Force. Press Release from the office of Governor Daugaard – “Expanding the educational capacity to train more primary health care providers for rural areas of South Dakota” is the focus; Robin Peterson-Lund CNP, BON APN Advisory Committee member, has been named as a member of the governor’s task force.

National League for Nursing Initiated Legal Proceedings – In a letter dated February 7, 2012, NLN provided an update regarding the litigation that was initiated in June 2011.

Unfinished Business

Diabetes Virtual Nurse Pilot Study: The Virtual Nursing Care for Children with Diabetes in the School Setting project continues to progress according to schedule. Participating in the research project are 29 children in 19 different schools throughout the state, working with virtual nurses at two different hubs. Continued support of the project is planned through the 2012-2013 school year for currently participating schools. Additional grant funds from South Dakota Department of Health are expected to sustain the project after NCSBN grant funds end. Much has been learned about the challenges involving required technology.

Medication Assistants Registry: To begin a registry of Medication Assistants and Dialysis Technicians, the Board must have statutory authority to allow for promulgation of rules. Board staff recommends that a Legislative Research Council (LRC) opinion be sought to determine whether SDCL 36-9-21 needs to be amended to allow for registration of specific categories, and if so, Board staff proposes the following: (36-9-21) Promulgation of rules by board. The Board of Nursing shall promulgate rules pursuant to chapter 1-26 pertaining to:

(DRAFT) The registration of medication assistants and the disciplinary proceedings of registration; training
requirements; supervisory requirements by a licensed nurse; tasks that may not be delegated by a licensed nurse to
a medication assistant.

The registration of dialysis technicians and the disciplinary proceedings of registration; training
requirements; supervisory requirements by a licensed nurse; tasks that may not be delegated by a licensed nurse to
a dialysis technicien.
MOTION: D. Soholt moved that the South Dakota Board of Nursing authorize Board staff to move forward with the process to amend 36-9-21 to develop a registry for unlicensed categories of care team members for which the South Dakota Board of Nursing has training requirements. Seconded by J. Larson

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APRN CONSENSUS WORKGROUP: Minutes of the May 25, 2012 meeting were distributed. Via teleconference, four North Dakota licensed Certified Nurse Practitioners provided an overview of their state legislative process; 2011 legislative changes to North Dakota laws provided plenary practice for CNPs and no requirement for collaboration or supervision by a physician; the changes removed Collaborative Agreements for prescribing drugs and eliminated the need to write scope of practice protocols/documents describing their practice. Among the next steps planned, G. Damgaard and L. Young will work with the American Academy of Family Physicians (AAFP) to set up a World Café to bring together interested family practice physicians and NPs to discuss opportunities and challenges. Input will be sought from experienced CNPs in South Dakota.

JOINT BOARD ANNUAL MEETING: The next 2012 Board of Nursing meetings will be held September 18-19 & November 15-16. The Board of Medical & Osteopathic Examiners is scheduled to meet November 28, 2012. To accommodate the Joint Boards Annual meeting, a quorum of Board of Nursing members could be available in person and/or via teleconference on November 28 – or – the Board of Medical and Osteopathic Examiners could be invited to participate during the Board of Nursing’s September meeting.

CNP ISSUES: L. Young and G. Damgaard discussed the status of a Collaborative Agreement between Denton Combs, CNP and James Schaeffer, MD, which was approved temporarily by the Board of Medical and Osteopathic Examiners with the modification that Combs is to identify himself as a Family NP, and with the stipulation that this matter is to be considered at the next Joint Board meeting.

NEW BUSINESS

LAKE AREA TECHNICAL INSTITUTE: The Board received the announcement that Robin Brown has resigned, and Patricia Foley, MS, RN is the new department supervisor for the LPN program.

DAKOTA WESLEYAN UNIVERSITY: Communications were received from Adele Jacobson, Administrative Chair, announcing that DWU Board of Trustees voted in March 2012 to change the associate nursing program degree from an Associate of Arts (AA) to an Associate of Science (AS), and the RN-Bachelor of Arts (BA) to a RN-Bachelor of Science (BS), and that Gloria Thompson retired as AS Nursing Program Director; long time faculty member Wyonne Kaemingk is assuming the position.

OGLALA LAKOTA COLLEGE: S. Orth and J. Larson conducted the site visit May 2-3, 2012. Joan Nelson, Director of the Nursing Department, was present to address the Board. Program strengths and recommendations for improvement are outlined in the survey report; a summary was also reviewed. J. Nelson described the school’s new facilities. Struggles within local communities affect students; the school takes that into account and provides opportunities to prepare them for the courses. About 92% of students are Native American. To help them to be more successful, all students are required to be CNAs; the school pays the fees, and two faculty members are CNA instructors. It is recommended that in the site visit report terminology, “Recommendations” be replaced with “Requirements”.

MOTION: K. Possehl moved that the South Dakota Board of Nursing grant continued Full Approval status for the ADN Program at Oglala Lakota College, with the expectation that recommendations from the site visit team will be in compliance within one year. Seconded by J. Jones

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WEBSITE REQUESTS: Direction regarding a policy statement was sought. In keeping with the state’s policy, a statement such as “Your request was reviewed and it does not meet the core mission of the South Dakota Board of Nursing” will be the standard response.
LICENSURE LIST Policy: A request was received from Verisys Corporation to revise Board policy to allow release of license rosters to credential verification organizations. Attorney K. O’Connell’s research determined that the Board’s policy regarding public access to nursing licensure information is compliant with current law. Board policy (established April 2002, revised April 2007) states: Requests for mailing labels or lists will be granted only for those individuals/organizations that can demonstrate that the purpose for the information is for educational, research, or military use. The Board shall not release licensure database information to individuals or organizations performing credentialing or licensure verification services. The only exclusion to this policy is the release of licensure database information to:

- the National Council of State Boards of Nursing for participation in NURSYS;
- other government or state agencies; and
- pharmaceutical companies or their third party agencies for the purpose of meeting Food and Drug Administration (FDA) requirements through the Prescription Drug Market Act (PDMA) for Certified Nurse Practitioners and Certified Nurse Midwives.

MOTION: D. Soholt moved that the South Dakota Board of Nursing deny Verisys’ request that the Board of Nursing modify its internal policies regarding the release of license rosters to credential verification organizations and that L. Young and K. O’Connell prepare the response compliant with SDCL § 1-27. Seconded by A. Mohr

| BERKLAND | YES | LARSON | YES |POSSEHL | YES |
| CALLAGHAN | ABSENT | MOHR | YES |SCHMIDT | YES |
| DISBURG | YES | NELSON | YES |SOHOLT | YES |
| JONES | YES | NEUHARTH | YES |10 YES – MOTION CARRIED |

DISCIPLINE

June 2012 Discipline Committee Minutes were approved by the Committee prior to this meeting

Consent Agenda Approval & Consideration of Discipline

DISCIPLINE – THE BOARD MOVED INTO CLOSED SESSION FOR PURPOSES OF DISCIPLINE

THE BOARD RECONVENED IN OPEN SESSION

1) Leslie Anne Welsing, R034516: Accept Voluntary Surrender
2) Brande Lea Vanwoert, R027955: Request Voluntary Surrender; if not received, issue Summary Suspension
3) Candice K. Dykema, R027848: Letter of Reprimand
4) N.D.W.: HPAP One Year
5) Lindsay Ann Hixon, R038373: Request Voluntary Surrender, if not received, issue Summary Suspension
7) H.A.J.: No Further Action
8) Ronald Dean Keats, R037831: Accept Voluntary Surrender
9) Melissa Marie Endres, R036648: Accept Voluntary Surrender
10) N.L.B.: No Further Action
11) N.A.H.: Letter of Concern
12) Sheri Lin Vetsch, R025677: Letter of Reprimand
13) S.R.U.: Letter of Concern
14) D.L.B.: Letter of Concern
16) Dava L. Mier, R032491: Letter of Reprimand
17) J.L.C.: Psych Evaluation
18) Denise Renae Hanisch, P010055: Accept Voluntary Surrender
19) Shirley Jean Seaboy, R031267: Request Voluntary Surrender, if not received, issue Summary Suspension
20) Jennifer Leigh Holdaway, R035847: Letter of Reprimand with Remediation
21) Glenda R. Nelson, R026882: Letter of Reprimand
22) J.A.S.: Board Dismissal
23) K.L.S.: Board Dismissal
24) J.M.J.: Board Dismissal
25) A.T.K.: Board Dismissal

MOTION: D. Soholt moved that the South Dakota Board of Nursing approve the Consent Agenda as presented with the removal of Case # 6 SMT & #15 VAR.

Seconded by T. Disburg

| BERKLAND | YES | LARSON | YES |POSSEHL | YES |
| CALLAGHAN | ABSENT | MOHR | YES |SCHMIDT | YES |
| DISBURG | YES | NELSON | YES |SOHOLT | YES |
| JONES | YES | NEUHARTH | YES |10 YES – MOTION CARRIED |

4
S.M.T. Kathleen Tinklenberg, Nursing Program Specialist, presented background; A. Mohr recused himself.

MOTION: D. Soholt moved that the South Dakota Board of Nursing strongly worded Letter of Concern and extend HPAP to one year of HPAP compliance for S.M.T.
Seconded by T. Disburg

Berkland RECUSED
Callaghan ABSENT
Disburg YES
Jones YES

Soholt YES
Mohr RECUSED
Nelson YES
Neuharth YES

8 YES – MOTION CARRIED

V.A.R. Kathleen Tinklenberg, Nursing Program Specialist, presented background; N. Nelson recused herself.

MOTION: T. Disburg moved that the South Dakota Board of Nursing dismiss the patient abuse complaint against V.A.R.
Seconded by J. Larson

Berkland YES
Callaghan ABSENT
Disburg YES
Jones YES

Larson YES
Mohr YES
Nelson RECUSED
Neuharth YES

Soholt YES
Schmidt YES
Soholt YES

9 YES – MOTION CARRIED

BRADLEY JAY SCHELLING, R040339, Formal Hearing: Board Attorney Kristine O’Connell presented background.

Although duly noticed, Mr. Schelling did not appear, but did call 25 minutes prior to the scheduled time for this Hearing to say that he could not attend and to request a Continuance.

MOTION: D. Soholt moved that the South Dakota Board of Nursing approve the request for Continuance of the Formal Hearing for Bradley Jay Schelling that was scheduled for July 12, 2012.
Seconded by J. Jones

Berkland YES
Callaghan ABSENT
Disburg YES
Jones YES

Larson YES
Mohr YES
Nelson YES
Neuharth YES

Soholt YES
Schmidt YES
Soholt YES

10 YES – MOTION CARRIED

ANDREW JACOB MURTHA, R036985, Formal Hearing: Board Attorney Kristine O’Connell presented background.

Mr. Murtha was present to address the Board regarding his request to reconsider the Letter of Reprimand issued by this Board February 2, 2012 for practice without valid licensure. Mr. Murtha was sworn in and provided testimony. Exhibit 1: A letter of explanation and request for reconsideration from Mr. Murtha dated March 14, 2012, received by the Board March 27, 2012.

MOTION: J. Larson moved that the South Dakota Board of Nursing rescind the Letter of Reprimand issued to Andrew Jacob Murtha, RN.
Seconded by J. Jones

Berkland YES
Callaghan ABSENT
Disburg YES
Jones YES

Larson YES
Mohr YES
Nelson YES
Neuharth YES

Soholt YES
Schmidt YES
Soholt YES

10 YES – MOTION CARRIED

T.L.P.: Kathleen Tinklenberg, Nursing Program Specialist, presented background.

MOTION: D. Soholt moved that South Dakota Board of Nursing issue a strong Letter of Concern to T.L.P. along with completion of modules: ● Sharpening Critical Thinking Skills ● Disciplinary Actions: What Every Nurse Should Know ● Professional Accountability and Legal Liability for Nurses
Seconded by N. Nelson

Berkland YES
Callaghan ABSENT
Disburg YES
Jones YES

Larson YES
Mohr YES
Nelson YES
Neuharth YES

Soholt YES
Schmidt YES
Soholt YES

10 YES – MOTION CARRIED

TERESA MARIE FORTON, P009537: Kathleen Tinklenberg, Nursing Program Specialist, presented background.

MOTION: T. Disburg moved that the South Dakota Board of Nursing issue a Letter of Reprimand to Teresa Marie Forton, LPN.
Seconded by D. Soholt

Berkland YES
Callaghan ABSENT
Disburg YES
Jones YES

Larson YES
Mohr YES
Nelson YES
Neuharth YES

Soholt YES
Schmidt YES
Soholt YES

10 YES – MOTION CARRIED
PERSONNEL – THE BOARD MOVED INTO CLOSED SESSION FOR PURPOSES OF PERSONNEL
THE BOARD RECONVENEED IN OPEN SESSION

SISSETON WAHPETON COLLEGE Probationary Action Plan: S. Orth reported recent staff changes at the nursing program; most of the faculty have left. Nursing Program Director Nola Ragan and Jeanette Gravdahl were present to address the Board and provided handouts. Hiring staff is the priority so that current students can complete courses. Students have been directed to continue with online work. The RN program is on hold in order to focus on the PN program; no new students are being accepted until appropriate faculty are in place. Administration is very supportive; Interim President Dr. Lawrence may soon be replaced by a permanent president; a new VP will also be hired.

MOTION: D. Soholt moved that the South Dakota Board of Nursing accept the Probationary Action Plan as presented by Sisseton Wahpeton College Nursing Program.

Seconded by J. Larson

Berkland Y Larson Y Possehl Y
Callaghan A Mohr Y Schmidt Y
Disburg Y Nelson Y Soholt Y
Jones Y Neuharth Y 10 YES – MOTION CARRIED

WESTERN DAKOTA TECHNICAL INSTITUTE: Communication dated June 22, 2012 was received from Practical Nursing Program Director Jan Lerback announcing Mark Wilson serving as President as of July 1, 2012; secretarial help has been hired; and Suzanne Brandt, RN, BSN, has joined the faculty staff.

2012 NURSING EDUCATION LOAN ASSISTANCE: G. Damgaard presented based on the information prepared by Business Manager Robert Garrigan outlining the loans awarded.

MOTION: J. Larson moved that the South Dakota Board of Nursing approve the 2012 Nursing Education Loan Assistance Annual Disbursement Report.

Seconded by M. Schmidt

Berkland Y Larson Y Possehl Y
Callaghan A Mohr Y Schmidt Y
Disburg Y Nelson Y Soholt Y
Jones Y Neuharth Y 10 YES – MOTION CARRIED

FAILURE TO DISCLOSE: K. Tinklenberg presented the drafted Board Policy Review Regarding Failure to Disclose

1st Failure to Disclose: The SD Board of Nursing may consider one failure to disclose by applicants or licensees with minor offenses. Upon first failure to disclose, the SD Board of Nursing staff sends a letter to the applicant/licensee stating that he/she must submit a corrected application, and if not already on file, a written explanation and pertinent court documents. Included in this letter is a warning statement that for any future failure to disclose (2nd Failure to Disclose), he/she will be referred for possible discipline.

2nd Failure to Disclose: Refer to Discipline

MOTION: The language of the Policy as worded above was approved in a unanimous voice vote.

UPCOMING EVENTS

L. Young & G. Damgaard: SD Action Coalition CWB Meeting, July 16-17, 2012, Chamberlain SD
S. Orth: Southeast Technical Institute Site Visit, July 19-20, 2012
G. Damgaard & L. Young: NCSBN Delegate Assembly: August 7-10, 2012, Dallas TX
G. Damgaard & L. Young: APN Advisory Committee, August 17, 2012
S. Orth: CLEAR Basic Training; K. Tinklenberg: CLEAR Advanced Training; and both to the CLEAR Educational Conference, September 3-8, 2012, San Francisco CA
G. Damgaard & L. Young: Diabetes Symposium, September 14, 2012, Sioux Falls
NCLEX Conference, Boston MA

MOTION: K. Possehl moved that the South Dakota Board of Nursing approve travel for:

- G. Damgaard and L. Young to NCSBN Delegate Assembly, August 7-10, 2012 in Dallas TX
- S. Orth and K. Tinklenberg and one more person to CLEAR Training & Educational Conference, September 3-8, 2012 in San Francisco CA
- G. Damgaard and L. Young to NCSBN Scientific Symposium, September 2012
- Two people to the NCLEX Conference in Boston MA

Seconded by S. Neuharth

Berkland Y Larson Y Possehl Y
Callaghan A Mohr Y Schmidt Y
Disburg A Nelson Y Soholt Y
Jones Y Neuharth Y 9 YES – MOTION CARRIED
STAFF AND BOARD MEMBER ACTIVITIES

G. Damgaard & L. Young: April 30, 2012, AAFP (Family Practice Physicians) Meeting
K. Tinklenberg & W. Robles: April 30, 2012 Nursys Webinar, TERCAP and NLC Compliance
J. Larson & Stephanie Orth: Oglala Lakota College Site Visit, May 2-3, 2012, Pine Ridge SD
G. Damgaard: CORE Committee, May 8-9, 2012, Chicago
G. Damgaard, L. Young, K. Tinklenberg: Collaborative Nursing Leadership Follow-up, May 16, 2012, Sioux Falls
K. Tinklenberg: Presentation to Southeast Technical Institute nursing students, May 21 and June 18, 2012
G. Damgaard & K. Tinklenberg: HPAP Program Service Committee Meeting, May 22, 2012
L. Young: SD Action Coalition Organizational Meeting, May 24, 2012, Sioux Falls SD
G. Damgaard & L. Young: APRN Consensus Workgroup Meeting, May 25, 2012 Sioux Falls
K. Tinklenberg: NCSBN Attorney Investigator Conference, June 4-6, 2012, Fort Lauderdale FL
L. Young: NEDDs Spring Conference for Nurse Educators/Clinicians, June 7, 2012, Sioux Falls
K. Tinklenberg & W. Robles: Citizens Advocacy Center teleconferences, Continuing Professional Development
and Regulatory Management of Chemically Dependent Health Care Practitioners, June 12 & 13, 2012
K. Tinklenberg: Presentation to SDSU nursing students, June 20, 2012
G. Damgaard: NCSBN Executive Officer Summit, June 19-20, 2012, Coeur d’Alene ID
G. Damgaard & L. Young: SD Action Coalition Organizational Meeting, July 9, 2012, Sioux Falls

ADJOURNMENT 1:35 p.m.