



SOUTH DAKOTA BOARD OF NURSING

4305 S. LOUISE AVENUE, SUITE 201 SIOUX FALLS SD 57106

JUNE 18-19, 2009

MINUTES

THE BOARD OF NURSING MEETING WAS CALLED TO ORDER by President Deb Soholt June 18, 2009 at 9:00 a.m.

BOARD MEMBERS

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

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
Will Robles, Board Intern

GUESTS

Sherry Grismer, HPAP
Char Skovlund, HPAP
Ashley Huber, Intern Attorney

MINUTES of April 7–8, 2009: MOTION to approve the Minutes was approved in a unanimous voice vote.

AGENDA APPROVAL: MOTION to approve the Agenda was approved in a unanimous voice vote.

FINANCIAL REPORTS: Senior Accountant Robert Garrigan presented the current balance sheet.

MOTION to approve the Financial Reports was approved in a unanimous voice vote.

SOUTH DAKOTA CENTER FOR NURSING WORKFORCE: L. Young shared that the CNW will present at the SDNA Convention this year. There is still a need for preparing more new nurses. The CNW intends to help sponsor appropriate projects dealing with nursing in the state via grants; a handout was provided.

NCLEX–1ST QUARTER: N. Bohr shared South Dakota NCLEX pass rates: 92.2% for RNs, 100% for PNs.

CITIZENS ADVOCACY CENTER: G. Damgaard briefly reviewed highlights and items of concern of the report.

NCSBN POLICY PERSPECTIVES: G. Damgaard presented based on the document provided.

NCSBN TRANSITION TO PRACTICE – FAQ: G. Damgaard reviewed the document briefly with the Board.

NCSBN STAFF: G. Damgaard shared that new NLC associate Jim Puente will come to South Dakota for an overview of Nurse Licensure Compact implementation methods. Also, Ann Wendt, who has been with the NCSBN testing department for many years, will retire.

FEASIBILITY STUDY FOR MEDICATION ASSISTANTS: N. Bohr presented an update on this IRE Project. Overall, facilities’ reactions have been positive, however, two barriers cited by survey respondents to adopting the model curriculum are time constraints and cost. A task force may be formed to continue the work; a summary report will be composed to be presented to stakeholders in the state.

ADMINISTRATIVE RULES AMENDMENT – ARSD 20:62:03:05: L. Young reported that on June 9, 2009, the rules were approved by the Interim Rules Committee. Notice will be published in the next issue of the *Dakota Nurse Connection*.

NLCA UPDATE – Joint NLCA/NCSBN Meeting, May 26–27, 2009: G. Damgaard shared that NCSBN Board of Directors have approved the hiring of a new staff person, and a letter has been sent out to member boards proposing options for changing the structure of the NLCA.

CORE UPDATE – Invitation: G. Damgaard was invited to attend their next meeting in Chicago, September 21, 2009; focus will be on best practices and standards of excellence in the area of discipline. South Dakota was cited as a best practice state by the CORE Committee.

SOUTH DAKOTA HEALTHCARE COMMISSION – Prescription Drug Monitoring Subcommittee: G. Damgaard presented an update; this Board has been invited to participate.

HPAP UPDATE: Good news was shared regarding Maria Eining’s health. Further updates regarding the HPAP program will be provided at the September 2009 Board meeting.

BOP NURSING OVERSIGHT COMMITTEE – May 13–15, 2009: G. Damgaard shared an update with the Board.

DIABETES WORLD CAFÉ – November 20, 2008 & June 10, 2009: L. Young presented. Participants have been enthusiastic during the discussion. It was suggested that providing care via electronic or teleconferencing means may need to be considered in facilities where an RN is not always available.

LPN IV THERAPY Board Member Task Force: L. Young reported that a couple of conference calls have been held, the group is gathering data and plans to meet again soon. National layouts and various state examples of scope and standards of care will be further explored.

COLLABORATIVE AGREEMENT WAIVER Update: G. Damgaard presented based on the handout. A Certified Nurse Midwife has proposed renting a residence where out-of-hospital births can be conducted, but still within a safe distance from a hospital. This CNM has also proposed establishing a birthing center; the CNM was advised by Board staff that the CA Waiver was not intended for that purpose.

WESTERN DAKOTA TECHNICAL INSTITUTE: G. Damgaard reported that there is a search going on for a new Program Director, who is expected to have been named by the September 2009 Board meeting.

USD NEW NURSING CURRICULUM: J. Larson outlined improvements in the nursing curriculum; an LPN will be able to complete the RN curriculum within two semesters rather than three. An evidence-based model was reviewed. Implementation is scheduled for January 2010.

MOTION: Diana Berkland moved that South Dakota Board of Nursing accepts the Revised Curriculum from USD as presented and the curriculum meets requirements as set forth in ARSD 20:48:07.

Seconded by Christine Callaghan.

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 Callaghan	YES	11 YES – MOTION CARRIED	

SIoux SAN HOSPITAL – CLINICAL ENRICHMENT PROGRAM: N. Bohr presented based on the handouts. This program meets Board requirements; it is intended to serve students in the Rapid City area.

MOTION: Robin York moved that the South Dakota Board of Nursing grant initial approval for the Sioux San Hospital–Rapid City Service Unit for the Clinical Enrichment Program.

Seconded by June Larson.

Diana Berkland	YES	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 Callaghan	YES	10 YES – MOTION CARRIED	

FY 2010 BUDGET: Senior Accountant Robert Garrigan had provided handouts prior to this meeting.

Licensure fees comprise the basic income supporting the Board. The budget for FY 2010 will not vary much from the previous year’s budget.

MOTION: Diana Berkland moved that the South Dakota Board of Nursing accept the proposed FY 2010 Budget as presented.

Seconded by June Larson.

Diana Berkland	YES	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 Callaghan	YES	10 YES – MOTION CARRIED	

THE BOARD MOVED INTO CLOSED SESSION FOR PURPOSES OF PERSONNEL

THE BOARD MOVED INTO OPEN SESSION

PRACTICE RELATED ISSUES AND MALPRACTICE REPORTS: As a preface to the discussion, pertinent discipline cases were reviewed. Input from the Board is sought to determine how best to make appropriate, fair, and consistent decisions in such cases. In keeping with Just Culture principles, a proactive stance should be composed rather than simply resorting to punitive measures as a reaction to each

case. This Board must function within its role and its jurisdictional responsibility based on the mission to ensure safe nursing practice for the public. In some facilities, it appears that substandard care practices are accepted within that particular culture. Perhaps education may be required for staff in facilities found to be providing inadequate care, whether in the form of

- in-service education
- mandated remediation and/or enhancement
- implementation of a practice improvement plan

to promote and help ensure good patient care. Although each nurse is always accountable for his or her own practice, a nurse in a supervisory position must also be held accountable for those healthcare providers whose practice falls under that supervision. Practice models will be reviewed by this Board and the Board will deliberate further to ascertain how best to proceed in such cases.

THE BOARD MOVED INTO CLOSED SESSION FOR PURPOSES OF DISCIPLINE

THE BOARD MOVED INTO OPEN SESSION

CRIMINAL BACKGROUND CHECK SUMMARY YTD: K. Rausch presented the summary. Recently, there has been an increase in the number of positive reports, four of which involved felony issues.

DISCIPLINE COMMITTEE Minutes of June 2009 were approved prior to this meeting.

CONSENT AGENDA:

- C. L. C.: Board Dismissal
- C. A. D.: Board Dismissal / Grant License
- Autumn Dawn Rice: Accept Voluntary Surrender
- J. K. Z.: Letter of Concern
- T. M. B.: Board Dismissal
- Phyllis E. Yates, P010314: Letter of Reprimand & Remediation (1) Documentation (2) Ethics
- B. J. J.: Board Dismissal
- C. L. G.: Board Dismissal
- D. B. G.: Board Dismissal
- Blaine P. LeBeau: Accept Voluntary Surrender
- Christopher Baartman: Accept Voluntary Surrender
- Wendy J. Holthe: Accept Voluntary Surrender
- S. M. E.: Mandate HPAP
- P. J. S.: Board Dismissal
- Jaysie L. Witkop: Summary Suspension
- Charise LaRae Olson: Accept Voluntary Surrender
- M. K. K.: Request inactivation of license; if the licensee does not agree, issue a Summary Suspension and Notice for Hearing
- T. J. P.: Grant licensure pending NCLEX
- S. G.: Grant licensure pending NCLEX

MOTION: Teresa Disburg moved that the South Dakota Board of Nursing accept the Discipline Consent Agenda as presented.

Seconded by John Jones.

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 Callaghan	YES	10 YES – MOTION CARRIED	

Michele Jean Schmidt – Formal Hearing: June 19, 2009, 10:00 a.m. Board President Deborah Soholt announced that this is the time and place to hear the matter involving M. Schmidt, who was present and represented by Attorney Brett Lovrien. Board Attorney Kristine O’Connell presented opening remarks. Allegations discussed included violations of the Nurse Practice Act and practice beyond the scope of the Certified Nurse Practitioner. Exhibits 1–10 were admitted. Donna Keeler, Executive Director, South Dakota Urban Indian Health, provided testimony. Diane Weller, CMA testified regarding two blank prescriptions provided to M. Schmidt at M. Schmidt’s request. M. Schmidt does not deny that she wrote the prescriptions in question, and agrees that it was inappropriate to have done so. M. Schmidt said that writing the first prescription on a pad from her former employer was a simple mistake, that she had a Collaborative Agreement in place with a different physician at the time, “it was just a piece of paper.” M. Schmidt said that post-dating the second prescription was also a mistake; the date of her dog grooming appointment popped into her mind, and she wrote that date on the prescription.

MOTION: June Larson moved that the South Dakota Board of Nursing issue Michele Schmidt a Letter of Reprimand for the Certified Nurse Practitioner license.

Seconded by Robin York.

Diana Berkland	YES	John Jones	YES	Deb Soholt	YES
Linda Bunkers	ABSENT	June Larson	YES	Patricia Wagner	YES
Teresa Disburg	NO	Adrian Mohr	ABSENT	Robin York	YES

Dori Dufault YES | Christine Callaghan YES | 8 YES –1 NO: MOTION CARRIED

E. K. F., LPN Applicant – Formal Appearance: June 19, 2009, 11:00 a.m. Kathleen Rausch, Nursing Program Specialist, gave background on this case. E. K. F. was present to address the Board.
MOTION: Diana Berkland moved that the South Dakota Board of Nursing approve the opportunity for E. K. F. to sit for the PN exam.

Seconded by June Larson.

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

The Board strongly recommends that E. K. F. take certain steps to help ensure success.

Gail Renee Lee, P008503 – Formal Appearance, June 19, 2009, 11:30 a.m. Kathleen Rausch, Nursing Program Specialist, shared background on this case. G. Lee was present to address the Board.

MOTION: Robin York moved that the South Dakota Board of Nursing Reinstate the LPN license of Gail Renee Lee with Board mandated HPAP for five years with credit for the time of enrollment. HPAP will place restrictions and stipulations on her access to narcotics once employed and HPAP Evaluation Committee will review after a minimum of six months employment as an LPN.

Seconded by Dori Dufault.

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

Deleen J. Kougl, CP000316: Diana Berkland moved that the South Dakota Board of Nursing approve the following action on the CNP license of Deleen Kougl: (1) Probation for one year; (2) Quarterly reports to include (a) Random chart (medical records) audits by consultants, (b) Written evidence of positive collaborative relationship with a physician; (3) Advanced Practice level remediation in the three areas: (a) Documentation, (b) Assessment, (c) Pharmacology.

Seconded by John Jones.

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 Callaghan	YES	11 YES – MOTION CARRIED	

Larry Eugene Einck, R030573: Kathleen Rausch, Nursing Program Specialist, presented background.
MOTION: Teresa Disburg moved that the South Dakota Board of Nursing has Larry Einck, RN, placed on probation for one year, provide quarterly reports, and complete remediation modules on Medication Errors, Documentation, and Ethics.

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 Callaghan	YES	11 YES – MOTION CARRIED	

J. L. M.: Kathleen Rausch, Nursing Program Specialist, presented background.

MOTION: Robin York moved that South Dakota Board of Nursing issue a Letter of Concern to J. L. M. with the following remediation: Ethics of Nursing Practice, Nurse Practice Acts, and Professional Accountability and Legal Liability for Nurses.

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 Callaghan	YES	11 YES – MOTION CARRIED	

R. H. E.: No action taken pending further investigation.

C. J. G.: No action taken pending further investigation.

K. D. H.: No action taken pending further investigation.

J. L. P.: No action taken pending further investigation.

M. L. P.: No action taken pending further investigation.

- S. C. R.: No action taken pending further investigation.
- C. E. S.: No action taken pending further investigation.
- R. M. W.: No action taken pending further investigation.
- T. K.: No action taken pending further investigation.

2009 NURSING EDUCATION LOAN ASSISTANCE Program Awards: G. Damgaard reviewed the recommendations.

MOTION: Diana Berkland moved that South Dakota Board of Nursing approve 2009 Nursing Education Loan Assistance disbursement of awards to the 46 RN and 2 APRN applicants at \$1000/person. 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 Callaghan	YES	11 YES – MOTION CARRIED	

NURSING RECRUITMENT VIDEO: L. Young shared with the Board the eight-minute video that is being produced by the CNW, DOH, with input from SDSU faculty. Suggestions for changes are being considered, keeping in mind that the target audience is high school students.

DATA INTEGRITY PROJECT: Will Robles presented a summary of the need for the data cleanup project, methods being used to correct data for current licensees, and progress that has been made so far. G. Damgaard will explore the options for correcting inactive and lapsed RN and LPN data.

2009 NCSBN DELEGATE ASSEMBLY: G. Damgaard shared with the Board issues that will be addressed at this year’s Delegate Assembly based on the handout provided. The Leadership Succession Committee has presented the slate of candidates.

ANNOUNCEMENTS / TRAVEL REQUESTS

- Next Board Meeting – September 15–16, 2009
Joint Board to meet at the Board of Medical & Osteopathic Examiners
- Sisseton Wahpeton Site Visit Fall 2009 will be conducted by N. Bohr
- 2009 Delegate Assembly, Philadelphia, PA, August 12–14, 2009
- Administrative Hearing, Medical Assistant, July 8, 2009, 10:00 am
- Council on Licensure, Enforcement and Regulation: National Certified Investigation Training Specialized Program, September 7–9, 2009 for Kathy Rausch
- Presentations by Board Staff
 - ♦ April 21, 2009, Long Term Care Leadership Conference, Chamberlain, April 21, 2009
 - ♦ May 18, 2009, Southeast Technical Institute Evening Students – L. Young
 - ♦ June 22, 2009, Southeast Technical Institute Day Students – N. Bohr
 - ♦ June 23, 2009, Sisseton Wahpeton College, RN and LPN Students – N. Bohr
 - ♦ June 29, 2009, SDSU, Sioux Falls Campus – N. Bohr
 - ♦ July 22, 2009, School Nurses Association, Chamberlain – L. Young & G. Damgaard
 - ♦ July 23, 2009, IHS, Aberdeen – K. O’Connell & K. Rausch
 - ♦ September 11, 2009, Olympia, WA, Invited to Board Meeting – G. Damgaard
 - ♦ September 23, 2009, SDONE, Sioux Falls – G. Damgaard
 - ♦ September 30, 2009, SD HealthCare Association – K. Rausch
 - ♦ October 5, 2009, SDNA, Workforce Report – L. Young

MOTION: June Larson moved that South Dakota Board of Nursing approve the following Board travel:

- August 11–14, 2009: Delegate Assembly, Philadelphia PA for up to three
- September 6–9, 2009: Council on Licensure, Enforcement and Regulation – National Certified Investigation Training Specialized Program for one

Seconded by Dori Dufault.

Diana Berkland	YES	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 Callaghan YES |

10 YES – MOTION CARRIED

ADJOURNMENT: 1:00 p.m.