

North Dakota Board of Nursing Meeting Minutes – September 20, 2012

Call to Order: September 20, 2012 at 8:30 a.m. – NDBON Board Conference Room – 919 S 7th Street, Suite 504, Bismarck ND

Roll Call: Eight board members present as follows:
 Julie Traynor, RN, President
 Daniel Rustvang, RN, Vice President
 Clara Sue Price, Public Member, Treasurer
 Angela Levi, LPN
 Charlene Christianson, RN,
 Nelson (Buzz) Benson, RN (absent 10:45 AM-1:00 PM)
 Bonny Mayer, LPN
 Melisa Frank, LPN

Absent: Deborah Smith, RN

Staff Present:

Constance Kalanek, RN, Executive Director
 Patricia Hill, RN, Asst. Director for Practice & Discipline
 Jane Hoerner, RN, Associate Director for Education
 Karla Bitz, RN, Associate Director
 Julie Schwan, Administrative Services Coordinator

Other individuals were present as indicated on the roster.

AGENDA	ACTION
1.1 Consent Agenda	<p><i>Discussion:</i> The board reviewed the consent agenda.</p> <p><i>Motion:</i> Levi, seconded by Frank to: ADOPT THE CONSENT AGENDA AS DISTRIBUTED.</p> <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, absent; Traynor, yes. 8 yes, 0 no, 1 absent. Motion carried.</p>
1.2 Agenda	<p><i>Discussion:</i> The agenda was reviewed as distributed.</p> <p><i>Motion:</i> Frank, seconded by Christianson to: APPROVE THE AGENDA AS DISTRIBUTED.</p> <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, absent; Traynor, yes. 8 yes, 0 no, 1 absent. Motion carried.</p>
1.3 Open Forum 9:00 a.m.	No one was present to address the board during open forum.
2.1 July 12, 2012 Meeting Minutes	<p><i>Discussion:</i> The minutes of the July 12, 2012 meeting were reviewed. No corrections were identified.</p> <p><i>Motion:</i> Benson, seconded by Levi to: APPROVE THE MINUTES OF THE JULY 12, 2012 MEETING AS DISTRIBUTED.</p> <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, absent; Traynor, yes. 8 yes, 0 no, 1 absent. Motion carried.</p>
3.1 Financial Statements	Financial Statements through August 31, 2012 were reviewed. The board reviewed the comparison in actual income expenditures to date from last year to this year. Income is at 7% and expenses at 15% of budgeted.
3.1.1 2011-2012 FY Financial Statements	<i>Discussion:</i> The board reviewed the Fiscal Year 2011-2012 adjusted financial statements as of June 30, 2012. Adjusted income with deferred revenue was at 107% of budgeted and adjusted expenses were at 100% of budgeted.
3.3 Applicants for Board Committees	<p><i>Discussion:</i> The board reviewed the applicants for external members for all board committees. Many external members reapplied to serve on the committees again for the next two years.</p> <p><i>Motion:</i> Christianson, seconded by Levi to: APPROVE THE FOLLOWING REAPPOINTMENTS FOR EXTERNAL MEMBERS TO THE NURSING EDUCATION COMMITTEE FOR 2012-2014: LORETTA HEUER, PHD, RN BARBARA BOGUSLAWSKI, MSN, RN STEPHANIE CHRISTIAN, MSN, RN JACQUELINE REEP-JARMIN, MSN, RN</p> <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, absent; Traynor, yes. 8 yes, 0 no, 1 absent. Motion carried.</p> <p><i>Motion:</i> Christianson seconded by Levi to: APPROVE THE FOLLOWING APPOINTMENTS FOR EXTERNAL MEMBERS TO THE TECHNOLOGY COMMITTEE FOR 2012-2014: JENNIFER SEAMONDS, BSN, RN (REAPPLICATION) RENEE OLSON, LPN</p> <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, absent; Traynor, yes. 8 yes, 0 no, 1 absent. Motion carried.</p>

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3.3 Applicants for Board Committees (cont.)	<p><i>Motion:</i> Rustvang, seconded by Levi to: APPROVE THE FOLLOWING APPOINTMENTS AND REAPPOINTMENTS FOR EXTERNAL MEMBERS TO THE NURSING PRACTICE COMMITTEE FOR 2012-2014:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;">REAPPLICATIONS:</td> <td style="width: 50%; vertical-align: top;">NEW APPLICATIONS:</td> </tr> <tr> <td>MELISSA CRAWFORD, APRN</td> <td>MELANA HOWE, RN</td> </tr> <tr> <td>BECKY GRANER, RN</td> <td>DEREK MARTIN, RN</td> </tr> <tr> <td>MELISSA HANSON, RN</td> <td>AUTUMN NELSON, RN</td> </tr> <tr> <td>LOWANN KRUEGER, RN</td> <td>JOANN SUND, RN</td> </tr> <tr> <td>MARGARET REED, RN</td> <td>JESSICA WILKENS, RN</td> </tr> <tr> <td>CHERYL RISING, APRN</td> <td></td> </tr> <tr> <td>KATHY STEINKE, RN</td> <td></td> </tr> <tr> <td>GWEN WITZEL, APRN</td> <td></td> </tr> </table> <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, absent; Traynor, yes. 8 yes, 0 no, 1 absent. Motion carried.</p> <p><i>Motion:</i> Christianson, seconded by Frank to: APPROVE THE FOLLOWING REAPPOINTMENTS FOR EXTERNAL MEMBERS TO THE PROGRAM MONITORING COMMITTEE FOR 2012-2014:</p> <p style="text-align: center;">MARVIS DOSTER, RN MICHAEL KASPARI, RN</p> <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, absent; Traynor, yes. 8 yes, 0 no, 1 absent. Motion carried.</p>	REAPPLICATIONS:	NEW APPLICATIONS:	MELISSA CRAWFORD, APRN	MELANA HOWE, RN	BECKY GRANER, RN	DEREK MARTIN, RN	MELISSA HANSON, RN	AUTUMN NELSON, RN	LOWANN KRUEGER, RN	JOANN SUND, RN	MARGARET REED, RN	JESSICA WILKENS, RN	CHERYL RISING, APRN		KATHY STEINKE, RN		GWEN WITZEL, APRN			
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3.4 Bylaws Discussion & 3.5 Board Governance	<i>Discussion:</i> In working on the Atkinson report, staff had also reviewed bylaws and noted that most of the information in the bylaws was also in the law. The board reviewed a proposal to repeal the by-laws and remove Articles I – IV that are already in the law and move Articles V – XII to the ND Board of Nursing Governance Philosophy Manual. The Governance Manual would be used in place of the by-laws. The board will vote on this proposal at the next meeting.																				
3.6 Notification of Change of Name MCO	The board reviewed notification from Medcenter One Health System that the name will be changing to Sanford Bismarck Medical Center.																				
4.0.1 PVR Case Resolution Summary	The board reviewed the FY 2011-2012 PVR Case Resolution Summary for the past five years. The number of PVRs for RN/LPN has increased from 121 in 07-08 to 170 in 2011-2012. Number of days from Receipt to Resolution as decreased from 62 days in 07-08 to 46 days in 11-12. UAP PVRs have dropped substantially with the transfer of the UAP registry, from 66 PVRs received in FY10-11 to 8 PVRs in FY11-12. The board directed staff to check with the ND Department of Health on the number of complaints received since the transfer of the registry. It was noted that the criteria for violations is different between the two entities.																				
4.0.2 Positive Response Resolution Summary	The board reviewed the FY 2011-2012 Positive Response Resolution Summary for the past five years. Positive responses on the regulatory questions have dropped from 127 in FY 07-08 to 74 in FY 11-12. The question related to criminal history was changed from reporting misdemeanors to reporting only felony arrests, charges or convictions. The UAP positive responses went from 234 in FY 07-08 to 34 in FY 11-12.																				
4.0.3 Diversion Case Compilation	The board reviewed a chart of the number of diversion cases as compared to the total cases for the past five years. Five years ago 13% of cases related to diversion and for the most recent half year for 2012 the number of cases is at 20% of the total PVRs.																				
4.1 Administrative Settlement – Practice	<p><i>Discussion:</i> Three individuals have signed and submitted administrative settlements for practice without a license/registration since the last meeting. The settlements were reviewed and considered by the board.</p> <p><i>Motion:</i> Levi, seconded by Price to: ACCEPT THE ADMINISTRATIVE SETTLEMENTS FOR PRACTICE WITHOUT A LICENSE/REGISTRATION FOR THE FOLLOWING:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <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;">Sanction</th> <th style="text-align: left;">Penalty Fee</th> </tr> </thead> <tbody> <tr> <td>Hanson, Anna</td> <td>LPN End App</td> <td>Moorhead, MN</td> <td>Reprimand</td> <td>\$200</td> </tr> <tr> <td>Khromachou, Beverly</td> <td>RN Exam App</td> <td>Grand Forks, ND</td> <td>Reprimand</td> <td>\$200</td> </tr> <tr> <td>Morris, Brittney</td> <td>RN Exam App</td> <td>Grand Forks, ND</td> <td>Reprimand</td> <td>\$200</td> </tr> </tbody> </table> <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, absent; Traynor, yes. 8 yes, 0 no, 1 absent. Motion carried.</p>	NAME	Lic/Reg #	City, State	Sanction	Penalty Fee	Hanson, Anna	LPN End App	Moorhead, MN	Reprimand	\$200	Khromachou, Beverly	RN Exam App	Grand Forks, ND	Reprimand	\$200	Morris, Brittney	RN Exam App	Grand Forks, ND	Reprimand	\$200
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4.3 Voluntary Surrender	<p><i>Discussion:</i> One individual has submitted a voluntary surrender, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Voluntary Surrender.</p> <p><i>Motion:</i> Benson, seconded by Rustvang to: APPROVE AND ACCEPT THE TERMS OF THE PROPOSED VOLUNTARY SURRENDER AS FINAL ORDER OF THE BOARD FOR THE FOLLOWING INDIVIDUAL:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <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>Lund, William</td> <td>R19897</td> <td>Grand Forks, ND</td> <td>\$200</td> </tr> </tbody> </table> <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, absent; Traynor, yes. 8 yes, 0 no, 1 absent. Motion carried.</p>	NAME	LIC/REG#	CITY, STATE	PENALTY FEE	Lund, William	R19897	Grand Forks, ND	\$200
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Lund, William	R19897	Grand Forks, ND	\$200						
4.4.1 Stipulation for Settlement – Dawn Tweten, R23718	<p><i>Discussion:</i> A Stipulation for Settlement was received from Dawn Tweten, 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> Benson, seconded by Levi to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR DAWN TWETEN, RN AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ SUSPEND THE LICENSE FOR TWO YEARS; ◆ ASSESS A \$1,600 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, absent; Traynor, yes. 8 yes, 0 no, 1 absent. Motion carried.</p>								
4.4.2 Stipulation for Settlement – Cheryl Erdelbrock Janzen, R26400	<p><i>Discussion:</i> A Stipulation for Settlement was received from Cheryl Erdelbrock Janzen, 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).</p> <p><i>Motion:</i> Levi, seconded by Christianson to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR CHERYL ERDELBROCK JANZEN, RN AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ ISSUE A REPRIMAND; ◆ ASSESS A \$600 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, absent; Traynor, yes. 8 yes, 0 no, 1 absent. Motion carried.</p>								
4.4.3 Stipulation for Settlement – Amber Keeble, LPN Applicant	<p><i>Discussion:</i> A Stipulation for Settlement was received from Amber Keeble, LPN applicant, 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> Frank, seconded by Rustvang to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR AMBER KEEBLE, LPN APPLICANT AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ ISSUE A REPRIMAND; ◆ ASSESS A \$500 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, absent; Traynor, yes. 8 yes, 0 no, 1 absent. Motion carried.</p>								
4.4.4 Stipulation for Settlement – Terrie Johnson, L7439	<p><i>Discussion:</i> A Stipulation for Settlement was received from Terrie Johnson, 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> Rustvang, seconded by Mayer to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR TERRI JOHNSON, LPN AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ ISSUE A REPRIMAND; ◆ ASSESS A \$500 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER.. <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, absent; Traynor, yes. 8 yes, 0 no, 1 absent. Motion carried.</p>								

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4.4.5 Stipulation for Settlement – Margie Braudrick, L6425	<p><i>Discussion:</i> A Stipulation for Settlement was received from Margie Braudrick, 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).</p> <p><i>Motion:</i> Benson, seconded by Levi to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR MARGIE BRAUDRICK, LPN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ ISSUE A REPRIMAND; ◆ ASSESS A \$600 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER.. <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, absent; Traynor, yes. 8 yes, 0 no, 1 absent. Motion carried.</p>
4.4.6 Stipulation for Settlement – Sherry Christensen, L7728	<p><i>Discussion:</i> A Stipulation for Settlement was received from Sherry Christensen, 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).</p> <p><i>Motion:</i> Rustvang, seconded by Price to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR SHERRY CHRISTENSEN, LPN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ ISSUE A REPRIMAND; ◆ ASSESS A \$600 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER.. <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, absent; Traynor, yes. 8 yes, 0 no, 1 absent. Motion carried.</p>
4.4.7 Stipulation for Settlement – Owen Jackson, R34706	<p><i>Discussion:</i> A Stipulation for Settlement was received from Owen Jackson, 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 (2).</p> <p><i>Motion:</i> Levi, seconded by Frank to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR OWEN JACKSON, RN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ ISSUE A REPRIMAND; ◆ ASSESS A \$300 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER.. <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, absent; Traynor, yes. 8 yes, 0 no, 1 absent. Motion carried.</p>
4.4.8 Stipulation for Settlement – Rebecca Dare, LPN Applicant	<p><i>Discussion:</i> A Stipulation for Settlement was received from Rebecca Dare, 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 (4).</p> <p><i>Motion:</i> Levi, seconded by Rustvang to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR REBECCA DARE, LPN APPLICANT, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ ISSUE A REPRIMAND; ◆ ASSESS A \$500 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER.. <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, absent; Traynor, yes. 8 yes, 0 no, 1 absent. Motion carried.</p>
4.7.1 Request for Reinstatement – Linda Schmidt, R27388	<p><i>Discussion:</i> Linda Schmidt, RN has submitted a request for reinstatement of her encumbered RN license to full status. The board reviewed and discussed the requirements of her board order. The board reviewed and discussed the Disciplinary Review Panel recommendation to reinstate the LPN license to full licensure status.</p> <p><i>Motion:</i> Frank, seconded by Benson to: GRANT LINDA SCHMIDT'S BOARD REQUEST FOR REINSTATEMENT OF THE ENCUMBERED RN LICENSE TO FULL LICENSURE STATUS AS SHE HAS COMPLIED WITH TERMS AND CONDITIONS OF BOARD ORDER DATED SEPTEMBER 16, 2010 CONTINGENT UPON CLEAR CHRC RESULTS.</p> <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, absent; Traynor, yes. 8 yes, 0 no, 1 absent. Motion carried.</p>

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4.10.1 Other – Cynthia Sims, R37172	<p><i>Discussion:</i> Cynthia Sims submitted a voluntary surrender in July 2012 and requested attachment of a rebuttal letter. Ms. Sims has since requested that letter be removed from her file.</p> <p><i>Motion:</i> Price, seconded by Rustvang to: APPROVE AND RATIFY ACCEPTANCE OF THE VOLUNTARY SURRENDER FOR CYNTHIA SIMS FROM THE JULY 2012 BOARD MEETING WITHOUT THE REBUTTAL LETTER FROM MS. SIMS.</p> <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, absent; Traynor, yes. 8 yes, 0 no, 1 absent. Motion carried.</p>
4.11.1 Fredricka Polley, RN, PTP under Maryland license	CEASE AND DESIST ORDER issued to Fredricka Polley, RN, PTP, Minot, ND on August 13, 2012 until retracted, modified or superseded by final disciplinary action of the Board or upon agreement between Respondent and the Board.
4.11.2 Linda Martinez, L9139	NOTICE OF SUSPENSION issued to Linda Martinez, LPN, Bismarck, ND on September 10, 2012 for violating terms and conditions of Stipulation for Settlement dated May 17, 2012. Respondent's license is automatically SUSPENDED for a period of two (2) years.
4.11.3 Jackie Winczewski, L9865	NOTICE OF EMERGENCY SUSPENSION issued to Jackie Winczewski, LPN, Minot ND on September 14, 2012. Respondent's license is SUSPENDED for 5 years or until retracted, modified or superseded by final disciplinary action of the Board or upon agreement between Respondent and the Board.
4.11.4 Shisha Lee, R36965	NOTICE OF EMERGENCY SUSPENSION issued to Shisha Lee, RN, Moorhead, MN on September 20, 2012. Respondent's license is SUSPENDED for 5 years or until retracted, modified or superseded by final disciplinary action of the Board or upon agreement between Respondent and the Board.
5.21 University of Mary Nursing Chair	Glenda Reemts, Chair of the Nursing has obtained her PhD in Education effective July 30, 2012. This had been an area of partial compliance for the program in recent years, and this area and is now in compliance.
5.22 DSU and Higher Learning Commission (11:50 a.m.)	The board reviewed a letter from Dickinson State University indicating that the Higher Learning Commission of the North Central Association has placed DSU "On Notice" indicating that certain issues and practices needed to be remedied in order to retain accreditation. This is a result of several issues uncovered during the past year related to the University's Special International Programs. It was noted that the nursing programs at DSU were not affected by the issues, and that Kalanek has independently reviewed the transcripts of international applicants for licensure from DSU who have applied for licensure during the time frame in question and found no issues with any of the transcripts.
5.3 Request for deferment (NDAC 54-04.1-04-05)	<p><i>Discussion:</i> Keely Sabinash has a \$2500 nursing education loan and was unable to complete her final semester due to personal circumstances. Ms. Sabinash is requesting a deferment of repayment until she has completed the program.</p> <p><i>Motion:</i> Frank, seconded by Levi to: APPROVE THE REQUEST FOR DEFERMENT OF REPAYMENT OF THE \$2500 NURSING EDUCATION LOAN FOR KEELY SABINASH UNTIL SPRING SEMESTER 2013.</p> <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, absent; Traynor, yes. 8 yes, 0 no, 1 absent. Motion carried.</p>
5.41 Alternate Delivery Mechanism: LPN IV Certification Course	Julie Traynor recused herself from the next two agenda items related to Dakota Nursing Program. The board reviewed information from Dakota Nursing Program and TrainND regarding an alternate delivery mechanism of their approved IV Therapy Course. Both the IV Therapy Course and the program are board approved, so no action is required. Employers in the area are requesting IV Certified LPNs and the program plans to have their AD students who are licensed as an LPN receive IV certification through Train ND upon completion of established requirements. Hoerner described the key elements of the delivery, as well as the manner in which the delivery accomplishes clear demarcation between the roles of the LPN and RN. Traynor further clarified the extent to which the delineation of the roles and scope of practice are addressed within this alternate course delivery mechanism.
5.42 Request for Approval: LPN IV Therapy Course (Dakota College Bottineau, Online Distance) 1:30 p.m.	<p><i>Discussion:</i> Dakota College at Bottineau Extension/Distance Learning Division has submitted an LPN IV Therapy Course for review. The program meets all the requirements of the board's guidelines for LPN IV Therapy Courses.</p> <p><i>Motion:</i> Christianson, seconded by Levi that: THE BOARD:</p> <ol style="list-style-type: none"> 1. FIND THE LPN INTRAVENOUS THERAPY COURSE DEVELOPED BY LORI SLAUBAUGH, MSN, RN IN FULL COMPLIANCE WITH THE REQUIREMENTS FOR THE LPN IV THERAPY COURSE AS SET FORTH BY THE ND BOARD OF NURSING; AND 2. GRANT APPROVAL OF THE LPN INTRAVENOUS THERAPY COURSE DEVELOPED BY LORI SLAUBAUGH FOR FOUR YEARS (SEPTEMBER 2012-SEPTEMBER 2016). <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, absent; Traynor, recuse. 7 yes, 0 no, 1 absent, 1 recuse. Motion carried.</p>
7.11 AAMA Triumphs in CMS Medication Order Rule	The board reviewed a Summary of a ruling by the Centers for Medicare and Medicaid Services (CMS) that allows credentialed medical assistants (CMAs) to enter medication orders into the computerized provider order entry (CPOE) system. The board registers CMA's through the Medication Assistant III registry. Staff will follow up with representatives of the AAMA (American Association of Medical Association) to find out the impact of this ruling and what it entails. The board questioned what meets the requirements for "credentialed". Information will be brought back to the board at their next meeting.

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AGENDA	ACTION
7.12 Palliative Sedation – Barbara Brown, RN, VP Patient Care Services, Trinity Health @ 1:00 p.m.	<p>Representatives from Trinity Health present via phone for this discussion were: Barbara Brown RN, VP Patient Care Services, Teri Nelson RN, Trinity Hospice Program, Sandy Boschee RN, Director Acute Care and Jennifer Bridge RN, Director Surgical Services. Trinity Health has requested direction from the board regarding an issue that has arisen at their facility related to the Board's practice statement "Role of RN in Administration of Anesthetic Agents". The practice statement indicates It is within the "Scope of Practice for the Registered Nurse to administer pharmaceutical drugs classified as anesthetic agents used for the purpose of sedation for the client if the following requirements are met:</p> <ol style="list-style-type: none"> 1. To an intubated and/or ventilated client. 2. During the intubation procedure in an emergency when assisting the licensed physician or anesthesia provider. <p>A situation arose during treatment of a palliative care client's need for pain management which could not be achieved in the final hours and the physician administered the anesthetic agent propofol to the client. Anesthesia was unable to be with the client the entire time, so it became necessary to intubate the client in order to meet the requirements of the board's practice statement. Trinity Health requests the board look at this situation in Hospice Care as well as the administration of pain medications to hospice clients that are outside of the pharmaceutical vendor parameters. The board discussed institutional policy and also agreed to send the issue to the Nurse Practice Committee for further research and clarification. It was also recommended that other organizations such as North Dakota Hospital Association and North Dakota Medical Association should be involved in the discussions.</p> <p><i>Motion:</i> Rustvang, seconded by Price to: DIRECT THE NURSE PRACTICE COMMITTEE TO PLACE THIS TOPIC ON THEIR AGENDA FOR THE NEXT MEETING.</p> <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, absent; Traynor, yes. 8 yes, 0 no, 1 absent. Motion carried.</p>
Attendance	Benson left the meeting at 10:44 a.m. and returned at 1:00 p.m.
7.31 Statement on Age Parameters	<p>The board reviewed a LACE Statement on Age Parameters for APRNs that indicates establishment of rigid population identified by specific age ranges may create barriers and limit access to care for patients with specific needs or health conditions. Staff indicated the statement is congruent with current administrative rules. It was recommended the information be distributed to the ND Association of Nurse Practitioners and other APRN groups affected by age parameters.</p> <p><i>Motion:</i> Christianson, seconded by Rustvang to: ENDORSE THE LACE STATEMENT ON AGE PARAMETERS FOR APRNS.</p> <p><i>Roll call vote:</i> Benson, absent; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, absent; Traynor, yes. 7 yes, 0 no, 2 absent. Motion carried.</p>
7.32 VA Implementation APRN Consensus Model	The Board reviewed notification from NCSBN that the Veteran's Administration is moving forward with implementing the APRN Consensus model utilizing their authority under federal supremacy. Any state requirement for controlled substance authority will be honored since state authority prevails over federal authority on this specific issue. Employees in a VA system need to hold an active license in one of the United States, which applies to the APRN as well.
7.41 2011 Annual Report	The board reviewed the Nurse Licensure Compact Administrators 2011 Annual Report.
7.42 A Victory for Interstate Compacts – California court ruling	The board reviewed an article from the Nurse Licensure Compact Operations Network that highlighted a court ruling in California that concluded that "a compact is a binding, enforceable agreement that overrides conflicting state laws."
7.51 Legislative Bills Affecting State Agencies	Traynor and Kalanek attended administrative rules committee meeting Thursday, September 13, 2012. The committee reviewed the proposed rule revisions for the Board of Nursing to increase renewal and licensure fees for RN/LPN renewal and RN/LPN endorsement by \$30.00 effective October 1, 2012. The committee approved the rules as drafted and they will be effective October 1, 2012.
7.51a & 7.51b 23 States Have Passed Pro-military Spouse License Portability Measures 7.57 & 7.58 Examples from PA & CO	<p><i>Discussion:</i> The board reviewed numerous documents related to First Lady Michelle Obama and Jill Biden's "Joining Forces" initiative. The initiative seeks to have each state adopt legislation to help make it easier for military spouses to obtain new professional licenses when they move. Currently there are twenty three states that have enacted pro-military spouse licensure portability measures. Board staff requested input from the Board of Pharmacy and Board of Medical examiners. The Board reviewed the responses. Specifics on the legislation will need to be worked out by the boards. Senator Judy Lee has been contacted regarding the issue and supports some type of legislation. It was recommended that that legislative council draft a bill and the board submit as an agency bill. It was suggested that legislators from the Air Force Base districts be contacted for interest in sponsoring the bill. Examples of language from PA & CO were reviewed.</p> <p><i>Motion:</i> Price, seconded by Rustvang that: THE BOARD DIRECT STAFF TO CONTACT SENATOR JUDY LEE TO REQUEST A BILL DRAFT FOR MILITARY SPOUSE PORTABILITY LEGISLATION.</p> <p><i>Roll call vote:</i> Benson, absent; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, absent; Traynor, yes. 7 yes, 0 no, 2 absent. Motion carried.</p>
7.51c Oral Transmission of Prescriptions and Cover Letter & 7.52 d Requesting RX by an Unlicensed Assistive Person	The board reviewed proposed legislation to add "certified ophthalmic assistant, certified ophthalmic medical technician, or ophthalmic surgical assistant, authorized by a supervising ophthalmologist or optometrist" to the list of individuals able to orally transmit a prescription. The board discussed the ramifications of creating a "list". The current law and proposed revisions were reviewed. No action is needed on this proposed legislation at the present time.
7.54 Summary of 2011 Legislation passed in states	The board reviewed a document from NCSBN reviewing legislation that has been enacted in 2011 throughout the country related to nursing regulation.

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7.55 Colorado Ruling on anesthesia providers	The board reviewed a ruling by a Colorado state appellate court in Denver that upheld a lower court decision to allow nurse anesthetist to administer anesthesia without physician supervision in the state's critical access and rural hospitals. Federal law requires physician supervision unless states submit signed letters from the governor to the CMS opting out of this requirement, which has been done in ND.
7.56 Discussion on national licensure	The board reviewed communication from NCSBN regarding SB1680 which has language directing the Secretary of Health and Human Services to "encourage and facilitate the adoption of provisions allowing for multistate practitioner practice across state lines." One of the sponsors of the bill is Senator Kent Conrad from ND. The NCSBN representatives expressed concern over any bill that would eliminate states' rights to regulate nursing practice. She indicated that most of the legislative staff they spoke with did state that the senator/representative were very committed to state's rights and most felt the proposed legislation would not be moving forward.
7.6 Website & Renewal	On-line renewal will be available on October 1 st .
7.71 Analysis of A & A Audit Report	<p><i>Discussion:</i> The Nursing Education Committee, the Nurse Practice Committee and the Program Monitoring Committee have all met to review and discuss the recommendations of the Atkinson & Atkinson Audit Report. The board reviewed the committee reports and recommendations.</p> <p><i>Motion:</i> Rustvang, seconded by Levi to: ADOPT THE RECOMMENDATIONS IN THE ANALYSIS OF THE ATKINSON & ATKINSON AUDIT REPORT MADE BY THE NURSE PRACTICE COMMITTEE, NURSING EDUCATION COMMITTEE, PROGRAM MONITORING COMMITTEE AND BOARD STAFF RELATED TO REVISIONS IN THE NDCC NURSE PRACTICES ACT 43-12.1.</p> <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, absent; Traynor, yes. 8 yes, 0 no, 1 absent. Motion carried.</p>
7.72 Proposed Revisions NDCC Nurse Practices Act 43-12.1	<p><i>Discussion:</i> The board reviewed proposed changes to the ND Nurse Practice Act as a result of the committee recommendations and the Atkinson & Atkinson Audit report. The board plans to introduce the changes as an agency bill.</p> <p><i>Motion:</i> Price, seconded by Rustvang to: DIRECT STAFF TO ELICIT COMMENT ON THE REVISIONS TO THE NDCC NURSE PRACTICES ACT 43-12.1 FROM THE NORTH DAKOTA LEADERSHIP TEAM AND THE NORTH DAKOTA CENTER FOR NURSING BOARD OF DIRECTORS AND POST ON THE BOARD OF NURSING WEBSITE.</p> <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, absent; Traynor, yes. 8 yes, 0 no, 1 absent. Motion carried.</p>
7.73 Update on Associate Director for Education position replacement	Stacey Pfenning, APRN, DNP has been hired to replace Jane Hoerner who is leaving on October 31 st . Dr. Pfenning will start on October 1 st and the position description has been revised to utilize her APRN expertise.
7.74 Staff Recognition	Kalanek reported that Patricia Hill will be presented an award at the NDNA Convention for longtime membership. DSU Department of Nursing has awarded Jane Hoerner 2012 Alumni Fellow.
12.1 Board Governance & Board Member Role	The board held a retreat on September 19 th and there was discussion regarding the ordering of the agenda. It was agreed that the agenda would be renumbered. Roll call vote on each motion will no longer be called unless requested by the President. It was also recommended that the open forum time frame be moved from 9:00 to 11:00 a.m. so it is not at the beginning of the meeting.
12.1.1 Appointed Traynor – NIRSC	Julie Traynor has been appointed as a member of the National Council State Board of Nursing NCLEX Item Review Subcommittee (NIRSC) for two years.
12.2 BON Committee Appts	The 2012-2013 Committee Appointments were reviewed.

CONSENT AGENDA:

8.1 NCSBN
8.11 2012 Annual Meeting
8.12 State Update
8.12a 2012 All state updates
8.2 Office Management
8.3 Nursing Practice
8.31 Summary of practice calls
8.32 Prescriptive Authority Applications
8.33 AACM Nurse Licensure Compact Article
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

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8.53 Appointment to NNAAP Policy Panel
8.6 Licensure
8.61
8.62 NCLEX-RN
8.63 NCLEX-PN
8.7 Discipline
8.71 Discipline Statistics/Case Activity Report
8.8 Legal Counsel
8.9 Education
8.91 Ratification of CE Approval
8.92 Out-of-Students and Recognized Out-of-State Nursing Education Programs: Fall 2012
8.93 Education Dialogue (July & August 2012)

BOARD COMMITTEES:

9.0 Program Monitoring Committee	August 9th The board reviewed a cost analysis for the Workplace Impairment Program and the discussion by the Program Monitoring Committee. The Workplace Impairment Program allows one to come into the program by self reporting and the program is confidential. Most of the participants in the program are board ordered and under an encumbrance. The board did not make any decisions on the program and will consider it again at the next meeting. The A&A Audit report was reviewed and recommendations for revisions had been discussed with agenda Items 7.71 & 7.72.
9.1 Nursing Education Committee	July 11; August 14 The A&A Audit report was reviewed and recommendations for revisions had been discussed with agenda Items 7.71 & 7.72.
9.2 Finance Committee	
9.3 Executive Committee	
9.4 Nursing Practice Committee	August 22 – The A&A Audit report was reviewed and recommendations for revisions had been discussed with agenda Items 7.71 & 7.72.
9.5 Technology Committee	October 24 3-5:00 p.m.

BOARD REPRESENTATIVES:

9.6 Prescription Drug Monitoring Committee	July 26 – no report
9.7 ND Center for Nursing	August 24;

UPCOMING MEETINGS & REPORT OF MEETINGS ATTENDED:

10.1 National Council of State Boards of Nursing Annual Meeting, August 8-9, 2012 – The Fairmont Dallas, Dallas TX - Christianson, Kalanek & Traynor attended the meeting and reviewed highlights of the meeting with the board.
10.2 NCSBN Monthly Meetings by teleconference calls and onsite:
10.2-1 Policy Call
10.2-2 Education Network – July 24
10.2-3 Discipline Networking Call – August 29; October 31; December 19
10.2-4 EO Network Call – October 15
10.2-5 NLCA Meeting – August 7, September 17, November 18
10.2-6 Mid-Year Meeting – March 2013
10.2-7 NCSBN Executive Officers Leadership Seminar – June 2013
10.2-8 NCSBN NCLEX Conference – September 24
10.2-9 IT Summit
10.2-10 2013 Attorney & Investigator Conference – June 5-7, 2013
10.2-11 APRN Practice Networking Call – July 25; September 26
10.2-12 Practice Networking Call – October 2
10.2-13 TERCAP User Call – July 30
10.2-14 Advanced Practice Registered Nurse Committee – October 1-2; November 29-30
10.2-15 Nurse Licensure Compact Operations Network – September 18
10.2-16 2012 Operations Conference – November 8-9, 2012

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10.2-17 2012 Tri-regulator Symposium on the Future of State Based Licensure – October 17-18, 2012
10.3 ND Organization of Nurse Executives
10.4 ND Nurses Association - September 21 10.4-1 ANA Bylaws Change – press release
10.5 ND Rural & Public Health Conference – June 5-7, 2013 Seven Seas – Mandan
10.6 ND LTCA Fall Professional Development Conference – September 19-21
10.7 ND Hospital Association Annual Convention and Trade Show – October 8-11
10.8 North Dakota Public Health Emergency Volunteer Reserves Advisory Board
10.9 North Dakota Stakeholder Meeting on Community Paramedics – July 31
10.10 North Dakota Health Council – August 14
10.11 North Dakota LTCA Annual Convention – April 30 – May 3, 2013

Staff Presentations:

- 11.1 Strategies and Tactics for Successful legislation to Remove Barriers to APRN practice and Care – Center to Champion Nursing in America at AARP , Webinar, July 17
- 11.2 Emerging Issues in Nursing - HealthCare Horizons, Altru Health Systems – October 22, 2012
- 11.3 Nurse Practices Act/Violations – Sanford College of Nursing, September 10, 2012

The meeting recessed for lunch at 12:00 noon and reconvened at 1:00 p.m. on September 20.
The meeting adjourned at 3:40 p.m. on September 20, 2012.

Constance B. Kalanek, RN, PhD, FRE
Executive Director - Draft 09/24/2012