

**North Dakota Board of Nursing
Meeting Minutes – May 18-19, 2006**

Call to Order: May 18, 2006 at 8:30 a.m. – Board office Conference Room, 919 S 7th Street, Ste 504, Bismarck ND.

Roll Call: Nine board members present as follows:

Claudia Dietrich, RN, President	Donna Hegle, RN
JoAnn Sund, RN, Vice-President	Renee Olson, LPN
Roxane Case, Public Member, Treasurer	Mary Tello-Pool, LPN
Metta Schell, LPN	Nelson (Buzz) Benson, RN
Helen Melland, RN	

Staff Present:

Constance Kalanek, RN, Executive Director	Karla Bitz, RN, Associate Director
Patricia Hill, RN, Asst. Director for Practice & Discipline	Linda Shanta, RN, Associate Director for Education
Julie Schwan, Admin Services Coordinator (absent 5/19/06)	

Other observers present are indicated on the meeting roster. Students from Minot State University were present.

MINUTES REFLECT ACTIVE AGENDA ITEMS THAT WERE REVIEWED AND DISCUSSED AT THE MEETING.

AGENDA ITEM	ACTION
Environmental Scan	<ul style="list-style-type: none"> • Kalanek indicated that office has been extremely busy, as evidenced by the heavy agenda • Bitz has been doing an increased number of presentations, and will be presenting May 19th in Rapid City for SDANA on Impaired Nurses • Tello-Pool reported that the Center for Disease Control will be in ND to evaluate their readiness for a pandemic flu. • Dietrich reported that St Alexius has received Magnet Status from ANCC.
1.1 Consent Agenda	<p><i>Discussion:</i> The board reviewed the consent agenda. It was requested to discuss Agenda item 8.34 AG Response regarding opinion on massage therapy if time allows.</p> <p><i>Motion:</i> Sund, seconded by Olson: ADOPT THE CONSENT AGENDA AS AMENDED TO DISCUSS ITEM 8.34.</p> <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
1.2 Agenda	<p><i>Discussion:</i> The agenda was reviewed as distributed. It was requested to move the time of budget discussion to Thursday if possible.</p> <p><i>Motion:</i> Olson, seconded by Schell to: ADOPT THE AGENDA WITH BUDGET 3.3 TO BE DISCUSSED ON THURSDAY INSTEAD OF FRIDAY.</p> <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
1.3 Open Forum (1:00 p.m.)	Bruce Pritschet addressed the board on behalf of Darlene Bartz PhD, RN, ND Dept of Health. Mr. Pritschet provided comments related to the Nurse Practice Committee proposed advisory opinions, "RN & LPN Scope of Practice In The Utilization Of Prescription Protocols In Clinic Settings", "Safety To Practice", and " Role Of The Nurse In Pain Management". The open forum closed at 1:15 p.m.
2.1 March 9-10, 2006 Meeting Minutes	<p><i>Discussion:</i> The minutes of the March 9-10, 2006 meeting were reviewed. No corrections were identified.</p> <p><i>Motion:</i> Tello-Pool, seconded by Olson to: APPROVE THE MINUTES OF THE MARCH 9-10, 2006 MEETING AS DISTRIBUTED.</p> <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
3.1 Financial Statements	Financial Statements through April 30, 2006 were reviewed. The board reviewed the comparison in actual expenditures to date from last year to this year. Income is at 101% of budgeted and expenses at 87% of budgeted.
3.2 Strategic Planning for 2006-2009	<p><i>Discussion:</i> Board members met with Dr. Jon Martinson May 18th from 9:00 a.m. to 11:30 a.m. to finish the proposed strategic plan for 2006-2009.</p> <p><i>Motion:</i> Hegle, seconded by Olson to: APPROVE THE STRATEGIC PLAN FOR 2006-2009 AS DISTRIBUTED.</p> <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>

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3.3 2006-2007 Proposed Budget 5/18/06	<i>Discussion:</i> The Finance Committee met April 25, 2006 to prepare a proposed budget for 2006-2007. Case reviewed the minutes of the meeting and proposed recommendations. The finance committee reviewed the proposed income from 2006-2007. The first recommendation the Finance Committee considered relates to funding for the nursing needs study. The current funding is a \$10.00 designated fee from each initial licensure application and each renewal fee. The finance committee considered a set amount as a direct expense rather than a designated amount from fees.																												
	<i>Motion from the Finance Committee to:</i> RECOMMEND TO THE BOARD THAT THE NURSING NEEDS STUDY ALLOCATION BE A DIRECT EXPENSE CATEGORY.																												
	<i>Roll call vote:</i> Benson, absent; Case, yes; Dietrich, absent; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 7 yes, 0 no, 2 absent. Motion carried.																												
	<i>Discussion:</i> The Finance Committee reviewed each line item for the expenses. The committee reviewed the request for retainer and hourly increase from Brian Bergeson, SAAG. Also included in the proposal was a recommendation that legal opinions be charged at the hourly rate instead of included in the retainer fee. An evaluation of Bergeson's performance was completed with positive feedback. The Finance Committee requested a discussion with Bergeson regarding the legal opinion issue to determine what would be considered a legal opinion. Bergeson did not receive a retainer fee increase last fiscal year 2005-2006.																												
	<i>Motion from the Finance Committee:</i> RECOMMEND TO THE BOARD THAT BRIAN BERGESON RECEIVE AN INCREASE OF \$100 PER MONTH FOR THE RETAINER FEE AND AN INCREASE OF \$5.00 FOR THE HOURLY RATE EFFECTIVE JULY 1, 2006.																												
	<i>Roll call vote:</i> Benson, absent; Case, yes; Dietrich, absent; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 7 yes, 0 no, 2 absent. Motion carried.																												
3.3 2006-2007 Proposed Budget 5/19/06	<i>Discussion:</i> The finance committee presented a proposed budget which was reviewed by the board.																												
	<i>Motion from the Finance Committee:</i> RECOMMEND THAT THE BOARD APPROVE THE PROPOSED 2006-2007 BUDGET OF \$786,050 PROJECTED INCOME AND \$785,795 PROJECTED EXPENSES, WHICH INCLUDES \$57,000 DESIGNATED FOR NURSING EDUCATION LOANS.																												
	<i>Roll call vote:</i> Benson, absent; Case, yes; Dietrich, absent; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 7 yes, 0 no, 2 absent. Motion carried.																												
	<i>Discussion:</i> The Finance Committee discussed board per diem for NCSBN and state meetings. NCSBN is paying travel and expenses for the meeting..																												
4.1 Administrative Settlements - Practice	<i>Motion:</i> Sund, seconded by Nelson to: RECOMMEND THE FINANCE COMMITTEE DEVELOP A POLICY RELATED TO REIMBURSEMENT FOR MEETINGS AND BOARD MEMBER TRAVEL.																												
	<i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.																												
	<i>Discussion:</i> Two individuals have submitted administrative settlements for practice without a license/registration since the last meeting.																												
4.3 Voluntary Surrender (5/18/06)	<i>Motion:</i> Sund, seconded by Olson to: ACCEPT THE ADMINISTRATIVE SETTLEMENTS FOR PRACTICE WITHOUT A LICENSE/REGISTRATION FOR:																												
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<i>Discussion:</i> Voluntary Surrenders were received from six individuals, seeking the Board's consideration and approval of its terms.																													
4.3 Voluntary Surrender (5/18/06)	<i>Motion:</i> Melland, seconded by Case to: APPROVE AND ACCEPT THE TERMS OF THE PROPOSED VOLUNTARY SURRENDER AND ENTER AS A FINAL ORDER OF THE BOARD FOR THE FOLLOWING:																												
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4.3 Voluntary Surrender (5/19/06)	<p><i>Discussion:</i> A voluntary surrender was received in the office 5/18/06 from one individual, seeking the Board's consideration and approval of its terms.</p> <p><i>Motion:</i> Olson, seconded Benson to: APPROVE AND ACCEPT THE TERMS OF THE PROPOSED VOLUNTARY SURRENDER AND ENTER AS A FINAL ORDER OF THE BOARD FOR THE FOLLOWING:</p> <table border="1" style="margin-left: 40px;"> <thead> <tr> <th style="text-align: left;">NAME</th> <th style="text-align: left;">LIC/REG #</th> <th style="text-align: left;">CITY, STATE</th> <th style="text-align: left;">PENALTY FEE</th> </tr> </thead> <tbody> <tr> <td>RICHARDS, MARIETTA</td> <td>12077CNA</td> <td>FARGO, ND</td> <td>\$100</td> </tr> </tbody> </table> <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>	NAME	LIC/REG #	CITY, STATE	PENALTY FEE	RICHARDS, MARIETTA	12077CNA	FARGO, ND	\$100
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RICHARDS, MARIETTA	12077CNA	FARGO, ND	\$100						
4.41 Stipulation for Settlement – Debra Grabow, R26317	<p><i>Discussion:</i> A Stipulation for Settlement was received from Debra Grabow, RN, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (3) (5) and NDAC 54-02-07-01.1 (5) (6) (7) (8).</p> <p><i>Motion:</i> Olson, seconded by Benson: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR DEBRA GRABOW, RN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> • ISSUE A REPRIMAND, • ASSESS A \$800.00 PENALTY FEE PLUS COSTS AND DISBURSEMENTS, AND • OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>								
4.42 Stipulation for Settlement – Shirley Wills, RN	<p><i>Discussion:</i> A Stipulation for Settlement was received from Shirley Wills, RN, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (3) (5) (6) and NDAC 54-02-07-01.1 (5) (6) (7) (12).</p> <p><i>Motion:</i> Olson, seconded by Tello-Pool to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR SHIRLEY WILLS, RN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> • ISSUE A TWO YEAR PROBATION WITH STAYED SUSPENSION, • ASSESS A \$1200.00 PENALTY FEE PLUS COSTS AND DISBURSEMENTS, AND • OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, recuse; Tello-Pool, yes. 8 yes, 0 no, 1 recuse, 0 absent. Motion carried.</p>								
4.43 Consent Order – LaDon Berdahl, 99633UAP	<p><i>Discussion:</i> A Consent Order was received from LaDon Berdahl, UAP, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Consent Order for violation of NDCC 43-12.1-14 (3) (5) and NDAC 54-02-07-01.1 (7).</p> <p><i>Motion:</i> Sund, seconded by Schell to: ACCEPT THE TERMS OF THE PROPOSED CONSENT ORDER FOR LADON BERDAHL, UAP, AND ENTER ITS ORDER TO ISSUE A:</p> <ul style="list-style-type: none"> • ISSUE A TWO YEAR SUSPENSION OF REGISTRATION AS A MEDICATION ASSISTANT, • ASSESS A \$100.00 PENALTY FEE PLUS COSTS AND DISBURSEMENTS, AND • OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, recuse; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 8 yes, 0 no, 1 recuse, 0 absent. Motion carried.</p>								
4.44 Stipulation for Settlement – Sally Longie, R29078	<p><i>Discussion:</i> A Stipulation for Settlement was received from Sally Longie, RN, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (3) and NDAC 54-02-07-01.1 (5) (8) (10).</p> <p><i>Motion:</i> Melland, seconded by Case to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR SALLY LONGIE, RN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> • ISSUE A REPRIMAND, • ASSESS A \$300.00 PENALTY FEE PLUS COSTS AND DISBURSEMENTS, AND • OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>								

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4.45 Stipulation for Settlement – Joanne Vetter, L8300	<p><i>Discussion:</i> Sund recused herself and left the room for this agenda item. A Stipulation for Settlement was received from Joanne Vetter, LPN, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (3) (5) and NDAC 54-02-07-01.1 (5) (8).</p> <p><i>Motion:</i> Olson, seconded by Tello-Pool to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR JOANNE VETTER, LPN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> • ISSUE A REPRIMAND, • ASSESS A \$800.00 PENALTY FEE PLUS COSTS AND DISBURSEMENTS, AND • OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, recuse; Tello-Pool, yes. 8 yes, 0 no, 1 recuse, 0 absent. Motion carried.</p>
4.46 Stipulation for Settlement – Robert Rock, R30501	<p><i>Discussion:</i> A Stipulation for Settlement was received from Robert Rock, RN, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (3) (5) and NDAC 54-02-07-01.1 (5) (8) (9).</p> <p><i>Motion:</i> Schell, seconded by Hegle to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR ROBERT ROCK, RN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> • ISSUE A REPRIMAND, • ASSESS A \$1000.00 PENALTY FEE PLUS COSTS AND DISBURSEMENTS, AND • OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
4.47 Stipulation for Settlement – Teresa Johnson, R31245	<p><i>Discussion:</i> A Stipulation for Settlement was received from Teresa Johnson, RN, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (3) (5) and NDAC 54-02-07-01.1 (5) (6) (7) (10).</p> <p><i>Motion:</i> Tello-Pool, seconded by Benson to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR TERESA JOHNSON, RN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> • ISSUE A REPRIMAND, • ASSESS A \$600.00 PENALTY FEE PLUS COSTS AND DISBURSEMENTS, AND • OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, recuse; Tello-Pool, yes. 8 yes, 0 no, 1 recuse, 0 absent. Motion carried.</p>
4.48 Stipulation for Settlement – Jane Hogan, L11053	<p><i>Discussion:</i> A Stipulation for Settlement was received from Jane Hogan, LPN, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (3) (5) and NDAC 54-02-07-01.1 (5) (6) (7) (10).</p> <p><i>Motion:</i> Sund, seconded by Case to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR JANE HOGAN, LPN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> • ISSUE A ONE YEAR ENCUMBRANCE, • ASSESS A \$800.00 PENALTY FEE PLUS COSTS AND DISBURSEMENTS, AND • OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Melland, yes; Olson, recuse; Schell, yes; Sund, yes; Tello-Pool, yes. 8 yes, 0 no, 1 recuse, 0 absent. Motion carried.</p>
4.49 Stipulation for Settlement – Kathy Hill, L3218	<p><i>Discussion:</i> A Stipulation for Settlement was received from Kathy Hill, LPN, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (3) (5) (6) and NDAC 54-02-07-01.1 (6) (7) (9).</p> <p><i>Motion:</i> Melland, seconded by Schell to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR KATHY HILL, LPN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> • ISSUE A TWO YEAR SUSPENSION, • ASSESS A \$1500.00 PENALTY FEE PLUS COSTS AND DISBURSEMENTS, AND • OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>

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<p>4.50 Stipulation for Settlement – Nancy Theurer, L5615</p>	<p><i>Discussion:</i> A Stipulation for Settlement was received from Nancy Theurer, LPN, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (3) (5) and NDAC 54-02-07-01.1 (5) (6) (7) (8).</p> <p><i>Motion:</i> Benson, seconded by Olson to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR NANCY THEURER, LPN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> • ISSUE A REPRIMAND, • ASSESS A \$800.00 PENALTY FEE PLUS COSTS AND DISBURSEMENTS, AND • OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
<p>4.51 Stipulation for Settlement – Mary Cancio, UAP Applicant</p>	<p><i>Discussion:</i> A Stipulation for Settlement was received from Mary Cancio, CNA, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (4).</p> <p><i>Motion:</i> Hegle, seconded by Olson to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR MARY CANCIO, CNA, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> • ISSUE A REPRIMAND, • ASSESS A \$100.00 PENALTY FEE PLUS COSTS AND DISBURSEMENTS, AND • OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
<p>4.61 Default Hearing – Lori Garcia R22270 May 18, 2005 1:30 p.m.</p>	<p><i>Discussion:</i> Brian Bergeson, SAAG, was present for a default hearing for Lori Garcia, RN. A complaint was filed against Lori Garcia for violation of NDCC 43-12.1-14 (9) and NDAC 54-02-07-01.1 (16). Bergeson explained that the respondent failed to respond or appear to answer to the allegation of the complaint. Respondent was not present for the hearing and was not represented by counsel. Board staff testified about the factual and procedural background of the case, including the date of service of complaint, lack of any answer or response by the Respondent, and the evidence supporting the allegations of the complaint. The disciplinary review panel presented to the Board a recommendation of disciplinary sanctions. The board reviewed and discussed the proposed Findings of Fact, Conclusions of Law, and Default Order submitted to the board for their consideration by Mr. Bergeson.</p> <p><i>Motion:</i> Sund, seconded by Olson to move:</p> <ul style="list-style-type: none"> ◆ THAT THE RESPONDENT HAS DEFAULTED, ◆ THE FACTS IN THE CASE AGAINST LORI GARCIA, RN, HAVE BEEN PROVEN BY A PREPONDERANCE OF THE EVIDENCE, ◆ THAT THE ALLEGATIONS OF THE COMPLAINT DULY REFLECT VIOLATIONS OF NDCC 43-12.1-14 (9) AND NDAC 54-02-07-01.1 (16); AND ◆ THAT THE BOARD ADOPT THE PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DEFAULT ORDER FOR LORI GARCIA, RN, AND ENTER ITS ORDER TO: <ul style="list-style-type: none"> • INDEFINITELY SUSPEND HER RN LICENSE UNTIL A COURSE OF STUDY ON DOCUMENTATION HAS BEEN SUCCESSFULLY COMPLETED; • ASSESS A \$800.00 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; • REQUIRE A PERSONAL APPEARANCE BEFORE THE BOARD WHEN SEEKING REINSTATEMENT; AND • OTHER TERMS OF SANCTIONS AS SET OUT IN THE PROPOSED DEFAULT ORDER. <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
<p>4.62 Default Hearing – Robin Weston, L10344 May 18, 2005 1:45 p.m.</p>	<p><i>Discussion:</i> Brian Bergeson, SAAG, was present for a default hearing for Robin Weston, LPN. A complaint was filed against Robin Weston for violation of NDCC 43-12.1-14 (3) (5) (6) (9) and NDAC 54-02-07-01.1 (5) (6) (16) and NDAC 54-09-02-04 (2). Bergeson explained that the respondent failed to respond or appear to answer to the allegation of the complaint. Respondent was not present for the hearing and was not represented by counsel. Board staff testified about the factual and procedural background of the case, including the date of service of complaint, lack of any answer or response by the Respondent, and the evidence supporting the allegations of the complaint. The disciplinary review panel presented to the Board a recommendation of disciplinary sanctions. The board reviewed and discussed the proposed Findings of Fact, Conclusions of Law, and Default Order submitted to the board for their consideration by Mr. Bergeson.</p>

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4.62 Default Hearing – Robin Weston, L10344 May 18, 2005 1:45 p.m. (cont)	<p><i>Motion:</i> Olson, seconded by Hegle to move:</p> <ul style="list-style-type: none"> ◆ THAT THE RESPONDENT HAS DEFAULTED, ◆ THE FACTS IN THE CASE AGAINST ROBIN WESTON, LPN, HAVE BEEN PROVEN BY A PREPONDERANCE OF THE EVIDENCE, ◆ THAT THE ALLEGATIONS OF THE COMPLAINT DULY REFLECT VIOLATIONS OF NDCC 43-12.1-14 (3) (5) (6) (9) AND NDAC 54-02-07-01.1 (5) (6) (16) AND NDAC 54-09-02-04 (2); ◆ THAT THE BOARD ADOPT THE PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DEFAULT ORDER FOR ROBIN WESTON, LPN, AND ENTER ITS ORDER TO: <ul style="list-style-type: none"> • SUSPEND HER LPN LICENSE FOR THREE YEARS; • ASSESS A \$2000.00 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; • OTHER TERMS AND SANCTIONS AS SET OUT IN THE PROPOSED DEFAULT ORDER. <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
4.62 Default Hearing – Dale Polansky, R30077 May 18, 2006 2:15 p.m.	<p><i>Discussion:</i> Brian Bergeson, SAAG, was present for a default hearing for Dale Polansky, RN. A complaint was filed against Dale Polansky for violation of NDCC 43-12.1-14 (9) and NDAC 54-02-07-01.1 (16). Bergeson explained that the respondent failed to respond or appear to answer to the allegation of the complaint. Respondent was not present for the hearing and was not represented by counsel. Board staff testified about the factual and procedural background of the case, including the date of service of complaint, lack of any answer or response by the Respondent, and the evidence supporting the allegations of the complaint. The disciplinary review panel presented to the Board a recommendation of disciplinary sanctions. The board reviewed and discussed the proposed Findings of Fact, Conclusions of Law, and Default Order submitted to the board for their consideration by Mr. Bergeson.</p> <p><i>Motion:</i> Case, seconded by Olson to move:</p> <ul style="list-style-type: none"> ◆ THAT THE RESPONDENT HAS DEFAULTED, ◆ THE FACTS IN THE CASE AGAINST DALE POLANSKY, RN, HAVE BEEN PROVEN BY A PREPONDERANCE OF THE EVIDENCE, ◆ THAT THE ALLEGATIONS OF THE COMPLAINT DULY REFLECT VIOLATIONS OF NDCC 43-12.1-14 (9) AND NDAC 54-02-07-01.1 (16); ◆ THAT THE BOARD ADOPT THE PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DEFAULT ORDER FOR DALE POLANSKY, RN, AND ENTER ITS ORDER TO: <ul style="list-style-type: none"> • SUSPEND HIS RN LICENSE FOR TWO YEARS; • ASSESS A \$800.00 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; • OTHER TERMS AND SANCTIONS AS SET OUT IN THE PROPOSED DEFAULT BOARD ORDER. <p><i>Roll call vote:</i> Benson, recuse; Case, yes; Dietrich, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 8 yes, 0 no, 1 recuse, 0 absent. Motion carried.</p>
4.81 Request for Reconsideration – Jeannine Nichols 5/18/06 @ 2:00 p.m.	<p><i>Discussion:</i> Jeannine Nichols submitted an application for license by endorsement and answered no to all of the background history questions. A temporary permit was issued, and upon receipt of "verification of licensure" from the Kansas Board of Nursing, it was noted that that her license had been sanctioned or disciplined in 1994. She also has an investigation pending in Missouri. The board reviewed written testimony at the March meeting as Ms. Nichols was unable to attend that meeting. The board denied her application for license by endorsement at the March meeting, and Ms. Nichols requested a reconsideration hearing of the board's decision and was present for this agenda item. Hill reviewed the facts of the investigation. Ms. Nichols addressed the board and indicated the instruction sheet was not clear relating to the application, and indicated her confusion with the questions. She felt the application questions related only to her active license in Missouri, not her original state of licensure. She stated the questions relating to "in any other jurisdiction" was confusing. She indicates she did not intend to be dishonest but felt the instructions were misleading. Bergeson reviewed the options the with the board. The board reviewed the instruction sheet, which does not address the questions on the application form, but instructs the applicant as to which forms to submit. Ms. Nichols was questioned about the board action in KS and the current pending action in MO.</p> <p><i>Motion:</i> Sund, seconded by Hegle to:</p> <p>DENY JEANNINE NICHOLS APPLICATION FOR RN LICENSE BY ENDORSEMENT.</p> <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Melland, no; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 8 yes, 1 no, 0 absent. Motion carried.</p>
4.91 Other – Doris Kellen – NNAAP Applicant	<p><i>Discussion:</i> Doris Kellen submitted a NNAAP application for testing and checked no to all of the questions. It was later discovered that Ms. Kellen failed to disclose the offense of DUI filed in May 2005 and chemical dependency treatment within the past two years.</p> <p><i>Motion:</i> Tello-Pool, seconded by Olson to:</p> <p>DENY DORIS KELLEN'S APPLICATION FOR NNAAP TESTING BASED ON NDCC 43-12.1-14 (4).</p> <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>

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4.92 Other – Stacie Ensrude, L10854	<p><i>Discussion:</i> Stacie Ensrude submitted an application for reactivation for 2006-2007 renewal of her license with a positive response to the criminal history and chemical dependency questions. The Disciplinary Review Panel indicates there is a lack of evidence of sufficient rehabilitation and she is unable to participate in the Workplace Impairment Program.</p> <p><i>Motion:</i> Olson, seconded by Tello-Pool to: DENY STACIE ENSRUDE'S REACTIVATION FOR RENEWAL OF 2006-2007 LICENSE BASED ON NDCC 43-12.1-14 (1).</p> <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
4.93 Other – Carrie Johnson – applicant	<p><i>Discussion:</i> Carrie Johnson submitted an application for license by endorsement with positive responses to the regulatory questions. She is currently under board order with the Illinois Board of Nursing. The Disciplinary Review Panel indicates there is a lack of evidence of sufficient rehabilitation for chemical dependency and current disciplinary action in IL.</p> <p><i>Motion:</i> Melland, seconded by Schell to: DENY CARRIE JOHNSON'S APPLICATION FOR LICENSE BY ENDORSEMENT BASED ON NDCC 43-12.1-14 (2).</p> <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
5.11 Minot State University BSN Survey Report – (5/19/06 @ 9:45 a.m.)	<p><i>Discussion:</i> Dr. Elizabeth Pross, Chair of the Minot State University BSN Nursing program was present via teleconference for this agenda item. The Nursing Education Committee discussed the report and has provided a recommendation for the board's consideration. There were no issues of non-compliance with NDAC 54-03.2 Standards for Nursing Education Programs. One issue of partial compliance with NDAC 54-03.2-04-04 Baccalaureate or graduate nurse program faculty qualifications was identified. Dr. Pross said that the greatest challenge is to find qualified faculty and the second greatest challenge was the curriculum. Dr. Pross also stated that she would like to see a training program for new nursing chairpersons.</p> <p><i>Motion from Nursing Education Committee:</i> THE NURSING EDUCATION COMMITTEE RECOMMENDS TO THE BOARD TO:</p> <ol style="list-style-type: none"> 1. CONTINUE FULL APPROVAL OF THE MINOT STATE UNIVERSITY BACCALAUREATE NURSING PROGRAM THROUGH MAY 2011; AND 2. REQUIRE A DETAILED DESCRIPTION OF THE PROGRESS OF IMPLEMENTATION OF THE REVISED CURRICULUM IN THE 2006-2007 ANNUAL REPORT. <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
5.12 NDSU BSN Survey Report (5/19/06 @ 10:00 a.m.)	<p><i>Discussion:</i> Dr. Mary Margaret Mooney, Chair of the North Dakota State University BSN Nursing program was present via teleconference for this agenda item. The Nursing Education Committee discussed the report and has provided a recommendation for the board's consideration. There was one issue of non-compliance with NDAC 54-03.2 Standards for Nursing Education Programs for Unqualified Faculty. There was one issue of partial compliance with NDAC 54-03.2-04-04 Baccalaureate or graduate nurse program faculty qualifications was identified. Dr. Mooney stated that her greatest challenges are finding qualified faculty and clinical placement of students.</p> <p><i>Motion from Nursing Education Committee:</i> THE NURSING EDUCATION COMMITTEE RECOMMENDS TO THE BOARD TO:</p> <ol style="list-style-type: none"> 1. FIND THAT NDSU BACCALAUREATE NURSING PROGRAM IS MAKING SIGNIFICANT PROGRESS TOWARD FULL COMPLIANCE WITH NDAC 54-03.2 STANDARDS FOR NURSING EDUCATION PROGRAMS; AND 2. GRANT CONTINUED INITIAL APPROVAL THROUGH MAY 2007; AND 3. REQUIRE AN INTERIM REPORT PRIOR TO NOVEMBER 1, 2006 FOR CONSIDERATION OF FULL APPROVAL BY THE BOARD. THE INTERIM REPORT MUST PROVIDE NCLEX PASS RATES OF THE FIRST GRADUATING CLASS AND COMPREHENSIVE EVIDENCE OF PROGRESS TOWARD STANDARDS THAT WERE IDENTIFIED IN THIS REPORT AS NON-COMPLIANT, PARTIALLY COMPLIANT AND MET IN PROGRESS. <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
5.13 Dickinson State Univ AASPN & BSN Programs (NEC) (5/19/06 @ 10/15 a.m.)	<p><i>Discussion:</i> Dr. MaryAnne Marsh, Chair of the Dickinson State University ASPN & BSN Nursing program was present for this agenda item. The Nursing Education Committee discussed the report and has provided a recommendation for the board's consideration. There were no issues of non-compliance with NDAC 54-03.2 Standards for Nursing Education Programs. One issue of partial compliance with NDAC 54-03.2-04-04 Baccalaureate or graduate nurse program faculty qualifications was identified. Dr. Marsh stated that the biggest challenges for her are finding qualified faculty and clinical site placement of students.</p>

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5.13 Dickinson State Univ AASPN & BSN Programs (NEC) (5/19/06 @ 10/15 a.m.) (cont)	<p><i>Motion from Nursing Education Committee:</i> THE NURSING EDUCATION COMMITTEE RECOMMENDS TO THE BOARD THAT:</p> <ol style="list-style-type: none"> 1. DICKINSON STATE UNIVERSITY AASPN PROGRAM IS SUBSTANTIALLY COMPLIANT WITH NORTH DAKOTA ADMINISTRATIVE CODE 54-03.2 STANDARDS FOR NURSING EDUCATION PROGRAMS; AND 2. GRANT CONTINUED FULL APPROVAL TO THE AASPN PROGRAM THROUGH MAY 2011; AND 3. DICKINSON STATE BSN PROGRAM IS FULLY COMPLIANT WITH NORTH DAKOTA ADMINISTRATIVE CODE 54-03.2 STANDARDS FOR NURSING EDUCATION PROGRAMS; AND 4. GRANT CONTINUED FULL APPROVE TO THE BSN PROGRAM THROUGH MAY 2011. <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
5.21 UND Curricular Changes	<p><i>Discussion:</i> University of ND College of Nursing has submitted a proposal for new curriculum for the undergraduate RN program. The need for the change was identified four years ago as a result of an ongoing program evaluation. UND plans to implement the new curriculum Fall 2006. The Nursing Education Committee reviewed a "Curriculum Transition Timeline" that depicts how the transition from the old to new curriculum will occur. Two new prerequisites for enrollment include: must be a currently certified CNA and must have a college algebra course or equivalent.</p> <p><i>Motion from Nursing Education Committee:</i> THE NURSING EDUCATION COMMITTEE RECOMMENDS THAT THE BOARD APPROVE THE UNDERGRADUATE CURRICULUM IN THE COLLEGE OF NURSING AT UND TO BEGIN IMPLEMENTATION FALL OF 2006.</p> <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Melland, recuse; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 8 yes, 0 no, 0 absent, 1 recuse. Motion carried.</p>
5.22 Excelsior College	<p>The board received a letter from Dr. Sharon Boni with Excelsior College notifying them that as of June 1 she will no longer be employed at Excelsior College. She thanked Linda Shanta and Connie Kalanek for their assistance and support and updated them on 2 students in regards to preceptorship in ND.</p>
5.31 Baptist Home Inc Medication Assistant II Program	<p><i>Discussion:</i> The Baptist Home Inc of Bismarck has submitted a Medication Assistant II course for approval. Hill indicated the course meets the board's guidelines for Medication Assistant II courses and that this is the first approval for this program.</p> <p><i>Motion: Sund, seconded by Case:</i> I MOVE THAT THE BAPTIST HOME MEDICATION ASSISTANT II PROGRAM MEETS THE REQUIREMENTS FOR MEDICATION ASSISTANT PROGRAM II AS SET BY NDAC CHAPTER 54-07-07 AND THAT THE BOARD GRANT APPROVAL FOR THIS COURSE TO BE OFFEED BY THE BAPTIST HOME, INC, BISMARCK ND FROM MAY 2006 THROUGH MAY 2010.</p> <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
5.42 Ratification of approval of workshop etc for contact hours	<p><i>Discussion:</i> The board reviewed the list of courses approved by board staff for contact hours as of May 17, 2006 for ratification.</p> <p><i>Motion:</i> Tello-Pool, seconded by Sund to: RATIFY APPROVAL OF THE WORKSHOPS FOR CONTACT HOURS SUBMITTED TO THE ND BOARD OF NURSING, WHICH INCLUDES COURSES #585 THROUGH #593.</p> <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
5.43 Report of CE Audits	<p><i>Discussion:</i> Kalanek stated that 116 nurses have been audited for CE compliance and that the final report will be submitted at the July board meeting.</p>
5.51 Grant application – SON – Improving Patient Safety through Simulation Research	<p><i>Discussion:</i> The board received a request from Dr. Chandice Covington, Dean of UND College of Nursing, asking for Board support for a grant. The Board agreed they would send a letter of support.</p> <p><i>Motion:</i> Olson, seconded by Sund to: ACCEPT THE REQUEST FROM Dr. CHANDICE COVINGTON, DEAN OF UND COLLEGE OF NURSING FOR A LETTER OF SUPPORT FOR A GRANT FOR IMPROVING PATIENT SAFETY THROUGH SIMULATION RESEARCH.</p> <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Melland, recuse; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
5.52 ANCC Communication on change in contact hour	<p><i>Discussion:</i> Kalanek received information that ANCC, whose standard for CE contact hours the board follows, will be converting to a 60 minute contact hour. Kalanek recommended the Board adopt the same standard.</p> <p><i>Motion:</i> Tello-Pool, seconded by Melland to: ACCEPT A PLAN TO CONVERT TO THE 60 MINUTE CONTACT HOUR TO BE REFLECTED IN BOARD'S CONTINUING EDUCATION POLICIES AND FORMS EFFECTIVE JANUARY 1, 2007 TO BE CONSISTANT WITH ANCC.</p> <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>

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5.53 Faculty Intern Project	<p><i>Discussion:</i> The board discussed the revised Nurse Faculty Intern Policy Pilot Study. Shanta indicated the following changes to be made: change the title to Nurse Faculty Internship Pilot Study; strengthen approval language to “board approval required”; and add the requirement to participate in data collection for enrollment in the study. The draft of the application form will be reviewed by legal counsel. The final proposal will come forward to the board in July for review with inclusion of the process for protection of human subjects.</p> <p><i>Motion:</i> Case, seconded by Olson: THAT THE BOARD APPROVED THE REVISED NURSE FACULTY INTERN POLICY.</p> <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.</p> <p><i>Motion:</i> Sund, seconded by Benson to: DIRECT STAFF TO EXPLORE FUNDING OPTIONS FOR THE NURSE FACULTY INTERN PILOT STUDY.</p> <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
7.11 Clarification from ND Board of Pharmacy – 5/19/2006 (9:00 a.m.)	<p>Howard Anderson, Executive Director of the Board of Pharmacy was present via teleconference. The board discussed a letter they received from him about pharmacists clarifying orders from a practitioner and asked for clarification. Mr. Anderson stated that the individual who takes a prescriptive order from the practitioner is the one who should document it in the patient record and others will then work off of that documentation. Board member Benson stated that nurses can not give medication unless there is a written order and that the nurse needs to verify the RX prior to administering it. The board will use this discussion and Mr. Anderson’s clarification to answer any future questions posed to the board.</p>
7.12 Approval for registration – surgical technician	<p><i>Discussion:</i> One individual has submitted an application for surgical technician since the last meeting.</p> <p><i>Motion:</i> Hegle, seconded by Olson to: RATIFY APPROVAL OF THE FOLLOWING APPLICATION FOR SURGICAL TECHNICIAN ON THE UNLICENSED ASSISTIVE PERSON REGISTRY (NDAC 54-05-04-04-1C): ELIZABETH BUSS, FARGO, ND</p> <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
7.13 Request for approval – Nurses Performing Laboratory Testing	<p><i>Discussion:</i> NDBON received a letter from West River Health Services and Richardton Memorial Hospital requesting the Board consider approval of RNs and LPNs to perform laboratory tests beyond exempt tests and methods included in NDAC Chapter 96-02-10 Exemption from licensure, Section 96-02-10-01 Exempt tests and methods. The Board staff consulted with the NDDH and a representative of the ND Board of Clinical Laboratory Personnel and presented a proposed opinion to the board.</p> <p><i>Motion:</i> Olson, seconded by Case to: MOVE THAT THE BOARD APPROVE THE FOLLOWING STATEMENT: IT IS WITHIN THE SCOPE OF PRACTICE FOR THE REGISTERED NURSE AND LICENSED PRACTICAL NURSE TO PERFORM LABORATORY TESTS NOT INCLUDED IN NDAC 96-02-10-01. EXEMPT TEST AND METHODS IF THE FOLLOWING REQUIREMENTS ARE MET:</p> <ul style="list-style-type: none"> • WRITTEN POLICY AND PROCEDURES ARE MAINTAINED BY THE FACILITY • HAS COMPLETED A FORMAL, CONTINUING EDUCATION PROGRAM. • HAS SUPERVISED CLINICAL PRACTICE. • HAS BEEN AUTHORIZED TO PERFORM THE PROCEDURE. • DOCUMENTATION OF SATISFACTORY COMPLETION OF THE COURSE OF INSTRUCTION AND SUPERVISED PRACTICE IS ON FILE WITH THE EMPLOYER. • HAS QUALIFIED BACKUP AVAILABLE. <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
7.14 Recommendations from the Nursing Practice Committee	<p><i>Discussion:</i> The Nurse Practice Committee had their final meeting March 30th, 2006 and recommend that the board have the authority to do criminal background checks prior to licensure of nurses.</p> <p><i>Motion from the Nurse Practice Committee:</i> RECOMMENDS THAT THE BOARD PROPOSE CRIMINAL BACKGROUND LEGISLATION FOR NURSING LICENSURE AND UAP REGISTRATION AND PREPARE A LEGISLATIVE INITIATIVE FOR THE NEXT LEGISLATIVE SESSION IN COLLABORATION WITH THE ND BOARD OF PHARMACY.</p> <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>

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7.14 Recommendations from the Nursing Practice Committee (cont.)	<i>Discussion:</i> The Nurse Practice Committee is aware of several questions posed to the board staff about nurses who may have short or long term situations that may compromise the individual's ability to safely practice nursing. After much consultation, the committee has developed a Safety to Practice Advisory Opinion.
	<i>Motion from Nurse Practice Committee:</i> RECOMMENDS THAT THE BOARD ADOPT THE PROPOSED ADVISORY OPINION ENTITLED "SAFETY TO PRACTICE".
	<i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.
	<i>Discussion:</i> The Nurse Practice Committee received huge amounts of testimony from various groups and has developed an advisory opinion entitled "Role of the Nurse in Pain Management".
	<i>Motion from Nurse Practice Committee:</i> RECOMMENDS THAT THE BOARD ADOPT THE PROPOSED ADVISORY OPINION ENTITLED "ROLE OF THE NURSE IN PAIN MANAGEMENT."
7.15 Practice Requirement – NDAC Section 54-02-05-05.1	<i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.
	<i>Discussion:</i> The Nurse Practice Committee saw a need for clarifying the scope of practice of an RN or LPN in a clinic setting and developed an advisory opinion entitled "RN & LPN Scope of Practice in the Utilization of Protocols for the Clinic Setting".
	<i>Motion from Nurse Practice Committee:</i> RECOMMENDS THAT THE BOARD ADOPT THE PROPOSED ADVISORY OPINION ENTITLED "RN & LPN SCOPE OF PRACTICE IN THE UTILIZATION OF PROTOCOLS FOR THE CLINIC SETTING".
	<i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.
	The board received a letter from Mavis Halvorson, RN who is concerned about the required 400 hours of nursing practice in the past four years for RN/LPN license renewal. She stated that many nurses work very part time or on contract and do not meet this requirement. She said she knew of more in this situation and would ask them to send letters to the board. The board instructed Kalanek to thank Halvorson for her letter.
7.16 Consumer Directed Care – Friday 10:30 a.m. 5/19/2006	<i>Discussion:</i> Brian Bergeson, SAAG, was present for this agenda item. NDCC 50-24.1-18.1 allows the Department of Human Service to seek a waiver of federal law to permit eligible medical assistance recipients to direct their own care and to permit personal care services provided by non-licensed personal care service providers. The proposal from the board includes language that unlicensed personal care service providers who are found eligible to direct their own care shall not be required to register as an Unlicensed Assistive Person. The Department of Human Services suggested some terminology changes to the address the unlicensed individuals as Medicaid Recipient Patient Care Providers. There will be more discussion with the Department of Human Services as to the correct terminology for these rules prior to adopting them for public comment.
7.17 Medication Administration in Jails - Report	<i>Discussion:</i> Earlier in May, board staff and Ken Tupa met with Senator Stanley Lyson to discuss Medication Administration Programs approved by North Dakota Board of Nursing. The proposal of incorporating language in the NDCC as a requirement for peace officer training would include an established curriculum to be monitored and approved by the NDBON. The discussion would include the Attorney General's Office and North Dakota Nurses Association.
	<i>Motion:</i> Olson, seconded by Case to: DIRECT STAFF TO CONTINUE DISCUSSION OF THE PROPOSAL FOR INCORPORATING LANGUAGE REGARDING MEDICATION ADMINISTRATION AS A REQUIREMENT FOR PEACE OFFICER TRAINING INTO THE NDCC.
	<i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.
7.2 Nursing Needs Study, NDCC 43-12.1-08.2	The board will allocate \$35,000 for the Nursing Needs Study for FY 2006-2007.
7.31 Prescriptive Authority Applications	<i>Discussion:</i> Two individuals have submitted an application for prescriptive authority since the last meeting.
	<i>Motion:</i> Hegle, seconded by Schell to: RATIFY PRESCRIPTIVE AUTHORITY FOR THE FOLLOWING: Mark Dammen, RN, FNP, Langley AFB, Hampton, VA Nancy Joyner, RN, CNS, Grand Forks, ND
	<i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.
7.33 APRN Vision Paper – draft	The NCSBN APRN Advisory Panel reported that they will continue to work on the Vision Paper over the next year.

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AGENDA ITEM	ACTION
7.34 Representative to attend AANP Meeting	The Executive Director recommended Patricia Dardis RN, Prescriptive Authority Committee member, attend the AANP Regional meeting in Billings, MT in July 2006. <i>Motion:</i> Case, seconded by Benson that : THE BOARD INVITE PATRICIA DARDIS TO ATTEND THE AANP MEETING AS A REPRESENTATIVE OF THE ND BOARD OF NURSING. <i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.
7.41 Nurse Licensure Compact Update of states	Dr. Kalanek informed the board that New Hampshire and South Carolina are now compact states as of January 1, 2006. Kentucky and New Jersey are pending implementation of the Nurse Licensure Compact.
7.42 Information related to APRN Compact	Currently Iowa and Utah are participating in the APRN compact. Dr. Kalanek included Model APRN Compact Enabling Language in the board packet for the board to review.
7.51 Legislative Bills Affecting State Agencies	No discussion
7.53 Report on meetings with Senators and Representatives	A report with contacts between the board members and legislators was included for board members to review.
7.71 NDPERS Employer Based Wellness Discount	The board received the NDPERS wellness discount which keeps health insurance premiums at the current rate.
7.72 Regulatory Day	The annual Nurse Regulatory Day will be held October 4, 2006 in Fargo at the Ramada Plaza Suites Crystal Room.
8.34 AG Response regarding opinion on massage therapy	The board reviewed and discussed a letter received from the AG regarding the opinion that nurses may not work at a massage establishment or similar business without being a licensed massage therapist.
10.1 NCSBN Annual Meeting	<i>Discussion:</i> The NCSBN 2006 Delegate Assembly will be August 1-4. Kalanek asked for volunteers from the board to attend. Board members were requested to check their calendars before committing to attendance of the meeting. <i>Motion:</i> Hegle, seconded by Tello-Pool to: APPROVE THE ATTENDANCE OF TWO BOARD MEMBERS TO ATTEND THE 2006 DELEGATE ASSEMBLY. <i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.
12.11 Approval of dates for Board Meetings 2006-2007	<i>Discussion:</i> The Board reviewed a proposed list of meeting dates of the third Thursday and Friday of each odd month. <i>Motion:</i> Sund, seconded by Olson THAT THE BOARD APPROVED THE FOLLOWING 2006-2007 BOARD MEETING DATES: SEPTEMBER 13, BOARD RETREAT SEPTEMBER 14 & 15 NOVEMBER 16 & 17 JANUARY 18 & 19 MARCH 15 & 16 MAY 17 & 18 JULY 19 & 20, 2007 ANNUAL MEETING <i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Melland, abstain; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.
Melland Term Expiration	Helen Melland's term on the board expires 6/30/06 and she is not eligible for reappointment. The Board thanked Dr. Melland for her eight years of service to the Board of Nursing.

CONSENT AGENDA:

8.1 NCSBN
8.11 FAQ International NCLEX® Administration
8.12 2005 RN Practice Analysis Executive Summary
8.13 Nursys Fact Sheet
8.14 AACN Communication
8.2 Office Management
8.3 Nursing Practice

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8.31 Summary of practice calls
8.32 Smith et al. "Application of the Clinical Nurse Leader Role in an Acute Care Delivery Model."
8.33 Nurses Perform US Physicians' Jobs – Tannenbaum
8.34 – moved to regular agenda
8.35 – American Association of Legal Nurse Consultants
8.4 Workplace Impairment Program Report
8.41 Statistics
8.5 Unlicensed Assistive Person/Medication Assistant
8.51 Testing Summary Report
8.52 NNAAP Testing
8.6 Licensure
8.61 Licensed Nurse
8.62 Unlicensed Assistive Person
8.63 NCLEX-RN
8.64 NCLEX-PN
8.7 Discipline
8.71 Disciplinary Statistics/Case Activity Report
8.8 Legal Counsel
8.9 Education
8.91 Department of Veterans Affairs
8.92 Indiana State University Notification of Out-of-State Student Clinical Experience

BOARD COMMITTEES:

9.1 Workplace Impairment Program Committee
9.2 Nursing Education Committee - May 17, 2006
9.3 Finance Committee - April 25, 2006
9.4 Executive Committee – May 18, 2006
9.5 Prescriptive Authority Committee
9.6 Nursing Practice Committee – March 30, 2006

UPCOMING MEETINGS & REPORT OF MEETINGS ATTENDED:

10.1 NCSBN Annual Meetings – August 1-4, 2006
10.2 NCSBN Monthly Meetings by teleconference calls and onsite:
10.21 National and State Policy
10.22 Education Consultants
10.23 Discipline Networking
10.24 EO Network
10.25 NLCA Meeting – March 12, 2006
10.26 Board of Directors Meeting – May 3-5, 2006
10.27 Item Review Subcommittee
10.28 Mid-Year Meeting, March 13-15, 2006
10.29 Commitment to Ongoing Regulatory Excellence – April 20-21, 2006
10.30 NCSBN Practice Breakdown Research Advisory Panel - April 5-6, 2006
10.31 NCSBN Executive Officers Seminar, June 28-29, 2006
10.32 Annual Institute of Regulatory Excellence, January 7-10, 2007
10.33 Education Consultant Subgroup – May 9, 2006 – Shanta
10.34 Bylaws Committee – April 27, Bitz
10.35 IRE Teleconference – March 16, 2006; April 20, 2006
10.36 Board Investigator & Attorney Workshop, May 21-24, 2006 - Hill

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10.37 NLC Discipline & Legal Counsel Summit – July 10, 2006 – Kalanek, Bitz, Hill
10.38 Regulation of Assistive Personnel – July 7
10.39 NCLEX Invitational – September 11
10.3 ND Nurse Leadership Council – April 7, 2006
10.4 ND Organization of Nurse Executives – February 24, 2006
10.5 ND Nurses Association – October 26-27, 2006
10.6 ND Rural & Public Health Conference – March 22-24, 2006 – Fargo
10.7 ND LTCA Conference, September 20-22, 2006 Ramkota, Bismarck
10.8 ND Health Care Association Annual Meeting
10.9 Medication Administration in Jails – ND Association of Counties; March 20; Senator Lyson March 29
10.10 Interim Budget Committee on Government Services – March 30
10.11 Real Choice Systems Change Grant – Rebalancing Initiative (NDPCD) – March 21
10.12 Governor’s Staff – Goetz & Houdek April 4 – Kalanek, Dietrich, Tupa
10.13 Nurse Delegation in Policy & Practice: Invitation Forum in Oregon – May 31 – June 2
10.14 North Dakota Domestic and Sexual Violence State Prevention Team – Kalanek
10.15 Consumer Directed Care – April 26 – Kalanek, Hill, Bergeson
10.16 Use of non-RN Caregivers in the ER – May 10 – Kalanek, Benson, Tello-Pool

Staff Presentations:

- 11.1 Emerging Issues – Altru Health, Grand Forks, June 8, 2006- Kalanek
- 11.2 Nurse Practices Act & Emerging Issues – VA, Fargo Feb 23, 2006 - Kalanek
- 11.3 DSU Women’s Conference, Women’s Voices, March 21, 2006 - Kalanek
- 11.4 NLC Discipline & Legal Counsel Summit, July 10, 2006 - Kalanek
- 11.5 Workplace Impairment Program - Parkside Lutheran Care Center, Lisbon, April 18, 2006 – Bitz
- 11.6 Impairment in the Workplace - SD Association of Nurse Anesthetists, Rapid City, SD, May 19, 2006 – Bitz
- 11.7 Workplace Impairment Program – MedCenter One College of Nursing, Bismarck, April 28, 2006 – Bitz
- 11.8 NPA (2) & Violations of NPA/WIP (2) – Belcourt Hospital, Belcourt, May 5, 2006 – Bitz
- 11.9 Workplace Impairment Program – Bethany Homes, Fargo, May 12, 2006 - Bitz

Dietrich and Benson were absent from 4:10 p.m. to 4:30 p.m. on May 18th.
The meeting recessed for lunch from 11:30 a.m. to 1:00 p.m. on May 18th, 2006.
The meeting recessed for the day at 4:15 p.m. and reconvened at 8:30 a.m. on Friday May 19th 2006.
The meeting adjourned at 1:30 p.m. on May 19th, 2006.

Constance B. Kalanek, RN, PhD
Executive Director
Draft 5/26/06