



SOUTH DAKOTA BOARD OF NURSING
4305 S. LOUISE AVENUE, SUITE 201
SIOUX FALLS SD 57106

NOVEMBER 1-2, 2007

MINUTES

CALL TO ORDER November 1, 2007 at 9:11 a.m.

BOARD MEMBERS

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

BOARD STAFF PRESENT

Gloria Damgaard, Executive Director
Andrew Albers, Nursing Program Specialist
Nancy Bohr, Nursing Program Specialist
Linda Young, Nursing Program Specialist
Kristine O'Connell, Board Attorney
Robert Garrigan, Senior Accountant
Winora Robles, Recording Secretary

GUESTS

Pat Bawdon; Bridget Fechner; Maria Eining, HPAP;
Debbie & Quint Pease, SD Safe Childbirth Options

MINUTES OF THE SEPTEMBER 2007 BOARD MEETING were approved as presented in a unanimous voice vote.

MINUTES OF THE SEPTEMBER 2007 JOINT BOARD MEETING were approved as presented in a unanimous voice vote.

AGENDA was approved in a unanimous voice vote. New Business items for Personnel and Southeast Technical were later added to the Agenda without objection.

FINANCIAL AND STUDENT LOAN REPORTS were presented by Robert Garrigan. Revenues exceed expenses at this point in the fiscal year; LPN endorsements are up. Board members requested a historical expense/revenue overview for purposes of comparison. G. Damgaard added that the state is reviewing budgets of various agencies, including the Board of Nursing. Anticipated new expenses: a replacement for the IFMC database system, which will no longer be supported by IFMC; and a document handling system which will allow us to store files electronically. R. Garrigan reported that student loans are on track; \$500 will be distributed to each selected eligible applicant. On the second day of this meeting, R. Garrigan presented the requested overview: the annual budget is superimposed upon the previous report and line items have been added. This format reveals variances for purposes of comparison, and will serve well as a budgeting tool.

MOTION to approve the Loan Program Report was approved in a unanimous voice vote.

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

CNA 3RD QUARTER REPORT: Nancy Bohr presented, based on the handout. Numbers are fairly consistent as compared with previous quarters. About 63% of CNAs have recently renewed online vs submitting paper renewals. There are currently 135 approved Nurse Aide Training Programs in the state.

NCLEX[®] 3RD QUARTER REPORT: Nancy Bohr reviewed with the Board the 96.74% pass rate for South Dakota LPN writers and 72.82% rate for RN writers. NEDDs is focusing on improving the NCLEX[®]-RN pass rate; it was suggested that NEDDs look into what other states are doing as well. Some of the measures used at Lake Area Technical Institute that have been shown to lead to success for their students were shared. An update report will be requested from Presentation College.

CITIZENS ADVOCACY CENTER Annual Meeting: Adrian Mohr attended the meeting in October. Continuing competency models were reviewed. A survey conducted in Virginia by AARP reveals that most people believe that competency checks are already in place, which demonstrates that the public is confident that practitioners are competent. Also, competency requirements that have been instituted in other states appear to have no effect on discipline numbers. G. Damgaard said that national guidance is being provided to state boards regarding continued competency matters.

NCLEX® ITEM DEVELOPMENT Participants from South Dakota: G. Damgaard shared with the Board that South Dakota nurses Karen L. Younger and Jo Ann Voss were chosen to help develop questions for the RN exam.

OAT FUNDING Receives Senate Approval: Gloria Damgaard shared this update with the Board. Telehealth and e-health programs will benefit. Criminal background checks are also being addressed.

CRIMINAL BACKGROUND STATISTICS: Andrew Albers reviewed the written report with the Board.

COMPLAINT PRIORITY GUIDELINES: Andrew Albers provided this outline as a reference for Board members.

LAPSED LICENSES: A. Albers explained the rationale; lapsed licenses no longer need be posted to the website.

EZPHARMALINK.com: A. Albers shared a fax received in the Board office wherein this website advertises that prescription drugs are now available “without a doctor’s recommendation ... our doctors will write a prescription ...” There is no regulation in place to ensure that the drugs sold are safe and/or effective.

ANA FILES LAWSUIT against California Department of Education – News Release: Gloria Damgaard remarked that professional boundaries may overlap, and some functions that have traditionally been considered nursing skills may also fit within other professions’ scope of practice.

CNM OUT OF HOSPITAL BIRTH Legislation Update: Gloria Damgaard reported regarding the joint meeting that was recently held involving representatives from the South Dakota Boards of Nursing and Medical & Osteopathic Examiners. A bill has been drafted and has been sent to the Governor’s office so that, if the Board of Medical & Osteopathic Examiners is in agreement, it may proceed as an Agency Bill through the Department of Health. CNMs are considering submitting a bill almost identical to last year’s removing the requirement for a Collaborative Agreement altogether. This Board directed the Executive Director to further explore this issue with the Department of Health. A committee comprised of Deb Soholt, June Larson, Linda Bunkers, Diana Berkland, Robin York, and Kristine O’Connell will meet to discuss the process.

ELECTION OF OFFICERS:

For President, Deb Soholt was nominated and was elected in a unanimous voice vote

For Vice President, Diana Berkland was nominated; Ms. Berkland declined. For Vice President, Robin York was nominated and was elected in a unanimous voice vote.

For Secretary, Christine Pellet was nominated and was elected in a unanimous voice vote.

SCHEDULE 2008 BOARD MEETINGS: All of the scheduled 2008 meetings will be held in Sioux Falls:

- January 29-30, 2008 (January 16, 2008, 3:00 p.m. the Discipline Committee will meet)
- April 10-11, 2008
- June 19-20, 2008
- September 9-10, 2008 (in conjunction with the meeting of the Joint Boards)
- November 6-7, 2008

OFFICE LEASE UPDATE: G. Damgaard reported that the new contract has not yet been negotiated.

TECHNOLOGY UPDATE – Systems Automation Licensure Software, Imaging System: G. Damgaard shared that representatives from Systems Automation came to the Board office to demonstrate the software. The system looks promising, but no formal proposal has yet been presented to this Board.

LEGAL OPINIONS on Hearing Examiners and Reinstatement Proceedings in Closed Session: Kristine O’Connell, Board Attorney, provided written opinions. The Board of Nursing holds Reinstatement Proceedings in closed session when dealing with a case that is not contested, and the licensee was not noticed to appear. Specific considerations are involved when hiring a Hearing Examiner.

THE BOARD MOVED INTO CLOSED SESSION FOR PURPOSES OF DISCIPLINE

THE BOARD MOVED INTO OPEN SESSION

DISCIPLINE REPORT FY 2006-2007 – Andrew Albers reviewed the revised report, which provides more detail.

DISCIPLINE COMMITTEE AGENDA – This was shared with the Board members as an FYI.

DISCIPLINE COMMITTEE MINUTES were approved by that Committee prior to this Board meeting.

CONSENT AGENDA – VA: Letter of Concern if cleared by HPAP
Misti Broyles: Rescind Letter of Reprimand
DD: Letter of Concern
MC: Letter of Concern
KH: Board Dismissal
Huron Nursing Home: Board Dismissal
AI: Accept Voluntary Refrain and Inactivation Request
GL: Letter of Concern with strong warning
Sheri Mathis: Accept Voluntary Surrender
BR: Letter of Concern
Koni Schiller: Rescind Letter of Reprimand
BS: Letter of Concern with restriction to work no more than 40 hours/week

Diana Berkland asked that VA be pulled from the Consent Agenda.

MOTION: Deb Soholt moved that the South Dakota Board of Nursing approve the Consent Agenda as presented with the exception of VA, RN.

Motion was seconded by Christine Pellet. A roll call vote was taken.

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

MOTION: Deb Soholt moved that the South Dakota Board of Nursing issue a Letter of Concern to VA, RN, if an evaluation through HPAP finds no addiction issues.

Motion was seconded by Robin York. A roll call vote was taken.

Diana Berkland	RECUSED	John Jones	YES	Deb Soholt	YES
Linda Bunkers	YES	June Larson	YES	Patricia Wagner	YES
Teresa Disburg	ABSENT	Adrian Mohr	YES	Robin York	YES
Dori Dufault	ABSENT	Christine Pellet	YES	8 YES – MOTION CARRIED	

LN – Request for LPN licensure: Andrew Albers, Nursing Program Specialist, presented background on this case. LN was present to address the Board.

MOTION: Robin York moved that the South Dakota Board of Nursing grant an LPN license to LN.

Motion was seconded by John Jones. A roll call vote was taken.

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

SHELLY GROSSHUESCH, LPN: Formal Hearing - Nov 1, 2007. Board President June Larson announced that this is the time and place for hearing the discipline matter involving S. Grosshuesch. Kristine O’Connell, Board Attorney, presented background on the case. Ms. Grosshuesch was present to address the Board.

MOTION: Diana Berkland moved that the South Dakota Board of Nursing continue the Suspension of the LPN license of Shelly R. Grosshuesch until such time as she shows good cause for Reinstatement.

Motion was seconded by Deb Soholt. A roll call vote was taken:

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

Ms. Grosshuesch submitted her license to Andrew Albers, Nursing Program Specialist.

SUSAN PALOMBO: Formal Hearing - Nov 1, 2007. Board President June Larson announced that this is the time and place for hearing the discipline matter regarding Susan Palombo. Although duly noticed, Ms. Palombo did not appear. Kristine O'Connell, Board Attorney, presented background on this case. Two witnesses were present. Exhibits 1-4 were distributed to Board members.

MOTION: Deb Soholt moved that the South Dakota Board of Nursing issue Indefinite Suspension of the LPN license of Susan Palombo.

Motion was seconded by Robin York. A roll call vote was taken:

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

ROBYN EMERY: Request for Reinstatement: Andrew Albers, Nursing Program Specialist, presented background on this case. Ms. Emery was present to address the Board, accompanied by her attorney; HPAP Director Maria Eining also attended at Ms. Emery's request.

MOTION: Diana Berkland moved that the South Dakota Board of Nursing reinstate the LPN license for Robyn Emery with continued participation in HPAP to fulfill the current contract.

Motion was seconded by Robin York. A roll call vote was taken:

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

KATHLEEN HARVARD: Request for Reinstatement. Andrew Albers, Nursing Program Specialist, presented background on this case. Ms. Harvard was present to address the Board.

MOTION: Linda Bunkers moved that the South Dakota Board of Nursing reinstate Kathleen Harvard with an active and unencumbered RN license.

Motion was seconded by Robin York. A roll call vote was taken:

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

SUZANNE LYMAN: Request for Reinstatement. Andrew Albers, Nursing Program Specialist, presented background on this case. Ms. Lyman was present to address the Board.

MOTION: Deb Soholt moved that the South Dakota Board of Nursing deny the request for reinstatement of RN license for Suzanne Lyman.

Motion was seconded by Linda Bunkers. A roll call vote was taken:

Diana Berkland	YES	John Jones	YES	Deb Soholt	YES
Linda Bunkers	YES	June Larson	YES	Patricia Wagner	YES
Teresa Disburg	ABSENT	Adrian Mohr	YES	Robin York	YES
Dori Dufault	ABSENT	Christine Pellet	ABSENT	8 YES – MOTION CARRIED	

SUSAN WELLFORD/CAMDEN: Request for Reinstatement. Andrew Albers, Nursing Program Specialist, shared background on this case with the Board. Ms. Camden was present to address the Board.

MOTION: Robin York moved that the South Dakota Board of Nursing reinstate a single state nursing license to Susan Wellford/Camden.

Motion was seconded by Christine Pellet. A roll call vote was taken:

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

DEANNA BUTLER: Request to Rescind Letter of Reprimand

MOTION: Diana Berkland moved that the South Dakota Board of Nursing deny the request by Deanna Butler to rescind the Letter of Reprimand.

Motion was seconded by Robin York. A roll call vote was taken:

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

EUNICE HOLLOW HORN: Voluntary Surrender. Andrew Albers, Nursing Program Specialist reported that the Board has received a signed Voluntarily Surrender Order from Ms. Hollow Horn.

MOTION: Robin York moved that the South Dakota Board of Nursing accept the Voluntary Surrender of the license of Eunice Hollow Horn.

Motion was seconded by Patricia Wagner. A roll call vote was taken:

Diana Berkland	ABSTAIN	John Jones	YES	Deb Soholt	YES
Linda Bunkers	YES	June Larson	YES	Patricia Wagner	YES
Teresa Disburg	ABSENT	Adrian Mohr	YES	Robin York	YES
Dori Dufault	ABSENT	Christine Pellet	YES		8 YES – MOTION CARRIED

ELIZABETH LESTENKOF: Summary Suspension with Notice for Hearing

ANN MECHTENBERG: Summary Suspension with Notice for Hearing

SHANNA SHANNON: Summary Suspension with Notice for Hearing

ELIZABETH SOHOLT: Summary Suspension with Notice for Hearing

DONNA VOETBERG: Summary Suspension with Notice for Hearing

MOTION: Deb Soholt moved that the South Dakota Board of Nursing issue Summary Suspension with Notice for Hearing for:

Elizabeth Lestenkof, RN
Ann Mechtenberg, RN
Shanna Shannon, LPN
Elizabeth Soholt, RN
Donna Voetberg, RN

Motion was seconded by John Jones. A roll call vote was taken:

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

STRATEGIC PLANNING MEETING: G. Damgaard discussed the plans for the meeting to be held November 27-28, 2007 in Chamberlain. An agenda will be prepared and provided to Board members prior to the meeting.

CENTER FOR NURSING WORKFORCE Strategic Initiatives/Governance Council: Linda Young, Center for Nursing Workforce Director, presented based on the handout. An outline of strategic initiatives was included. Being a catalyst for new nursing practice models will be a focus of the group. Core knowledge, disease, diagnosis, and treatment are some of the areas to be explored. Holding a community event with an inspirational speaker was proposed. Dialogue on the issues and research literature will help lead to specific CNW objectives. Building leadership for the CNW is another goal, helping individuals develop their own leadership skills. The 2007 Report of Supply and Demand is available. Five applications were received for the open At-Large Member of the Governance Council; all five are highly qualified, and the Council hopes to include all of the applicants in positions that suit them well. The Governance Council will next meet on December 7, 2007.

MOTION: Deb Soholt moved that the South Dakota Board of Nursing reconfigure the South Dakota Board of Nursing Center for Nursing Workforce Governance Council Structure:

1. To change the SDLPNA member to Elected At-Large LPN Coalition Member.
2. To expand the Elected At-Large Nursing Leadership Coalition Member to two positions.

Motion seconded by Christine Pellet and carried in a unanimous voice vote.

SOUTH DAKOTA SAFE CHILDBIRTH OPTIONS Request: Guests Debbie Pease and Quint Pease were introduced by Linda Young, Nursing Program Specialist. Mr. Pease gave an overview of Safe Childbirth Options. Mr. and Mrs. Pease are both teachers who first got involved when they planned their first homebirth. Upon researching the matter, they were surprised to learn that homebirth could be as safe as hospital birth. They were comfortable with the midwife, and labor was more comfortable at home. After three more homebirths, their last two births were in the hospital because they found fewer homebirth options available. Mr. Pease reviewed the options available now, all of which he considers undesirable. Mrs. Pease said that doctors are hesitant to collaborate; homebirth providers are hesitant to transfer because of legalities, and these circumstances are not in keeping with patient protection. Mr. Pease handed out documents to the Board that outline their proposal and rationale that certified professional midwives (CPMs) should be permitted to attend homebirths. Knowledge is verified for CPMs; job analysis is in place; an instructor verifies competency in a clinical setting. The CPM must pass a hands-on skills assessment by a person other than the instructor. An eight-hour exam is given twice a year. Accreditation was discussed. The CPM was developed in the 1980s – 23 states are using CPMs, and more states are exploring this option for homebirth families. South Dakota Safe Childbirth Options is seeking this Board's assistance in getting a bill through the legislature this year. Mr. Pease explained that with so few CPMs currently in South Dakota, a separate board for the group could not be supported. In South Dakota, there are one CPM and four or five apprentices now; midwives who have considered moving into the state will not because of the legal climate. There exists no training program through any formal institute of higher learning; most Midwest states use a portfolio approval process. CPMs train through independent study with a one-on-one instructor. The certification verifies that the midwife has the education and the experience. Mrs. Pease agreed that if certified nurse midwives (CNMs) were available for homebirths, their needs would be satisfied. Presently, homebirth providers must go underground; this group wants to bring it out in the open and provide safe options for the family. It was also noted that the CNM does not have training in out of hospital births. CPMs are not currently regulated; their group wants to go to the legislature to ensure that qualified people are conducting homebirths. Mrs. Pease: There are underground midwives who are not working on their CPM process because currently there is no incentive for them to do so. When told that there is a current effort to allow CNMs to practice without Collaborative Agreements, Mrs. Pease asked whether CPMs could be included, if not this year, perhaps down the road? That is a departure from the Board of Nursing's mission. CPMs are not nurses; this Board is working to reduce barriers to homebirths and shares jurisdiction over CNMs with the Board of Medical and Osteopathic Examiners. This Board agrees that a woman who chooses homebirth should have a qualified provider; to have an unlicensed person in that capacity has not been explored. Mr. Pease remarked that to have CNMs available would help, but that is probably not enough. It was noted that if the current CNM efforts are successful, then perhaps more CPMs would want to become CNMs, and more CNMs may be attracted to the state. South Dakota Safe Childbirth Options supports CNMs as well. This Board will not oppose the group's efforts.

SANFORD HEALTH USD MEDICAL CENTER – Clinical Enrichment Program Evaluation 2007: Nancy Bohr, Nursing Program Specialist, presented.

MOTION: Robin York moved that the South Dakota Board of Nursing accept the evaluation of the Sanford Health USD Medical Center Clinical Enrichment Program and grant approval for 2008 with modifications specified in the report.

Motion seconded by Christine Pellet and carried in a unanimous voice vote.

SOUTHEAST TECHNICAL INSTITUTE: Nancy Bohr reported that a request was received earlier this year regarding the addition of an LPN-RN Associate Degree Program. That request has now been withdrawn; Director Kristin Posschl does not feel that the Institute is prepared to implement an LPN-RN Program at this time.

THE BOARD MOVED INTO CLOSED SESSION FOR PURPOSES OF PERSONNEL

THE BOARD MOVED INTO OPEN SESSION

TRAVEL REQUESTS

- Faculty Shortage: Implications for Regulation, March 26, 2008
- Institute of Regulatory Excellence, January 7-9, 2008 – NCSBN Funded
- 2008 NLCA Meeting Request: December 6, January 17-18, February 21-22 – NCSBN Funded
- NCSBN Midyear Meeting, March 3-5, 2007
- Minnesota Board of Nursing 100 Year Anniversary Open House – November 7, 2007

MOTION: Diana Berkland moved that the South Dakota Board of Nursing approve travel requests for Gloria Damgaard as Chair of the Nurse Licensure Compact Administrators for the tenure of the term of service.

Motion seconded by Deb Soholt. A roll call vote was taken:

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

MOTION: Linda Bunkers that the South Dakota Board of Nursing approve travel for the following:

- Institute of Regulatory Excellence for Linda Young and Nancy Bohr
- Midyear Meeting for up to four people
- Faculty Shortage for up to five people
- Minnesota Board of Nursing 100th Year Celebration for up to two people
- NCSBN Member Boards Operations Staff Seminar for Jean McGuire

Motion seconded by Patricia Wagner. A roll call vote was taken:

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

ANNOUNCEMENTS

- South Dakota Health Care Fraud Task Force – November 13, 2007
- Jacqueline Wonnenberg Hearing, November 13, 2007, 9:00 a.m., Winner Courthouse, South Dakota
- NCSBN Member Boards Operations Staff Seminar, November 19, 2007, Chicago IL
- Board of Nursing Strategic Planning Meeting, November 27-28, 2007, Cedar Shores Resort, Chamberlain
- Minnesota Board of Nursing 100 Year Anniversary Open House – November 7, 2007
- SDNA, Nurses Day at the Legislature, February 4-5, 2008

ADJOURNMENT: There being no further business, the meeting was adjourned at 1:55 p.m.