



SOUTH DAKOTA BOARD OF NURSING
 SOUTH DAKOTA DEPARTMENT OF HEALTH
 4305 S LOUISE AVENUE SUITE 201 ♦ SIOUX FALLS SD 57106-3115

MINUTES

NOVEMBER 18-19, 2010

The Meeting was called to order by President Deb Soholt at 8:40 a.m.

BOARD MEMBERS

Diana Berkland, RN, Excused 2nd day
 Linda Bunkers, RN; Vice President
 Christine Callaghan, LPN
 Teresa Disburg, RN; Secretary, Excused
 John Jones, Public Member
 June Larson, RN
 Adrian Mohr, Public Member
 Kristin Possehl, RN
 Deb Soholt, RN; President
 Patricia Wagner, LPN

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, Program Assistant II, 2nd day
 Winora Robles, Program Assistant

MINUTES: September Board Meeting Minutes were approved as presented in a unanimous voice vote.
 Minutes of the October 20, 2010 teleconference were unanimously approved.

AGENDA was approved with the addition of a generative discussion regarding the Strategic Plan.

FINANCIAL REPORTS were presented by Robert Garrigan, Senior Accountant, based on spreadsheets previously distributed. Endorsements and renewals have been higher than anticipated.

MOTION: J. Jones moved that the South Dakota Board of Nursing approve the Financial Reports.
 Seconded by J. Larson

Berkland	YES	Jones	YES	Soholt	YES
Bunkers	YES	Larson	YES	Wagner	YES
Callaghan	YES	Possehl	YES		
Disburg	ABSENT	Mohr	YES		
9 YES – MOTION CARRIED					

NCLEX 3RD QUARTER REPORT: N. Bohr reviewed with the Board pass rates for South Dakota students as compared with national rates.

CNA 3RD QUARTER REPORT: N. Bohr presented based on the handouts. Over 70% of CNAs renewed online. Discipline cases for CNAs are handled by the Department of Health.

NCSBN POLICY PERSPECTIVES: Presented as an informational document.

NCSBN SCIENTIFIC SYMPOSIUM: L. Young attended, and shared information regarding Missouri's efforts on Just Culture and progress related to transition to practice. Collaborative Agreement issues were reviewed.

NCLEX REGIONAL SEMINAR: N. Bohr shared that program reports are available to each jurisdiction regarding pass rates, strengths, and weaknesses. Practice test questions were reviewed by participants at the workshop.

ASSISTED LIVING CENTERS OF SOUTH DAKOTA STATEWIDE MEETING: G. Damgaard and N. Bohr attended. Projects regarding diabetes care for children in school and training programs for medication assistants were discussed at the meeting.

PEDIATRIC NURSING CERTIFICATION REPORT: L. Young shared that data for each jurisdiction is available in the national report.

GOVERNMENT ACCOUNTABILITY OFFICE ANNOUNCES APPOINTMENTS TO NEW NATIONAL HEALTHCARE WORKFORCE COMMISSION: G. Damgaard shared that a nurse has been appointed to lead the commission.

"IHS EMPLOYEE IN RAPID CITY STOLE NARCOTICS TO SELL ON THE STREET:" This Rapid City Journal article was distributed as an informational piece.

INSTITUTE OF MEDICINE SUMMARY: A preliminary report of the IOM Future of Nursing Report and Recommendations was distributed.

FEDERAL TRADE COMMISSION’S RESPONSE TO ALABAMA on Proposed Rule on Interventional Pain Management Services: The FTC recommended rejection of the proposed rule adopted by the Alabama Board of Medicine based on the concern that it would constitute a restriction of trade, as it could prevent CRNAs from providing pain management services.

WESTERN DAKOTA TECHNICAL: N. Bohr shared with the Board that the Program Director is a full-time position and so satisfies the Board’s requirement.

NURSYS DATA INTEGRITY: G. Damgaard reviewed the funding request that was submitted to NCSBN by Board staff.

PUBLIC DISCLOSURE OF DISCIPLINE COMMITTEE MINUTES: K. O’Connell prepared this legal opinion reconciling the Board’s need for transparency and the need for confidentiality of individuals involved in discipline cases. Discipline Committee Minutes to be made available to the public upon request will be redacted to include only initials, not names, along with the committee’s recommendation for each case.

VIRTUAL NURSING CARE FOR CHILDREN WITH DIABETES IN THE SCHOOL SETTING: K. O’Connell reported on liability issues involved in delegation of nursing functions. Ongoing training will be provided for unlicensed personnel. G. Damgaard and L. Young presented an update on the project. NCSBN requirements are being fulfilled; a contract for Research Consultant Marge Hegge is in place; technology issues found at the schools are being addressed. Sixteen schools are involved.

CNE-NET REFRESHER COURSES LETTER OF NOTIFICATION – Out-of-State Students Ineligibility: N. Bohr shared with the Board the communication from CNE-Net of North Dakota.

PRESENTATION COLLEGE: N. Bohr shared background; present were Illa Reeve and James Johnson from Presentation College. The Progress Report had been distributed to Board members. The representatives stated that most of the changes have been in administrative positions. Student concerns are a priority and are being addressed; faculty have moved to new facilities more conducive to contact with students. The budget, controlled by the nursing program, is deemed adequate. Faculty development funds are disbursed by the department chair; three nursing faculty, including I. Reeve, are now pursuing doctorates. Enrollment at Lakota Campus has increased, and it is anticipated that the associate program will be offered solely at that campus in the future. A search is underway to replace retiring President Dr. Hale.

MOTION: L. Bunkers moved that the South Dakota Board of Nursing accept the Progress Report from Presentation College.

Seconded by C. Callaghan

Berkland	YES	Jones	YES	Soholt	YES
Bunkers	YES	Larson	YES	Wagner	YES
Callaghan	YES	Possehl	YES		
Disburg	ABSENT	Mohr	YES		9 YES – MOTION CARRIED

CLINICAL ENRICHMENT PROGRAM REAPPROVAL: N Bohr presented a summary of the requests for reapproval.

MOTION: C. Callaghan moved that the South Dakota Board of Nursing issue reapproval for the Clinical Enrichment Programs of:

Department of Human Services, Yankton	Sanford Health, Sioux Falls
St. Michael’s Hospital Avera, Tyndall	Avera McKennan Hospital, Sioux Falls
Avera Sacred Heart Hospital, Yankton	Sioux San Hospital, Rapid City

Seconded by P. Wagner

Berkland	YES	Jones	YES	Soholt	YES
Bunkers	YES	Larson	YES	Wagner	YES
Callaghan	YES	Possehl	YES		
Disburg	ABSENT	Mohr	YES		9 YES – MOTION CARRIED

SISSETON-WAHPETON COLLEGE – Appointment of Program Director: N. Bohr shared with the Board that a director who had been hired is no longer there. Barbara Dahlen has been appointed as the new director.

THE BOARD MOVED INTO CLOSED SESSION FOR PURPOSES OF PERSONNEL

THE BOARD RECONVENED IN OPEN SESSION

2011 LEGISLATIVE SESSION: The Board is pursuing a requirement that criminal background checks be conducted for Certified Nurse Practitioners and Certified Nurse Midwives prior to initial licensure in the state. A

draft bill involving students having prescription medication at school was discussed; the Board directed G. Damgaard to look into the matter. There is once again controversy regarding legality of home births.

MANDATORY REPORTING: K. O'Connell presented the legal opinion that the Board of Nursing is not required to report second-hand information such as is received in a complaint to law enforcement agencies.

THE BOARD MOVED INTO CLOSED SESSION FOR PURPOSES OF DISCIPLINE

THE BOARD RECONVENED IN OPEN SESSION

NOVEMBER DISCIPLINE COMMITTEE MINUTES were approved by the Committee prior to this meeting.

CONSENT AGENDA

- Lori M. Hinks P005977: Accept Voluntary Surrender
- Kearstin Nicole Ferguson P010283: Accept Voluntary Surrender; if not received, Summary Suspension
- Gia R. Danson R030404: Accept Voluntary Surrender
- Jason Alex Osborn R038185: Summary Suspension and Notice for Hearing
- T.L.B.: CD Evaluation with follow-up per recommendation of the Evaluation and Request Voluntary Refrain
- Gail Renee Lee P008503: Accept Voluntary Surrender; if not received, Summary Suspension
- K.D.P.: Release from HPAP
- P.K.A.: Letter of Concern
- Hildreth Danae Rodlund P010134: Request Voluntary Surrender; if not received, Summary Suspension
- D.K.T.: Board Dismissal
- C.L.M.: Letter of Concern
- Peggy M. Ellis R022507: Request Voluntary Surrender; if not received, Summary Suspension
- Patti Lynn Trapp R023780: Request Voluntary Surrender; if not received, Summary Suspension
- A.R.P.: Lift the Voluntary Refrain; Non-Disciplinary Contract per Evaluation recommendation six months nursing practice
- M.E.C.: Letter of Concern
- Wade Robert Sendelbach R037669: Letter of Reprimand
- V.J.S.: Letter of Concern
- D.A.Z.: Rescind Letter of Reprimand
- A.L.T.: Board Dismissal

MOTION: C. Callaghan moved that the South Dakota Board of Nursing accept the Disciplinary Consent Agenda with the removal of M.N.B., C.L.D., and J.C.W.

Seconded by J. Jones

Berkland	YES	Jones	YES	Soholt	YES
Bunkers	YES	Larson	YES	Wagner	YES
Callaghan	YES	Possehl	YES		
Disburg	ABSENT	Mohr	YES		
9 YES – MOTION CARRIED					

DIANA CHARLENE MACKENZIE P010354: Kathy Rausch, Nursing Program Specialist, presented background.

MOTION: C. Callaghan moved that the South Dakota Board of Nursing enter into a Stipulation for Probation with Diana Charlene MacKenzie, to include SDSU LPN Refresher Courses for Clinical and Theory, and submit reports as mandated by the Board.

Seconded by P. Wagner

Berkland	ABSENT	Jones	YES	Soholt	YES
Bunkers	YES	Larson	YES	Wagner	YES
Callaghan	YES	Possehl	YES		
Disburg	ABSENT	Mohr	YES		
8 YES – MOTION CARRIED					

DELEEN JEAN KOUGL CP000316: Kathy Rausch, Nursing Program Specialist, presented background.

MOTION: P. Wagner moved that the South Dakota Board of Nursing notice Deleen Jean Kougl that she is out of compliance regarding Probation requirements and request a Voluntary Surrender of the CNP license; if the Voluntary Surrender is not signed and received, issue a Summary Suspension.

Seconded by C. Callaghan

Berkland	ABSENT	Jones	YES	Soholt	YES
Bunkers	YES	Larson	YES	Wagner	YES
Callaghan	YES	Possehl	YES		
Disburg	ABSENT	Mohr	YES		
8 YES – MOTION CARRIED					

M.N.B: Kathy Rausch, Nursing Program Specialist, presented background.

MOTION: K. Possehl moved that the South Dakota Board of Nursing issue a Letter of Concern to M. N. B.
Seconded by C. Callaghan

Berkland	ABSENT	Jones	YES	Soholt	YES
Bunkers	YES	Larson	YES	Wagner	YES
Callaghan	YES	Possehl	YES		
Disburg	ABSENT	Mohr	YES		8 YES – MOTION CARRIED

C.L.D.: Kathy Rausch, Nursing Program Specialist, presented background.

MOTION: C. Callaghan moved that the South Dakota Board of Nursing issue a Letter of Concern to C.L.D., and require a Remediation Module on Oxygenation preapproved by Board staff, with enrollment within six months and completion within twelve months.

Seconded by J. Larson

Berkland	ABSENT	Jones	YES	Soholt	YES
Bunkers	YES	Larson	YES	Wagner	YES
Callaghan	YES	Possehl	YES		
Disburg	ABSENT	Mohr	YES		8 YES – MOTION CARRIED

J.C.W.: Kathy Rausch, Nursing Program Specialist, presented background.

MOTION: C. Callaghan moved that the South Dakota Board of Nursing issue a Letter of Concern to J.C.W.
Seconded by P. Wagner

Berkland	ABSENT	Jones	YES	Soholt	YES
Bunkers	YES	Larson	YES	Wagner	YES
Callaghan	YES	Possehl	YES		
Disburg	ABSENT	Mohr	YES		8 YES – MOTION CARRIED

M.P.J.: K. Rausch, Nursing Program Specialist, presented background.

MOTION: J. Jones moved that South Dakota Board of Nursing discharge M.P.J. from HPAP.
Seconded by C. Callaghan

Berkland	ABSENT	Jones	YES	Soholt	YES
Bunkers	YES	Larson	YES	Wagner	YES
Callaghan	YES	Possehl	YES		
Disburg	ABSENT	Mohr	YES		8 YES – MOTION CARRIED

MARY KAY HUTT MOLIGA R027814: Request for Reinstatement: Kathy Rausch, Nursing Program Specialist, presented background. M. Moliga was present to address the Board. Char Skovlund, HPAP Director, provided a report.

MOTION: L. Bunkers moved that the South Dakota Board of Nursing Reinstate the RN license with Probation and five years mandated HPAP participation and narcotics restrictions per HPAP guidelines for Mary Kay Hutt Moliga.

Seconded by J. Larson

Berkland	ABSENT	Jones	YES	Soholt	YES
Bunkers	YES	Larson	YES	Wagner	YES
Callaghan	YES	Possehl	YES		
Disburg	ABSENT	Mohr	YES		8 YES – MOTION CARRIED

PAUL ALAN AHRENDT R020670: Request for Reinstatement: Kathy Rausch, Nursing Program Specialist, presented background. P. Ahrendt was present to address the Board. Char Skovlund, HPAP Director, provided a report.

MOTION: C. Callaghan moved that the South Dakota Board of Nursing Reinstate the RN license of Paul Alan Ahrendt with Probation and mandatory HPAP participation for five years and narcotic restrictions as defined by HPAP.

Seconded by J. Larson

Berkland	ABSENT	Jones	YES	Soholt	YES
Bunkers	YES	Larson	YES	Wagner	YES
Callaghan	YES	Possehl	YES		
Disburg	ABSENT	Mohr	YES		8 YES – MOTION CARRIED

MARGARET COURTNEY HARLOW R035578: Request for Reinstatement: Kathy Rausch, Nursing Program Specialist, presented background. M. Harlow was present to address the Board.

MOTION: J. Larson moved that South Dakota Board of Nursing Reinstate the RN license of Margaret Harlow.

Seconded by P. Wagner

Berkland ABSENT
Bunkers YES
Callaghan YES
Disburg ABSENT

Jones YES
Larson YES
Possehl YES
Mohr YES

Soholt YES
Wagner YES

8 YES – MOTION CARRIED

CENTER FOR NURSING WORKFORCE: L. Young shared information on the CNW Governance Council's membership structure; the Board of Nursing has three representatives on the Council. Currently the Board has only two members, D. Soholt and D. Berkland; Dori Dufault had served but since she resigned her position on the Board of Nursing, she is no longer a member of the Council. Christine Callaghan volunteered to serve on the Governance Council as a Board of Nursing representative.

ELECTION OF OFFICERS: D. Berkland was elected President in a unanimous voice vote; J. Larson was elected Vice President in a unanimous voice vote; P. Wagner was elected Secretary in a unanimous voice vote.

2011 BOARD MEETINGS are scheduled for January 26-27, 2011; March 31-April 1, 2011; June 15-16, 2011; September 13-14, 2011; and November 17-18, 2011.

AACN – CNP Acute Care Certification Exam: L. Young presented the written request for approval from AACN. ARSD 20:62:02:04 does not permit this Board to issue such approval.

MOTION to deny the request by AACN for approval of the CNP Acute Care Certification Exam carried in a unanimous voice vote.

DELEGATION DECISION-MAKING ALGORITHM: L. Young presented the document developed to aid nurses in determining whether a specific task may be delegated.

MOTION to accept the Delegation Decision-Making Algorithm carried in a unanimous voice vote.

LICENSURE FOR APRN FACULTY AND STUDENTS: L. Young presented a request for clarification as to:

1. whether a Nurse Practitioner student must hold a South Dakota RN license to be enrolled in the program or may use an RN license issued by another state;
2. whether out-of-state faculty members of an APRN education program must hold a South Dakota RN and/or APRN license provide the didactic/theory portion for APRN students in South Dakota; and
3. whether out-of state faculty members for an APRN education program must hold a South Dakota RN and/or APRN license to supervise the clinical experiences for APRN students in South Dakota.

K. O'Connell, Board Attorney, will research the legal issues pertinent to these questions and present findings at the January 2011 Board meeting.

SCHEDULE II PRESCRIBING BY CNPs/CNMs: L. Young presented a request for a clarification by the Board of Nursing as to whether Nurse Practitioners and Nurse Midwives may prescribe and issue multiple prescriptions for controlled II drugs. The Board determined that South Dakota law SDCL 36-9A is clear on this point, and no legal interpretation is needed.

UNIVERSITY OF SOUTH DAKOTA – Annual Reports to Member Boards: This was provided as an informational piece.

LPN LOAN AWARDS: R. Garrigan recommended that \$500 be awarded to each applicant.

MOTION to approve the LPN Loan Awards as presented carried in a unanimous voice vote.

SINTE GLESKA UNIVERSITY: N. Bohr presented a summary based on documents distributed prior to this meeting. Mount Marty College, Sinte Gleska University, and Ihanktonwan Community College have taken steps to reorganize the nursing program, with four students enrolled, but the Board of Nursing was not noticed as is legally required. Board staff was directed to meet with program directors from Mount Marty College and Sinte Gleska University and a representative from Ihanktonwan Community College.

APN WORLD CAFÉ: L. Young shared that the Board of Nursing's Advanced Practice Nursing Advisory Committee recommended hosting a World Café on APN issues. The Board of Nursing and Center for Nursing Workforce will sponsor the event which will be held February 7, 2011 in Pierre in collaboration with SDNA's Nurses Day at the Legislature.

STRATEGIC PLAN: The Board of Nursing reviewed information on the status of all Board of Nursing programs and financial status. Additional resources related to the Advanced Practice Nursing Consensus Model were discussed. The recommendations from the RWJ Future of Nursing Initiative were reviewed. Following discussion, a draft Strategic Plan was developed for FY 2011-2014. The plan will be reviewed at the January 2011 meeting for refinement and adoption.

UPCOMING EVENTS

- NLCA Executive Committee Meeting, December 2-3, 2010 – Phoenix
- NLCA Exec/NCSBN Board of Directors Joint Meeting, January 6, 2011 – Chicago
- NCSBN APRN Summit, January 12-13, 2011 – San Diego
- SDNA Nurses Day at the Legislature, February 7-8, 2011 – Pierre
- APN World Café, February 7, 2011 – Pierre
- NCSBN Midyear Meeting, March 13-16, 2011 – Chicago

TRAVEL

MOTION: D. Berkland moved that the South Dakota Board of Nursing approve travel:
 NLCA Executive Committee Meeting, for the Executive Director
 NLCA Exec/NCSBN Board of Directors Joint Meeting, for the Executive Director
 NCSBN APRN Summit, for three people (G. Damgaard, L. Young, D. Sohlt)
 NCSBN Midyear Meeting, March 13-16, 2011 – Chicago, for up to four people

Seconded by L. Bunkers

Berkland	YES	Jones	YES	Sohlt	YES
Bunkers	YES	Larson	YES	Wagner	YES
Callaghan	YES	Possehl	YES		
Disburg	ABSENT	Mohr	YES		
				9 YES – MOTION CARRIED	

STAFF ACTIVITIES

- SDONE Annual Meeting, September 23, 2010 – L. Young
- NCSBN Scientific Symposium, September 26, 2010 – L. Young
- NCLEX Item Review Subcommittee, September 27-30, 2010 – L. Young
- SDHCA Fall Convention, September 29, 2010, Sioux Falls – N. Bohr
- SDNA Convention, October 3-4, 2010, Mitchell – N. Bohr, G. Damgaard, L. Young
- ALA of SD Annual Conference, October 14, 2010, Deadwood – G. Damgaard and N. Bohr
- NCLEX Regional Workshop, October 29, 2010, Omaha – N. Bohr and E. Matthies

ADJOURNMENT: 12:34 P.M.