

North Dakota Board of Nursing Meeting Minutes – May 19, 2005

Call to Order: May 19, 2005 at 8:30 a.m. – Board Office Conference Room, 919 S 7th Street, Ste 504, Bismarck ND

Roll Call: Seven board members present as follows:
 Claudia Dietrich, RN, President
 JoAnn Sund, RN, Vice-President
 Roxane Case, Public Member, Treasurer
 Metta Schell, LPN
 Donna Hegle, RN
 Helen Melland, RN
 Renee Olson, LPN

Absent: Barb Ding, RN and Mary Tello-Pool, LPN

Staff Present:
 Constance Kalanek, RN, Executive Director
 Patricia Hill, RN, Asst. Director for Practice & Discipline
 Julie Schwan, Admin Services Coordinator
 Karla Bitz, RN, Associate Director
 Linda Shanta, RN, Associate Director for Education

Other observers present are indicated on the meeting roster.

Agenda Item	Action
Environmental Scan	The environmental scan included discussion about a Nursing Symposium at Meritcare, application for UND program approval through the AZ Board of Nursing, base closings, retreats, mandatory overtime and mandatory stays. NCSBN Committee issues were also discussed.
1.1 Consent Agenda	<p><i>Discussion:</i> The board reviewed the consent agenda.</p> <p><i>Motion:</i> Case, seconded by Olson to: ADOPT THE CONSENT AGENDA AS DISTRIBUTED.</p> <p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, absent; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, absent. 7 yes, 0 no, 2 absent. Motion carried.</p>
1.2 Agenda	<p><i>Discussion:</i> The agenda was reviewed as distributed. A request was made to reorder the agenda and do budget after 1:00 p.m. No changes were identified.</p> <p><i>Motion:</i> Olson, seconded by Schell to: ADOPT THE AGENDA AS REORDERED.</p> <p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, absent; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, absent. 7 yes, 0 no, 2 absent. Motion carried.</p>
1.32 Open Forum (9:00 a.m.)	No one was present to address the board during open forum.
2.1 March 10, 2005 Meeting Minutes	<p><i>Discussion:</i> The minutes of the March 10, 2005 meeting were reviewed. No corrections were identified.</p> <p><i>Motion:</i> Sund, seconded by Case to: APPROVE THE REVISED ORGANIZATION CHART AS DISTRIBUTED.</p> <p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, absent; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, absent. 7 yes, 0 no, 2 absent. Motion carried.</p>
3.1 Financial Statements	Financial statements through April 30, 2005 were reviewed. Income is at 96% and expenses 86% of budgeted amounts. The board reviewed the comparison in actual expenditures to date from last year to this year.
3.3 Approval of revised Organizational Chart	<p><i>Discussion:</i> The board reviewed a revised organization chart that adds ND Nurse Leadership Council to the organizational chart in place of NDNA.</p> <p><i>Motion:</i> Sund, seconded by Olson to: APPROVE THE REVISED ORGANIZATION CHART AS DISTRIBUTED.</p> <p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, absent; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, absent. 7 yes, 0 no, 2 absent. Motion carried.</p>
3.4 2005-2006 Proposed Budget	<p><i>Discussion:</i> Case reviewed the minutes for the Finance Committee Meeting of April 19, 2005. The Committee has prepared a proposed budget for 2005-2006. Case indicated that for the next fiscal year, NCSBN will be financing attendance at the annual meeting for two board members from every state. The finance committee suggests that the board consider using the workshop and conference budget to attend more statewide meetings as recommended by the Governor's office. The Finance Committee discussed fee increases in some miscellaneous categories and described the rationale for each. The transcript and duplicate license fee would increase from \$10 to \$15 due to increasing costs for ordering transcripts, postage, and printing costs. The fee for UAP affidavit and duplicate license would increase from \$5 to \$15 to be consistent with RN and LPN fee as the service performed is the same. The fee for verification of licensure would increase from \$15 to \$30 to be consistent with the fee charged by NURSUS, which is the required method of verification of licensure. The monthly encumbrance fee would increase from \$25.00 to \$30.00 per month with new board orders, to be consistent with the \$30.00 WIP monthly fee.</p>

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AGENDA ITEM	ACTION
3.4 2005-2006 Proposed Budget (cont.)	<p><i>Motion:</i> Finance Committee to: ACCEPT THE RECOMMENDATION OF THE FINANCE COMMITTEE TO: INCREASE THE MISCELLANEOUS FEES EFFECTIVE 7/1/05 AS FOLLOWS:</p> <ul style="list-style-type: none"> * TRANSCRIPT & DUPLICATE LICENSE FROM \$10 TO \$15 * UAP AFFIDAVIT & DUPLICATE REGISTRATION CARD FROM \$5 TO \$15 * VERIFICATION OF LICENSURE FROM \$15 TO \$30 * ENCUMBRANCE MONTHLY FEE FROM \$25 TO \$30 PER MONTH FOR NEW BOARD ORDERS.
	<p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, absent; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, absent. 7 yes, 0 no, 2 absent. Motion carried.</p>
	<p><i>Discussion:</i> The committee reviewed the proposed technology plan for 2005-2006 which includes network printer for a cost of \$2000.00. The real time update for the database software was completed through the HRSA grant.</p>
	<p><i>Motion:</i> Finance Committee to: ACCEPT THE RECOMMENDATION OF THE FINANCE COMMITTEE TO: APPROVE OF THE PROPOSED TECHNOLOGY PLAN FOR 2005-2006.</p>
	<p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, absent; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, absent. 7 yes, 0 no, 2 absent. Motion carried.</p>
	<p><i>Discussion:</i> The committee reviewed a request from Bergeson for the retainer fee and monthly fee to remain the same, but requests that legal opinions fall under the hourly fee rather than the retainer. The Committee reviewed the hourly costs for contested cases spent in the current fiscal year, and recommends the legal opinions remain under the retainer fee.</p>
	<p><i>Motion:</i> Finance Committee: ACCEPT THE RECOMMENDATION OF THE FINANCE COMMITTEE TO: CONTINUE APPROVAL OF RETAINER FEE FOR BRIAN BERGESON OF \$2000.00 PER MONTH, WITH LEGAL OPINIONS CONTINUING TO FALL UNDER THE RETAINER FEE EFFECTIVE 7/1/05.</p>
	<p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, absent; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, absent. 7 yes, 0 no, 2 absent. Motion carried.</p>
	<p><i>Discussion:</i> The committee reviewed the request from UND Center for Rural Health for continued funding of the nursing needs study. It was noted that to date, the board has spent \$302,240 to date on the study. The committee reviewed the proposal from UND Rural Health, requesting \$75,000 for 2005-2006. The total available through licensure fees for 2005-2006 will be \$64,850. The committee discussed using \$10,000 of these funds for other research projects, and discussed the auditor's recommendation for repayment to the fund balance for the initial startup funds for the nursing needs study.</p>
	<p><i>Motion:</i> Finance Committee: ACCEPT THE RECOMMENDATION OF THE FINANCE COMMITTEE TO: DESIGNATE \$10,000 OF THE 2005-2006 BUDGET YEAR'S NURSING NEEDS FUNDING FOR REPAYMENT TO THE BOARD'S FUND BALANCE, \$10,000 OF THE 2005-2006 BUDGET YEAR'S NURSING NEEDS FUNDING FOR RESEARCH PROPOSALS, AND USE THE REMAINING FUNDS (\$44,850) FOR THE NURSING NEEDS STUDY</p>
<p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, absent; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, absent. 7 yes, 0 no, 2 absent. Motion carried.</p>	
<p><i>Discussion:</i> The committee reviewed each category of budgeted income and expense and proposed a budget with income over expenses of \$20,197.</p>	
<p><i>Motion:</i> Finance Committee: ACCEPT THE RECOMMENDATION OF THE FINANCE COMMITTEE TO: APPROVE THE PROPOSED 2005-2006 BUDGET OF \$753,615 PROJECTED INCOME AND \$733,418 PROJECTED EXPENSES, WHICH INCLUDES \$ 54,850 DESIGNATED FOR THE NURSING NEEDS STUDY AND OTHER RESEARCH PROJECTS AND \$57,000 DESIGNATED FOR NURSING EDUCATION LOANS.</p>	
<p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, absent; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, absent. 7 yes, 0 no, 2 absent. Motion carried.</p>	

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4.0 Military Service Member Exceptions	<p><i>Discussion:</i> Sund reported that she had been contacted by Senator Lee and Senator Brown regarding a case that the board took action on in May of 2004. Brian Keller had practiced without a license and had signed an administrative settlement for a reprimand and penalty fee. Mr. Keller had been deployed for active duty with the National Guard during the renewal period, and had indicated that even though he was not overseas and was in the state, he had forgotten to renew his license due to the additional duties involved with deployment. During the 2005 session, the legislature passed HB1527 (new section NDCC 43-51) which allows occupational boards to grant on a case-by-case basis exceptions to the board's license renewal requirements in order to address renewal compliance hardships that may result from activation of more than thirty days of a licensee who is a member of the national guard or armed forces of US. Bergeson reviewed the legislation with the board, and indicated that the statute has an emergency clause, and also allows boards to review prior disciplinary actions that have been affected by military service. Bergeson indicated the statute applied if there were renewal compliance hardship's due to deployment. The board discussed the situation, and agreed that the deployment created a hardship for Mr. Keller. It was also reported that Mr. Keller indicated that he perceived that the board had treated him with disrespect. The board will address his concerns in a letter to him.</p> <p><i>Motion:</i> Olson, seconded by Sund to: REFUND BRIAN KELLER'S RN ADMINISTRATIVE SETTLEMENT PENALTY FEE FOR PRACTICE WITHOUT A LICENSE WHICH WAS DISPOSITIONED BY THE BOARD ON MAY 19, 2004.</p> <p>The board continued discussion regarding the reprimand. It was agreed to amend the motion to remove the reprimand. Sund called the question.</p> <p><i>Amended motion by</i> Hegle, seconded by Sund to: REFUND BRIAN KELLER'S RN ADMINISTRATIVE SETTLEMENT PENALTY FEE FOR PRACTICE WITHOUT A LICENSE WHICH WAS DISPOSITIONED BY THE BOARD ON MAY 19, 2004 AND REMOVE THE REPRIMAND FROM HIS RECORD.</p> <p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, absent; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, absent. 7 yes, 0 no, 2 absent. Motion carried.</p> <p>Senator Lee had also requested the board consider a second renewal notice, and that issue will be discussed with agenda item 6.1.</p>															
4.0 (3) Discipline/WIP Policies	<p><i>Discussion:</i> The Disciplinary Review Panel recommends revising the policies and procedures to include an administrative fee for violations of board orders or program agreements that do not rise to the level of total non-compliance.</p> <p><i>Motion:</i> Olson, seconded by Case to: ADOPT THE PROPOSED CHANGES TO PROBATION MONITORING PLAN AND WIP MONITORING PLAN.</p> <p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, absent; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, absent. 7 yes, 0 no, 2 absent. Motion carried.</p>															
4.1 Administrative Settlement for Practice Without a License/Registration	<p><i>Discussion:</i> Three individuals have submitted administrative settlements for practice without a license/registration since the last meeting.</p> <p><i>Motion:</i> Olson, seconded by Sund to: ACCEPT THE ADMINISTRATIVE SETTLEMENTS FOR PRACTICE WITHOUT A LICENSE/REGISTRATION FOR THE FOLLOWING:</p> <table style="margin-left: 40px; border-collapse: collapse;"> <tr> <td style="padding-right: 20px;">DAHL, CHARLES</td> <td style="padding-right: 20px;">100779UAP</td> <td style="padding-right: 20px;">BISMARCK, ND</td> <td style="padding-right: 20px;">REPRIMAND</td> <td style="text-align: right;">\$200</td> </tr> <tr> <td>MORRIS, SHIRLEY</td> <td>10081UAP</td> <td>BISMARCK, ND</td> <td>REPRIMAND</td> <td style="text-align: right;">\$200</td> </tr> <tr> <td>MOTTA, LEAH</td> <td>RN APPLICANT</td> <td>FARGO, ND</td> <td>REPRIMAND</td> <td style="text-align: right;">\$1,000</td> </tr> </table> <p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, absent; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, absent. 7 yes, 0 no, 2 absent. Motion carried.</p>	DAHL, CHARLES	100779UAP	BISMARCK, ND	REPRIMAND	\$200	MORRIS, SHIRLEY	10081UAP	BISMARCK, ND	REPRIMAND	\$200	MOTTA, LEAH	RN APPLICANT	FARGO, ND	REPRIMAND	\$1,000
DAHL, CHARLES	100779UAP	BISMARCK, ND	REPRIMAND	\$200												
MORRIS, SHIRLEY	10081UAP	BISMARCK, ND	REPRIMAND	\$200												
MOTTA, LEAH	RN APPLICANT	FARGO, ND	REPRIMAND	\$1,000												
4.2 Voluntary Surrenders	<p><i>Discussion:</i> A Voluntary Surrender was received from one individual, seeking the Board's consideration and approval of its terms.</p> <p><i>Motion:</i> Case, seconded by Melland 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 style="margin-left: 40px; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">NAME</th> <th style="text-align: left;">REGISTRATION #</th> <th style="text-align: left;">CITY, STATE</th> <th style="text-align: left;">PENALTY FEE</th> </tr> </thead> <tbody> <tr> <td>BRENNAN, WANDA</td> <td>R19792</td> <td>BISMARCK, ND</td> <td style="text-align: right;">\$200</td> </tr> </tbody> </table> <p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, absent; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, absent. 7 yes, 0 no, 2 absent. Motion carried.</p>	NAME	REGISTRATION #	CITY, STATE	PENALTY FEE	BRENNAN, WANDA	R19792	BISMARCK, ND	\$200							
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4.31 Stipulation for Settlement – Veronica Mickelson, L10552	<p><i>Discussion:</i> A Stipulation for Settlement was received from Veronica Mickelson, 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 (8).</p> <p><i>Motion:</i> Olson, seconded by Hegle to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR VERONICA MICKELSON, 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> Case, yes; Dietrich, yes; Ding, absent; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, absent. 7 yes, 0 no, 2 absent. Motion carried.</p>
4.32 Stipulation for Settlement - Deborah Schott, 101957UAP	<p><i>Discussion:</i> A Stipulation for Settlement was received from Deborah Schott, UAP, 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 (1) (2) (3) (5) and NDAC 54-02-07-01.1 (2).</p> <p><i>Motion:</i> Sund, seconded by Schell to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR DEBORAH SCHOTT, UAP, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ○ REVOKE HER UAP REGISTRATION; ○ 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> Case, yes; Dietrich, yes; Ding, absent; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, absent. 7 yes, 0 no, 2 absent. Motion carried.</p>
4.33 Stipulation for Settlement – Janice Mills, R11870	<p><i>Discussion:</i> A Stipulation for Settlement was received from Janice Mills, 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 (6).</p> <p><i>Motion:</i> Case, seconded by Olson to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR JANICE MILLS, 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> Case, yes; Dietrich, yes; Ding, absent; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, absent. 7 yes, 0 no, 2 absent. Motion carried.</p>
4.34 Stipulation for Settlement – Marilyn Wilmes, R16911	<p><i>Discussion:</i> A Stipulation for Settlement was received from Marilyn Wilmes, 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 (3) (6).</p> <p><i>Motion:</i> Sund, seconded by Olson to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR MARILYN WILMES, 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> Case, yes; Dietrich, yes; Ding, absent; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, absent. 7 yes, 0 no, 2 absent. Motion carried.</p>
4.35 Stipulation for Settlement – Allison Huber, 102372UAP	<p><i>Discussion:</i> A Stipulation for Settlement was received from Allison Huber, UAP, 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 (7).</p> <p><i>Motion:</i> Olson, seconded by Sund to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR ALLISON HUBER, UAP, 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> Case, yes; Dietrich, yes; Ding, absent; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, absent. 7 yes, 0 no, 2 absent. Motion carried.</p>

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AGENDA ITEM	ACTION
4.36 Stipulation for Settlement – Lori Garcia, R22270	<p><i>Discussion:</i> A Stipulation for Settlement was received from Lori Garcia, 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> Olson, seconded by Schell to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR LORI GARCIA, 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> Case, yes; Dietrich, yes; Ding, absent; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, absent. 7 yes, 0 no, 2 absent. Motion carried.</p>
4.41 Consent Order – Kathy Miller, L10226	<p><i>Discussion:</i> A Consent Order was received from Kathy Miller, LPN, 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 (5) (6) (7) (12).</p> <p><i>Motion:</i> Schell, seconded by Olson to: ACCEPT THE TERMS OF THE PROPOSED CONSENT ORDER FOR KATHY MILLER, LPN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ○ SUSPEND HER LICENSE FOR THREE YEARS; ○ ASSESS A \$1600.00 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ○ OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, absent; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, recuse; Tello-Pool, absent. 6 yes, 0 no, 1 recuse, 2 absent. Motion carried.</p>
4.61 Request for Reinstatement – Teresa Hagerman, 102361UAP	<p><i>Discussion:</i> Teresa Hagerman was present to request reinstatement of her UAP registration to full privilege registration status. Hill reviewed the terms and conditions of Ms. Hagerman's order and indicates that her board order encumbrance was written to run concurrent with the term of ND Dept of Correction and Rehabilitation Probation. A motion to terminate criminal probation was accepted by the court on March 22, 2005.</p> <p><i>Motion:</i> Sund, seconded by Olson to: ACCEPT TERESA HAGERMAN'S APPLICATION FOR REINSTATEMENT OF HER UAP REGISTRATION TO FULL PRIVILEGE REGISTRATION STATUS AS SHE HAS COMPLIED WITH THE TERMS AND CONDITIONS OF HER BOARD ORDER DATED JANUARY 21, 2005.</p> <p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, absent; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, absent. 7 yes, 0 no, 2 absent. Motion carried.</p>
4.71 Request for Reconsideration – Jeannette Lipsh, 93098UAP	<p><i>Discussion:</i> The board reviewed a request from Jeanette Lipsh, UAP for reconsideration of the Board's Order revoking her registration, as well as a response from Bergeson, SAAG, to Ms. Lipsh. Ms. Lipsh plead guilty to a conviction of methamphetamine charges. Ms. Lipsh argues that the board is not following requirements of a criminal section code, and Bergeson clarified that the board's action is administrative and not criminal. Ms. Lipsh also indicates that her performance as a UAP was not affected by the criminal charges. Ms. Lipsh indicates she has not worked as a UAP since her arrest. The board reviewed Ms. Lipsh's comments, and request for reconsideration, and discussed that being charged and subsequently convicted of possession of methamphetamine does affect the practice of a UAP, and since she has a current registration status, even though she is not currently employed as a UAP, agree to uphold their March 2005 decision.</p> <p><i>Motion:</i> Olson, seconded by Schell to: DENY JEANNETTE LIPSH'S REQUEST FOR RECONSIDERATION.</p> <p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, absent; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, absent. 7 yes, 0 no, 2 absent. Motion carried.</p>
4.81 Other – Jena Laber	<p><i>Discussion:</i> Jena Laber submitted a National Nurse Aide Assessment Program (NNAAP) Admission Application with a positive response to the criminal history question. Ms. Laber is currently on parole with the State of ND until October 28, 2005, and then will start a five year probationary period.</p> <p><i>Motion:</i> Olson, seconded by Schell to: DENY THE NNAAP APPLICATION FOR JENA LABER BASED ON NDCC 43-12.1-14 (1).</p> <p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, absent; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, absent. 7 yes, 0 no, 2 absent. Motion carried.</p>

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5.11 NDSU Survey Report – Initial approval BSN Program	<p><i>Discussion:</i> Mary Margaret Mooney, Chair of the Program, present via conference call. Kalanek and Shanta performed the site survey on April 11, 2005. Shanta indicated that NDSU has been a part of Tri-College University, which will dissolve on July 1, 2005. NDSU has developed a BSN program for initial approval. Shanta reviewed the survey report and indicated there were no issues of partial compliance or non-compliance.</p> <p><i>Motion:</i> Sund, seconded by Olson to: FIND THAT THE NDSU BACHELOR OF SCIENCE DEGREE NURSING PROGRAM IS SUBSTANTIALLY COMPLIANT WITH ND ADMINISTRATIVE CODE 54-03.2 STANDARDS FOR NURSING EDUCATION PROGRAMS AND GRANT INITIAL APPROVAL THROUGH MAY 2006 WITH A FOCUSED ON-SITE SURVEY PRIOR TO THAT RELATED TO:</p> <ul style="list-style-type: none"> A. PROGRAM ORGANIZATIONAL DESIGN B. FACULTY QUALIFICATIONS C. PRECEPTOR POLICIES AND PROCESSES D. STUDENT POLICIES AND SATISFACTION E. PRACTICE SITES F. CURRICULUM <p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, absent; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, absent. 7 yes, 0 no, 2 absent. Motion carried.</p>
5.21 Request for exception to 54-02-01-13 Authorization to Practice Nursing	<p><i>Discussion:</i> UND College of Nursing has made a request that the board allow an exception to the rules regarding issuing a work authorization as there may be a delay in issuing transcripts due to a transition to Connect ND software. Melland indicated that the transcripts will be issued prior to the conversion, and that there may be only a few affected by this issue. Staff indicated other school may face this issue also this spring, and request the board extend the exception to include all state supported schools affected by a transition to Connect ND.</p> <p><i>Motion:</i> Olson, seconded by Case to: APPROVE THE REQUEST FROM UND AND ALLOW A ONE TIME EXCEPTION TO NDAC 54-02-01-13 (1) AND ISSUE A WORK AUTHORIZATION TO PRACTICE AS A GRADUATE NURSE BASED ON A LETTER FROM THE UNIVERSITY VERIFYING PROGRAM COMPLETION UNTIL TRANSCRIPTS ARE ABLE TO BE ISSUED. THIS EXEMPTION CAN APPLY TO ANY SCHOOL THAT WILL HAVE TRANSCRIPT DELAYS DUE TO TRANSITION TO CONNECT ND SOFTWARE. LICENSES CANNOT BE ISSUED WITHOUT A COMPLETED TRANSCRIPT WITH DEGREE POSTED.</p> <p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, absent; Hegle, yes; Melland, recuse; Schell, yes; Sund, yes; Tello-Pool, absent. 6 yes, 0 no, 1 recuse, 2 absent. Motion carried.</p>
5.411 Verification of Compliance	<p><i>Discussion:</i> Kalanek reported that the CE Audit had been conducted, and issues were noted during the process that needed to be added to the "Verification of Compliance" policy related to requesting additional clarification, and second notices.</p> <p><i>Motion:</i> Hegle, seconded by Olson to: ADOPT THE REVISED "VERIFICATION OF COMPLIANCE" POLICY.</p> <p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, absent; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, absent. 7 yes, 0 no, 2 absent. Motion carried.</p>
5.412 Failure to Adhere to CE Requirements	<p><i>Discussion:</i> A procedure for those who fail to respond to the CE audit request has been added to the "Failure to Adhere to CE Requirements" policy.</p> <p><i>Motion:</i> Olson, seconded by Sund to: ADOPT THE REVISED POLICY "FAILURE TO ADHERE TO CE REQUIREMENTS".</p> <p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, absent; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, absent. 7 yes, 0 no, 2 absent. Motion carried.</p>
5.42 Ratification of approval of workshop etc for contact hours	<p><i>Discussion:</i> A list of workshops or courses approved by board staff for contact hours as of 5/5/05 was reviewed for ratification.</p> <p><i>Motion:</i> Sund, seconded by Olson to: RATIFY APPROVAL OF THE WORKSHOPS FOR CONTACT HOURS SUBMITTED TO THE ND BOARD OF NURSING, WHICH INCLUDES COURSE #544 THROUGH #553.</p> <p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, absent; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, absent. 7 yes, 0 no, 2 absent. Motion carried.</p>
5.43 Report of CE Audit	<p><i>Discussion:</i> The board reviewed the results for the CE audit for the 2005-2006 renewal cycle. One hundred and ten licensees were audited and 94.5% fully meet the requirements based on the first notice. Three individuals were non-compliant and received non-disciplinary penalty fees. Two individuals have not responded to the notices and are being reviewed by the disciplinary review panel for further action.</p> <p><i>Motion:</i> Olson, seconded by Schell to: ACCEPT THE CONTINUING EDUCATION AUDIT REPORT FOR 2005.</p> <p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, absent; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, absent. 7 yes, 0 no, 2 absent. Motion carried.</p>

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5.5 Clinical Nurse Leader	Shanta gave a presentation on the Clinical Nurse Leader workshop she attended in April.
5.6 NDAC Chapter 54-03.2-04 Faculty	<p><i>Discussion:</i> In reviewing the administrative rules, staff noted that the clinical faculty master's degree requirement differed in the associate degree and baccalaureate degree RN programs. Staff request that in light of the faculty shortages, that the board interpret the master's degree requirement the same for both programs, and that the board require a master's degree, but not require that the master's degree be in nursing for clinical faculty.</p> <p><i>Motion:</i> Melland, seconded by Olson that: THE BOARD INTERPRET NDAC 54-03.2-04-03(2) AS MASTER'S DEGREE CONSISTENT WITH NDAC 54-03.2-04-04 (5) FOR CLINICAL FACULTY IN ASSOCIATE DEGREE RN AND BACCALAUREATE PROGRAMS.</p> <p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, absent; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, absent. 7 yes, 0 no, 2 absent. Motion carried.</p>
5.7 Report of requests for information on out of state nursing programs.	Shanta reported that calls have increased with questions regarding alternative programs. Kalanek and Shanta had a conference call with Excelsior College, and the program indicated there are seven or eight students in ND currently enrolled in their program, with two students ready to do clinical testing. Staff were under the impression the program may be willing to offer clinical practice to accommodate these students. Kalanek reported that Excelsior is providing clinical in other states that require a clinical component. Excelsior has indicated to the students that the Board of Nursing was a barrier, rather than acknowledging that the program does not provide the necessary content for approval. Joann Vetter of Fargo and student of Excelsior was available via conference call to visit with the board regarding her frustration with the board's position on out-of-state programs. The current policy regarding out-of-state programs was discussed as well as the requirements for licensure by endorsement. The board discussed the safety issue of graduating from a program without clinical experience, as not all graduates are LPNs. The board visited with Ms. Vetter, and urged her to discuss this issue with Excelsior to see if she could obtain clinical experience required for licensure in ND. The board directed staff to keep in contact with Excelsior and Ms. Vetter as the programs plans progress. The board recommends these program issues be discussed at the next nursing education committee as well as the Nurse Leadership Council.
6.1 Non-renewals for 2005-2006	Sund reported that Senator Lee had also requested the board consider sending a second courtesy renewal notice during the renewal cycle. The board discussed the cost of sending a second notice. It was noted that in 2004, the rules were changed to allow a 30 day grace period for failure to renew, that does not involve disciplinary action. There were three people that continued to practice beyond the 30 day grace period in 2004. It was discussed that licenses have the expiration date printed on it, and on-line verification is available at all times with expiration date if a licensee loses the paper license. Licensees are sent a courtesy renewal reminder in October, as well as reminders in the Dakota Nurse Connection, the board's quarterly newsletter. On-line renewal is available and does not require that a notice be received to renew. Non-reported address changes is a common reason for non-compliance, and a second notice does not help in that situation. It was noted that a second notice had been tried in prior years and was not successful, so was discontinued. The board by consensus agreed to not send a second notice, and Senator Lee will be notified of the board's discussion. The board also reviewed the list of non-renewals as of 12/31/2004.
7.11 Role of LPN in Critical Access Hospitals – ND Dept of Health (May 19 – 2:30 pm)	Gary Garland, ND Dept of Health gave a presentation on the Role of Nurses in Critical Access Hospital. He described critical access hospitals and what qualifies as one, as well as the purpose for such a designation. The nurse's role in that setting was reviewed.
7.21 Instructional Technology by Nursing Programs	Kalanek indicated that Patricia Moulton of the UND Center for Rural Health Nursing Needs Study is now conducting a survey of the instructional technology being used by nursing programs in North Dakota.
7.31 Prescriptive Authority Applications	<p><i>Discussion:</i> Three individuals have submitted an application for prescriptive authority since the last meeting.</p> <p><i>Motion:</i> Olson, seconded by Schell to: RATIFY PRESCRIPTIVE AUTHORITY FOR THE FOLLOWING: DARCIE AREND, WHCNP, GRAND FORKS, ND STEPHANIE HOCKETT, FNP, FARGO, ND NICOLE MORET, FNP, MINOT, ND</p> <p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, absent; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, absent. 7 yes, 0 no, 2 absent. Motion carried.</p>
7.32 Report from Prescriptive Authority Committee	None
7.4 Nurse Licensure Compact Update	The board reviewed a letter sent to the Missouri legislature in support of the Nurse Licensure Compact. The compact did not pass in Missouri.

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7.5 Administrative Rule Promulgation/Legislative Council Issues- Proposed Revisions to NDAC 54-01-03, 54-03.2-06-07 and 54-02-10-03	<p><i>Discussion:</i> The board reviewed the hearing summary for NDAC Chapter 54-01-03 Definitions; NDAC Chapter 54-07-05 Medication Administration by a Medication Assistant, NDAC 54-02.2-06-07 Curriculum, and New Section 54-02-10-03 Nurse Licensure Compact. Thirty two individuals were present for the public hearing and fourteen made comments in support of the rules. Three hundred seventeen letters of written testimony were received in support of the rule revisions. No opposing testimony was received. There were three editorial changes noted in the proposed revisions.</p> <p><i>Motion:</i> Olson, seconded by Case to: FINALLY ADOPT THE REVISED ADMINISTRATIVE RULES NDAC CHAPTER 54-01-03, NDAC CHAPTER 54-07-05, NDAC SECTION 54-03.2-06-07, AND NDAC SECTION 54-02-10-03 SUBJECT TO THE ATTORNEY GENERAL REVIEW AS TO THEIR LEGALITY (ND§ 28-32-14).</p> <p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, absent; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, absent. 7 yes, 0 no, 2 absent. Motion carried.</p>								
7.6 Website & Renewal	None								
7.7 Staff Report	Hill reported that medication administration in jails continues to be discussed, and the board has had discussions with Burleigh County Sheriff Steve Berg regarding medication administration. Schwan reported on the NCSBN IT Convention that was held earlier this week.								
12.11 Approval of dates for Board Meetings 2005-2006	<p><i>Discussion:</i> Meeting dates of the third Thursday and Friday of each odd month for 2005-2006 were reviewed, and it was requested to move the March meeting to the second Thursday and Friday due to National Council State Boards of Nursing Mid-Year Meeting.</p> <p><i>Motion:</i> Olson, seconded by Case to: MOVE THAT THE BOARD APPROVE THE FOLLOWING 2005-2006 BOARD MEETING DATES:</p> <table style="width: 100%; border: none;"> <tr> <td style="text-align: center;">SEPTEMBER 14, BOARD RETREAT</td> <td></td> </tr> <tr> <td style="text-align: center;">SEPTEMBER 15-16, 2005</td> <td style="text-align: center;">MARCH 9-10, 2006</td> </tr> <tr> <td style="text-align: center;">NOVEMBER 17-18, 2005</td> <td style="text-align: center;">MAY 18-19, 2006</td> </tr> <tr> <td style="text-align: center;">JANUARY 19-20, 2006</td> <td style="text-align: center;">JULY 20-21, 2006 ANNUAL MEETING</td> </tr> </table> <p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, absent; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, absent. 7 yes, 0 no, 2 absent. Motion carried.</p>	SEPTEMBER 14, BOARD RETREAT		SEPTEMBER 15-16, 2005	MARCH 9-10, 2006	NOVEMBER 17-18, 2005	MAY 18-19, 2006	JANUARY 19-20, 2006	JULY 20-21, 2006 ANNUAL MEETING
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JANUARY 19-20, 2006	JULY 20-21, 2006 ANNUAL MEETING								
12.12 September Retreat	The Executive Committee is planning the September retreat to be held on September 14, 2005.								
12.31 Governance	None								
12.4 Board Meeting Evaluations	Board members are requested to complete and hand in board meeting evaluations.								
12.4 2005 Awards Program Nomination	The ND Board of Nursing was nominated for the NCSBN Regulatory Achievement Award, but did not receive the award this year.								

CONSENT AGENDA:

8.1 NCSBN
8.2 Office Management
8.3 Nursing Practice
8.31 Summary of practice calls - none
8.32 ISMP Medication Safety Alert
8.4 Workplace Impairment Program Report
8.41 Statistics
8.5 UAP Issues
8.51 Testing Summary Report
8.52 NNAAP Testing
8.53 Comparison Chart: Unlicensed Assistive Person/Certified Nurse Aide
8.54 Online NNAAP Registration Applications
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

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8.9 Education
8.91 NLNAC Annual Report of Actions related to ND programs
8.92 Union College – Lincoln NE report of out-of-state student clinical experience

BOARD COMMITTEES:

9.1 Workplace Impairment Program Committee
9.2 Nursing Education Committee
9.3 Finance Committee – April 19, 2005 at 11:00 a.m.
9.4 Executive Committee – May 19 at 11- noon
9.5 Prescriptive Authority Committee
9.6 Nursing Practice Committee
9.7 Nursing Needs Study Steering Committee

UPCOMING MEETINGS & REPORT OF MEETINGS ATTENDED:

10.1 NCSBN Annual Meetings – August 2-5, 2005
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
10.26 Board of Directors Meeting –May 9-11, 2005
10.27 Item Review Subcommittee, Olson & Shanta – May 10-13; June 21-24
10.28 Mid-Year Meeting, March 21-23, 2005
10.29 Commitment to Ongoing Regulatory Excellence – May 5-6, 2005
10.3 Annual Institute of Regulatory Excellence – January 9-11, 2006
10.4 ND Nurse Leadership Council – April 26, 2005
10.5 NCSBN Executive Officers Seminar - April 21-22, 2005
10.6 ND Organization of Nurse Executives- April 28, 2005
10.7 AACN Regional Meeting for Clinical Nurse Leader – April 13-14, Chicago
10.8 ND Nurse Association Convention – September 30 – October 1, 2005 - Minot
10.9 ND Rural & Public Health Conference – March 22-24, 2006 – Fargo
10.10 ND LTCA Conference – September 21-24, 2005 – Bismarck
10.11 ND Health Care Association Annual Meeting – September 28-30, 2005 – Bismarck
10.12 NCSBN Committee on Nominations – April 25-26, 2005 – Chicago – Bitz
10.13 NCSBN Practice Breakdown Research Advisory Panel – May 12-13, 2005 – Chicago – Bitz

Staff Presentations:

- 11.1 Standards of Practice – SCCI – April 27, 2005 – Kalanek
- 11.2 Delegating Effectively – SCCI – September 1, 2005 – Kalanek
- 11.3 UND Convocation – Faculty Development Committee – April 1, 2005 – Kalanek
- 11.4 MSU Spring Convocation – April 15, 2005 -Kalanek
- 11.5 Workplace Impairment Program – MCO College of Nursing – April 29, 2005 – Bitz

The meeting recessed for lunch from 11:45 a.m. to 1:30 p.m.

The meeting adjourned at 4:30 p.m. on May 19th, 2005.

Constance B. Kalanek, RN, PhD
Executive Director
Draft 5/31/05