The Joint Boards met September 15, 2009, 9:00 a.m. Following the Joint Boards Meeting, the regular Board of Nursing Meeting was called to order by President Deb Soholt at 11:03 a.m.

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

**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

**Guests**
- Dr. Brett Bradfield, University of Sioux Falls
- Dr. Barbara Vellenga, University of Sioux Falls

**Minutes of the June 18-19, 2009 Board Meeting** were amended: “Invitation: G. Damgaard was invited to attend;” with that amendment, the Minutes were approved in a unanimous vote.

**The Agenda**, with the Formal Hearing for MK changed to a Board case, was approved in a unanimous voice vote.

**Financial Reports** – Senior Accountant Robert Garrigan presented. The Financial Report from June 2009 was briefly reviewed; decreased travel expenses and ongoing state travel requirements were discussed. The 2009 Annual Report was reviewed, and note taken of the discipline caseload. Current fiscal year numbers were summarized per the August 2009 Balance Sheet. Motion to accept the Financial Reports was approved in a unanimous voice vote.

**NCLEX® 2nd Quarter Report** – N. Bohr presented based on written reports. So far this year, for RNs, the 93.85% pass rate is above the national rate. For LPNs, the 100% pass rate is also well above the national rate. Foreign educated nurses were discussed. It was suggested that the nursing education programs be recognized by this Board for consistently fine NCLEX results.

**CNA 2nd Quarter Report** – N. Bohr presented based on the handout. There were no dramatic changes; while the number of new CNAs is down somewhat, the total number of active CNAs remains quite stable. Results of surveys conducted by the Department of Health are taken into consideration during the Board of Nursing’s approval process for CNA training programs.

**2009 NCSBN Delegate Assembly** – G. Damgaard, N. Bohr, and K. Rausch attended the meeting in Philadelphia. Fifty-nine of sixty jurisdictions were represented (all but the California PN Board). N. Bohr was inducted as a Fellow into the Institute of Regulatory Excellence. Model rules for nursing education programs were accepted; this Board will review those rules. A Canadian province has become an Associate Member.

**National Council of State Boards of Nursing – Policy Perspectives** – G. Damgaard reviewed the document with the Board and highlights were discussed.

**Center for Nursing Workforce** – L. Young shared an update; progress and strategies regarding strategic plan objectives were reviewed. The Workforce Report will be presented at the SDNA Convention in October 2009. Scholarship opportunities were highlighted. CNW members discussed that Just Culture is a framework for regulation. It is also being planned that the author of Whack-A-Mole, David Marx, come to speak to a group of nurses in South Dakota.

**Environmental Scan** information was distributed and briefly reviewed.
PROPUBLICA / LA TIMES ARTICLE: “WHEN CAREGIVERS HARM” was distributed as an informational piece.

ANA PRESS RELEASE ON HEALTH CARE REFORM: G. Damgaard reviewed this document with the Board.

RAPID CITY JOURNAL ARTICLE “LOCAL HOSPITALS WORK TO PREVENT NARCOTICS THEFT”: G. Damgaard noted that this provides good evidence of the important role that monitoring programs play.

CAUTION ON ESTIMATES OF SWINE FLU: G. Damgaard noted that the H1N1 flu virus is now expected to be less severe this season than had been anticipated.

IRE FELLOW NANCY BOHR: N. Bohr was congratulated by the Board.

RC JOURNAL – PRESCRIPTION DRUG ABUSE ON THE RISE was included as an informational piece.

SINTE GLESKA UNIVERSITY – REVIEW PROBATIONARY STATUS: N. Bohr presented based on the handout.

September 23, 2009, the one year probation will have ended. The Board reviewed information that was received from the former director of the nursing program. A site visit will be conducted by N. Bohr, G. Damgaard, and J. Larson. Notice will be sent to Sinte Gleska University that the nursing education program is not in compliance with Board requirements.

MOTION: Robin York moved that the South Dakota Board of Nursing, pursuant to ARSD 20:48:07:43, give Sinte Gleska University written notice of the Board’s intent to change its Approval Status for SGU’s LPN Nursing Program and notice SGU for a Hearing. Seconded by Patricia Wagner.

D. Berkland YES J. Jones YES D. Soholt YES
L. Bunkers YES J. Larson YES P. Wagner YES
T. Disburg ABSENT A. Mohr YES R. York YES
D. Dufault YES C. Callaghan YES 10 YES – MOTION CARRIED

PRESCRIPTION DRUG MONITORING PROGRAM: This topic was discussed at this morning’s Joint Boards Meeting, and an update will be provided by G. Damgaard following the next task force meeting.

NLCA UPDATE: G. Damgaard shared the announcement that Missouri will be the 24th member of the Nurse Licensure Compact, although the date for implementation has not been determined. Missouri is the first union state to join the Compact. Although she relinquishes her duties as Chair, G. Damgaard was elected as a member at large of the Nurse Licensure Compact Administrators.

CERTIFIED MEDICATION ASSISTANT PROGRAM DISCUSSION – NNAAP AND MACE UPDATES: Postponed until the November 2009 Board Meeting.

NAU COMMUNICATION: N. Bohr shared that National American University will become a publicly held company. Nursing program leadership at NAU will not change. They will apply for Prerequisite Status for a Generic BSN Program, to be considered at the November 2009 Board Meeting.

JUST CULTURE: Discussion centered on consideration by organizations of using principles of Just Culture for employees with at-risk behavior as articulated in the book Whack-A-Mole by David Marx. It was suggested that Mr. Marx be invited to speak to representatives from healthcare organizations in South Dakota. D. Soholt and G. Damgaard will contact Mr. Marx; L. Bunkers and J. Larson volunteered to help with arrangements.

LICENSURE INFORMATION SYSTEM: G. Damgaard shared that National Council’s effort to develop a licensure database has been postponed due to cost considerations. Support for this Board’s current IFMC database system cannot be depended upon, and IFMC has proved inadequate. Cost for a new system is estimated at $250,000; Center for Nursing Workforce funds could help defray that cost. Systems Automation, based in Baltimore, has recently been put into use at the Kansas Board of Nursing; New Hampshire has had the system for some time.

MOTION: Diana Berkland moved that Board staff is authorized to pursue exploration of a new licensure database and information system, and the RFP process. Motion carried in a unanimous voice vote.
SOUTH DAKOTA CORRECTIONAL HEALTH CLINICAL ENRICHMENT PROGRAM – N. Bohr presented the Request for Initial Approval for this state-run program, which was in operation May–August 2009, although a request for Initial Approval was not submitted to the Board of Nursing until June 2009. Board action was deferred pending gathering of more information.

PRESENTATION COLLEGE – N. Bohr presented the notification to the Board of the change in director of the nursing program. A site visit will be scheduled.

MOTION: Diana Berkland moved that the South Dakota Board of Nursing conduct a site visit at Presentation College in Aberdeen, South Dakota.

D. Berkland  YES  J. Jones  YES  D. Soholt  YES
L. Bunkers  YES  J. Larson  ABSENT  P. Wagner  YES
T. Dis burg  ABSENT  A. Mohr  YES  R. York  YES
D. Dufault  YES  C. Callaghan  YES  9 YES – MOTION CARRIED

WE CARE ONLINE – MEDICATION ASSISTANT ONLINE TRAINING PROPOSAL: Postponed until the November Board Meeting.

POLICY REVISION FOR FOREIGN EDUCATED NURSES LICENSURE BY EXAMINATION: Postponed until the November Board Meeting.

WESTERN DAKOTA TECHNICAL INSTITUTE: N. Bohr shared with the Board that Nursing Coordinator Lisa Gibbon, RN; MSN was appointed for the Practical Nursing Program in August 2009.

DISCIPLINE
Criminal Background Check Summary YTD: K. Rausch shared with the Board that criminal activity reports continue to return positive in a range from 8% - 14%.

THE BOARD MOVED INTO CLOSED SESSION FOR PURPOSES OF DISCIPLINE

THE BOARD MOVED INTO OPEN SESSION

Discipline Committee Minutes: The September Minutes were approved prior to this meeting.

Consent Agenda Approval
T. U. - Dismiss
T. M. - Dismiss
S. A. - Dismiss
L. W. - Request records & CBC info
Karla Jean Larson, P006459 - Letter of Reprimand
Nancy J. Korb el, R030175 - Voluntary Surrender Approved
A. S. - Dismiss
K. E. - Release from HPAP
K. P. – Refer to full Board
Jill Elizabeth Kuper, P003959 - Voluntary Surrender
B. K. - Dismiss
T. M. - Mandate HPAP
Tania Lee Taylor, R037880 & P009522 - Letter of Reprimand & Conditions
L. D. - Letter of Concern
David Lee Locke, R035538 - Voluntary Surrender/Summary Suspension
J. S. - Dismiss
L. N. - Letter of Concern
T. L. C. - Determine Primary State of Residence – No action required
Mary Ann Haag, R010627 - Voluntary Surrender / Summary Suspension
L. B. - Defer pending Informal Meeting
T. U. - Letter of Concern
P. Z. - Letter of Concern
K. J. - Letter of Concern
J. V. - Letter of Concern

MOTION: Diana Berkland moved that the South Dakota Board of Nursing accept the Discipline Consent Agenda with the removal of Ellen Heer, Dawn Armstrong, and Brenda Runge.
ELLEN MARIE HEER, R037483: Kathleen Rausch, Nursing Program Specialist, presented background.

**MOTION:** Linda Bunkers moved that the South Dakota Board of Nursing take action to Summarily Suspend the RN license of Ellen M. Heer.

Seconded by Christine Callaghan.

D. Berkland YES J. Jones YES D. Soholt YES
L. Bunkers YES J. Larson ABSENT P. Wagner YES
T. Disburg ABSENT A. Mohr YES R. York YES
D. Dufault YES C. Callaghan YES 9 YES – MOTION CARRIED

DAWN D. ARMSTRONG, R031384: Kathleen Rausch, Nursing Program Specialist, presented background.

**MOTION:** Robin York moved that the South Dakota Board of Nursing issue Probation for the RN license of Dawn Armstrong for one year and suggest counseling.

Seconded by Patricia Wagner.

D. Berkland RECUSED J. Jones YES D. Soholt YES
L. Bunkers YES J. Larson ABSENT P. Wagner YES
T. Disburg ABSENT A. Mohr YES R. York YES
D. Dufault YES C. Callaghan YES 8 YES – MOTION CARRIED

K. D. P.: Kathleen Rausch, Nursing Program Specialist, presented background.

**MOTION:** Diana Berkland moved that the South Dakota Board of Nursing mandate K. P. to the Health Professionals Assistance Program for one year to rule out risk.

Seconded by Adrian Mohr.

D. Berkland YES J. Jones YES D. Soholt YES
L. Bunkers YES J. Larson ABSENT P. Wagner YES
T. Disburg ABSENT A. Mohr YES R. York YES
D. Dufault YES C. Callaghan YES 9 YES – MOTION CARRIED

BRENDA KAY RUNGE, R033482 - Kathleen Rausch, Nursing Program Specialist, presented background.

**MOTION:** Linda Bunkers moved that the South Dakota Board of Nursing request a Voluntary Surrender from Brenda Runge, RN. If license not received, then take action for a Summary Suspension of her RN license.

Seconded by Christine Callaghan.

D. Berkland YES J. Jones YES D. Soholt YES
L. Bunkers YES J. Larson ABSENT P. Wagner YES
T. Disburg ABSENT A. Mohr YES R. York YES
D. Dufault YES C. Callaghan YES 9 YES – MOTION CARRIED

MARY KAYE KURVINK, R017395 – Formal Hearing Cancelled. Kathleen Rausch, Nursing Program Specialist, presented background.

**MOTION:** Robin York moved that the South Dakota Board of Nursing accept the Voluntary Surrender of the RN license of Mary Kurvink.

Seconded by Dori Dufault.

D. Berkland YES J. Jones YES D. Soholt YES
L. Bunkers YES J. Larson ABSENT P. Wagner YES
T. Disburg ABSENT A. Mohr YES R. York YES
D. Dufault YES C. Callaghan YES 9 YES – MOTION CARRIED

CHRISTOPHER ALAN BAARTMAN, R035872 – Formal Appearance. Kathleen Rausch, Nursing Program Specialist, presented background on this case.

**MOTION:** Linda Bunkers moved that the South Dakota Board of Nursing reinstate the RN license to Christopher Baartman with mandated HPAP participation for five years with credit for time already spent in the program.
Seconded by Dori Dufault.

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**Deleen J. Kougl, R026390, CP000316:** Kris O'Connell presented background.

**Motion:** Diana Berkland moved that the South Dakota Board of Nursing support the Cease and Desist action letter for Deleen Kougl. This will be in force until the licensee shows evidence of compliance with the stipulations, including the following:

1. Personal remediation plan
2. License returned to the Board for Probation
3. Collaborative Agreement

The evidence of compliance will be presented to the Board in thirty days.

Seconded by Adrian Mohr.

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**Jaynie L. Witkop – Formal Hearing, September 16, 2009, 10:00 a.m.** Deb Soholt, Board President, announced that this is the time and place for Hearing the matter involving Jaynie L. Witkop, who was present to address the Board. Kristine O'Connell, Board Attorney, presented background and distributed Exhibits 1 - 7. Two witnesses were called to testify.

**Motion:** Diana Berkland moved that the South Dakota Board of Nursing place the license of Jaynie L. Witkop on Indefinite Suspension until such time as she can show good cause for Reinstatement of the license.

Seconded by Adrian Mohr.

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**S. M. E. – Formal Hearing, September 16, 2009.** Kristine O'Connell, Board Attorney, noted that this Hearing is held at the request of the licensee. Exhibits 1-4 were distributed.

**Motion:** Dorie Dufault moved that the South Dakota Board of Nursing amend the June 19, 2009 Board action for S. M. E. to mandatory participation in HPAP for one year in a rule out risk program with random drug screening, and continue with a single-state license.

Seconded by June Larson.

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**C. L. G.** Kathleen Rausch, Nursing Program Specialist, presented background.

**R. H. E.** Kathleen Rausch, Nursing Program Specialist, presented background.

**J. L. P.** Kathleen Rausch, Nursing Program Specialist, presented background.

**C. E. S.** Kathleen Rausch, Nursing Program Specialist, presented background.

**T. J. K.** Kathleen Rausch, Nursing Program Specialist, presented background.

**Motion:** Robin York moved that the South Dakota Board of Nursing dismiss complaints against C. L. G., R. H. E., J. L. P., C. E. S., and T. J. K.

Seconded by June Larson.

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**C. J. G.** Kathleen Rausch, Nursing Program Specialist, presented background.

**M. L. P.** Kathleen Rausch, Nursing Program Specialist, presented background.

**S. C. R.** Kathleen Rausch, Nursing Program Specialist, presented background.

**R. M. W.** Kathleen Rausch, Nursing Program Specialist, presented background.

**C. L. K.** Kathleen Rausch, Nursing Program Specialist, presented background.
Seconded by Patricia Wagner.

D. Berkland  YES | J. Jones  YES | D. Soholt  YES
L. Bunkers  YES | J. Larson  YES | P. Wagner  YES
T. Disburg  ABSENT | A. Mohr  YES | R. York  YES
D. Dufault  YES | C. Callaghan  YES | 10 YES – MOTION CARRIED

KRISTA DAWN HORVATH, R035899: Kathleen Rausch, Nursing Program Specialist, presented background.

MOTION: Diana Berkland moved that the South Dakota Board of Nursing issue a Letter of Reprimand for unprofessional conduct for Kristi Horvath. The Board also mandates the completion of the following NCSBN remediation modules: (1) Sharpening Critical Thinking Skills, (2) Documentation: A Critical Aspect of Client Care, (3) Ethics of Nursing Practice, and (4) Professional Accountability and Legal Liability for Nurses.
Seconded by June Larson.

D. Berkland  YES | J. Jones  YES | D. Soholt  YES
L. Bunkers  YES | J. Larson  YES | P. Wagner  YES
T. Disburg  ABSENT | A. Mohr  YES | R. York  YES
D. Dufault  YES | C. Callaghan  YES | 10 YES – MOTION CARRIED

B. L. G. Kathleen Rausch, Nursing Program Specialist, presented background.
J. J. K. Kathleen Rausch, Nursing Program Specialist, presented background.
A. M. M. Kathleen Rausch, Nursing Program Specialist, presented background.
J. L. T. Kathleen Rausch, Nursing Program Specialist, presented background.

MOTION: Robin York moved that the South Dakota Board of Nursing dismiss complaints against B. L. G., J. J. K., A. M. M., and J. L. T.
Seconded by Dori Dufault.

D. Berkland  YES | J. Jones  YES | D. Soholt  YES
L. Bunkers  YES | J. Larson  YES | P. Wagner  YES
T. Disburg  ABSENT | A. Mohr  YES | R. York  YES
D. Dufault  YES | C. Callaghan  YES | 10 YES – MOTION CARRIED

P. R. C. Kathleen Rausch, Nursing Program Specialist, presented background.
M. L. O. Kathleen Rausch, Nursing Program Specialist, presented background.
D. M. D. Kathleen Rausch, Nursing Program Specialist, presented background.

MOTION: Robin York moved that the South Dakota Board of Nursing issue Letters of Concern to P. R. C., M. L. O., and D. M. D.
Seconded by Dori Dufault.

D. Berkland  YES | J. Jones  YES | D. Soholt  YES
L. Bunkers  YES | J. Larson  YES | P. Wagner  YES
T. Disburg  ABSENT | A. Mohr  YES | R. York  YES
D. Dufault  YES | C. Callaghan  YES | 10 YES – MOTION CARRIED

CLINICAL ENRICHMENT PROGRAM ANNUAL REPORT – N. Bohr shared with the Board that all three of the programs have met requirements, and report positive experiences for the students.

MOTION: Robin York moved that the South Dakota Board of Nursing accept the annual reports and grant approval of continuation for Summer 2010 Clinical Enrichment Programs at Avera Sacred Heart Hospital in Yankton, Avera McKennan Hospital and University Health Center, and Rapid City Regional Hospital in Rapid City. Motion carried in a unanimous voice vote.

UNIVERSITY OF SIOUX FALLS – N. Bohr introduced Dr. Bradfield and Dr. Barbera Vellenga of the University of Sioux Falls. Two well-qualified faculty have been hired. The science building was renovated; the new nursing lab is ready. Dr. Vellenga said that some concern about clinicals has been addressed. Dr. Bradfield said that the curriculum development was thorough, and was approved quickly. Christian aspects have been woven into the curriculum. There is room for twenty-four students; fifteen have been admitted, and marketing has been
stepped up. An accreditation visit is scheduled for the fall of 2010. Interim status approval will require a site visit, to be conducted after the school has opened. There is a great deal of interest from students, who come from this area and from outside the region as well.

**MOTION:** Linda Bunkers moved that the South Dakota Board of Nursing approve Interim Status for University of Sioux Falls School of Nursing.

Seconded by June Larson.

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**APN ADVISORY COMMITTEE:** Postponed until the November 2009 Board Meeting.

**ALTERED STANDARDS DURING EMERGENCIES:** Postponed until the November 2009 Board Meeting.

**THE BOARD MOVED INTO CLOSED SESSION FOR PURPOSES OF PERSONNEL**

**THE BOARD MOVED INTO OPEN SESSION**

2009 **NURSING WORKFORCE REPORT** – L. Young reviewed some highlights with the Board. The report has been published, and will be made available on the Board’s website.

**MOTION:** Diana Berkland moved that the South Dakota Board of Nursing accept the 2009 South Dakota Nursing Workforce Report as published by the South Dakota Center for Nursing Workforce. Motion carried in an unanimous voice vote.

2010 **BOARD MEETING SCHEDULE** will be determined at the November 2009 Board Meeting.

**ANNOUNCEMENTS /TRAVEL REQUESTS**

Next Board Meeting: November 19-20, 2009

**MOTION:** Dori Dufault moved that the South Dakota Board of Nursing approve travel for:

- CORE Best Practices Conference – Chicago, September 21, 2009
- Leadership Succession Committee – Chicago, September 21-22, 2009
- PDMP National Alliance – Washington DC, September 24-25, 2009
- SDNA Convention, October 4-5, 2009 – Sioux Falls
- Sisseton Wahpeton College LPN/AD site visit, October 21-22, 2009
- DOH Annual Meeting with Licensing Boards, October 26, 2009
- NCSBN Leadership and Legislation Conference, November 4-6, 2009

Seconded by Patricia Wagner.

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**STAFF ACTIVITIES** were summarized.

- G. Damgaard - Executive Officer Seminar, June 23-24, 2009
- N. Bohr – Presentation, SDSU Accelerated Program, June 29, 2009
- N. Bohr – Presentation, Southeast Technical Institute, June 22, 2009
- L. Young - School Nurses Association Meeting – Presentation, July 2009
- G. Damgaard - Walter & Dorothy Graham Scholarship Committee, July 2009
- G. Damgaard - PDMP Subcommittee, July 2009
- G. Damgaard - Orientation of NCSBN NLC Staff Member, July 2009
- L. Young - NCLEX Item Review Subcommittee, July 2009
- N. Bohr - NCSBN Leadership Succession Committee
- G. Damgaard - Joint Hearing with BOME re: Medical Assistant, July 2009
- L. Young - Scope of Practice Presentation, Brown Clinic, Watertown, August 2009
- G. Damgaard & L. Young - Review of Medication Administration Process, Springfield Academy, September 2, 2009
ADJOURNMENT: 2:34 p.m.