

**North Dakota Board of Nursing
Meeting Minutes – January 18-19, 2007**

Call to Order: January 18, 2007 at 8:30 a.m. – St. Alexius BTWAN Conference Room, Center for Excellence, 3rd Floor, 310 N 9th St, Bismarck, ND.

Roll Call: Nine board members present as follows:

JoAnn Sund, RN, President	Claudia Dietrich, RN
Nelson (Buzz) Benson, RN, Vice-President	Roxane Case, Public Member
Mary Tello-Pool, LPN, Treasurer	Metta Schell, LPN (arrived at 9:00 a.m.)
Renee Olson, LPN	Julie Traynor, RN
Donna Hegle, RN	

Staff Present:

Constance Kalanek, RN, Executive Director	Karla Bitz, RN, Associate Director
Linda Shanta, RN, Associate Director for Education	Patricia Hill, RN, Asst. Director for Practice & Discipline (absent 11:30 am – 4:00 pm 1/18)
Julie Schwan, Admin Services Coordinator	

Other observers present are indicated on the meeting roster at IVN and BTWAN sites throughout the state.

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

AGENDA ITEM	ACTION
1.1 Consent Agenda	<p><i>Discussion:</i> The board reviewed the consent agenda. Olson requested discussion of Agenda Item 8.81 Unlicensed Practice. Agenda item 8.81 will be renumbered to 7.8 on regular agenda.</p> <p><i>Motion:</i> Olson, seconded by Dietrich to: ADOPT THE CONSENT AGENDA AS REVISED.</p> <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Olson, yes; Schell, absent; Sund, yes; Tello-Pool, yes, Traynor, yes. 8 yes, 0 no, 1 absent. Motion carried.</p>
1.2 Agenda	<p><i>Discussion:</i> The agenda was reviewed as distributed. It was requested to add Report from President of NDNA as agenda item 7.9, and delete agenda item 5.53 - NEL Policy Revision.</p> <p><i>Motion:</i> Case, seconded by Olson to: APPROVE THE AGENDA AS REVISED.</p> <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Olson, yes; Schell, absent; Sund, yes; Tello-Pool, yes, Traynor, yes. 8 yes, 0 no, 1 absent. Motion carried.</p>
1.3 Open Forum (9:00 a.m.) 1/18/07	No one was present to address the board during the open forum.
2.1 November 16-17, 2006 Meeting Minutes	<p><i>Discussion:</i> The minutes of the November 16-17, 2006 meeting were reviewed. No corrections were identified.</p> <p><i>Motion:</i> Dietrich, seconded by Benson to: APPROVE THE MINUTES OF THE NOVEMBER 16-17, 2006 MEETING AS DISTRIBUTED.</p> <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes, Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
3.1 Financial Statements	Financial Statements through December 31, 2006 were reviewed. The board reviewed the comparison in actual expenditures to date from last year to this year. Income is at 87% of budgeted for the year and expenses are at 52% of budgeted.
3.3 Annual Report	The final 2005-2006 Annual Report was distributed.
3.4 Audit Report - findings	At the November meeting during the 05-06 audit presentation, Aaron Ness, CPA from Eide Bailey indicated that the process for reporting accounting practices will be changing next year, and the standard will be that the financial reports would be prepared by someone or a firm other than the auditors. If the reports are prepared by the auditing firm, a "finding" will be noted in the audit. Staff have followed up and discussed this issue with Barb Aussen, CPA, partner with Eide Bailey, and she indicated that it would not be an issue to have the finding, as the majority of smaller agencies and businesses will choose not to hire a separate firm to prepare the financial reports.

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4.1 Administrative Settlements - Practice Without a License/Registration	<p><i>Discussion:</i> Ten individuals have signed and submitted administrative settlements for practice without a license/registration since the last meeting. Each was reviewed and considered by the Board.</p> <p><i>Motion:</i> Hegle, seconded by Olson to: ACCEPT THE ADMINISTRATIVE SETTLEMENTS FOR PRACTICE WITHOUT A LICENSE/REGISTRATION FOR THE FOLLOWING INDIVIDUALS:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Name</th> <th style="text-align: center;">Lic/Reg #</th> <th style="text-align: center;">City, State</th> <th style="text-align: center;">Sanction</th> <th style="text-align: center;">Penalty Fee</th> </tr> </thead> <tbody> <tr> <td>Hoff, Melanie</td> <td>101870UAP</td> <td>Dickinson, ND</td> <td>Reprimand</td> <td>\$500</td> </tr> <tr> <td>Huffman, Katie</td> <td>104079UAP</td> <td>Dickinson, ND</td> <td>Reprimand</td> <td>\$500</td> </tr> <tr> <td>Huntziger, Celeste</td> <td>LPN applicant</td> <td>Park Rapids, MN</td> <td>Reprimand</td> <td>\$1500</td> </tr> <tr> <td>Lavanger, Justin</td> <td>UAP applicant</td> <td>Fargo, ND</td> <td>Reprimand</td> <td>\$400</td> </tr> <tr> <td>Lujan, Wendy</td> <td>104077UAP</td> <td>Dickinson, ND</td> <td>Reprimand</td> <td>\$500</td> </tr> <tr> <td>Myhre, Norine</td> <td>104078UAP</td> <td>Dickinson, ND</td> <td>Reprimand</td> <td>\$750</td> </tr> <tr> <td>Peterson, Kathryn</td> <td>L1951</td> <td>Fargo, ND</td> <td>Reprimand</td> <td>\$1500</td> </tr> <tr> <td>Ries, Rita</td> <td>101568UAP</td> <td>Dickinson, ND</td> <td>Reprimand</td> <td>\$500</td> </tr> <tr> <td>Werlinger, Andrea</td> <td>101447UAP</td> <td>Hettinger, ND</td> <td>Reprimand</td> <td>\$500</td> </tr> <tr> <td>West, Beth</td> <td>UAP Applicant</td> <td>Nome, ND</td> <td>Reprimand</td> <td>\$500</td> </tr> </tbody> </table> <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes; Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>	Name	Lic/Reg #	City, State	Sanction	Penalty Fee	Hoff, Melanie	101870UAP	Dickinson, ND	Reprimand	\$500	Huffman, Katie	104079UAP	Dickinson, ND	Reprimand	\$500	Huntziger, Celeste	LPN applicant	Park Rapids, MN	Reprimand	\$1500	Lavanger, Justin	UAP applicant	Fargo, ND	Reprimand	\$400	Lujan, Wendy	104077UAP	Dickinson, ND	Reprimand	\$500	Myhre, Norine	104078UAP	Dickinson, ND	Reprimand	\$750	Peterson, Kathryn	L1951	Fargo, ND	Reprimand	\$1500	Ries, Rita	101568UAP	Dickinson, ND	Reprimand	\$500	Werlinger, Andrea	101447UAP	Hettinger, ND	Reprimand	\$500	West, Beth	UAP Applicant	Nome, ND	Reprimand	\$500
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4.3 Voluntary Surrender	<p><i>Discussion:</i> Two individuals have signed and submitted a voluntary surrender, seeking the Board's consideration and approval of its terms. The board discussed the facts and terms of the Voluntary Surrender.</p> <p><i>Motion:</i> Olson, seconded by Traynor to: APPROVE AND ACCEPT THE TERMS OF THE PROPOSED VOLUNTARY SURRENDER AND ENTER AS A FINAL ORDER OF THE BOARD FOR THE FOLLOWING INDIVIDUALS:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">NAME</th> <th style="text-align: center;">LIC/REG #</th> <th style="text-align: center;">CITY, STATE</th> <th style="text-align: center;">PENALTY FEE</th> </tr> </thead> <tbody> <tr> <td>Gibbs, Moe</td> <td>103560UAP</td> <td>Fargo, ND</td> <td>N/A</td> </tr> <tr> <td>Guinn, Stacy</td> <td>103889UAP</td> <td>Fargo, ND</td> <td>N/A</td> </tr> </tbody> </table> <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes; Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>	NAME	LIC/REG #	CITY, STATE	PENALTY FEE	Gibbs, Moe	103560UAP	Fargo, ND	N/A	Guinn, Stacy	103889UAP	Fargo, ND	N/A																																											
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4.41 Stipulation for Settlement – Dennis Cannizzaro, R31001	<p><i>Discussion:</i> President Sund recused herself from this agenda item and turned the meeting over to Vice-President Benson. A Stipulation for Settlement was received from Dennis Cannizzaro, 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 (9). Mr. Cannizzaro was present to address the board. Brian Bergeson, SAAG, reviewed background of the case as well as a letter submitted by Mr. Cannizzaro regarding the allegations in the stipulation for settlement. Bitz reviewed the stipulation for settlement. Mr. Cannizzaro requested that the board consider allowing him to remain in the WIP program and not suspend his license. The board discussed a minimum suspension of six months versus one year.</p> <p><i>Motion:</i> Dietrich, seconded by Tello-Pool to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR DENNIS CANNIZZARO, RN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ INDEFINITELY SUSPEND THE LICENSE (MINIMUM OF 6 MONTHS); ◆ REQUIRE A PERSONAL APPEARANCE FOR REINSTATEMENT; ◆ 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; Olson, yes; Schell, yes; Sund, recuse; Tello-Pool, yes; Traynor, recuse. 7 yes, 0 no, 2 recuse, 0 absent. Motion carried.</p>																																																							
4.42 Stipulation for Settlement – Nicole Wilen L11472	<p><i>Discussion:</i> A Stipulation for Settlement was received from Nicole Wilen, 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) and NDAC 54-02-07-01.1 (5)(6) (7).</p> <p><i>Motion:</i> Benson, seconded by Schell to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR NICOLE WILEN, LPN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> • ISSUE A REPRIMAND; • REQUIRE PARTICIPATION IN THE WORKPLACE IMPAIRMENT PROGRAM FOR 12 MONTHS; • 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; Case, yes; Dietrich, yes; Hegle, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes; Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>																																																							

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4.43 Stipulation for Settlement – Doreen Homuth, R32181	<p><i>Discussion:</i> A Stipulation for Settlement was received from Doreen Homuth, 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 (4).</p> <p><i>Motion:</i> Traynor, seconded by Case to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR DOREEN HOMUTH, RN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> • ISSUE A REPRIMAND, AND • ASSESS A \$500.00 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; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes; Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
4.44 Stipulation for Settlement – Carmen Doney, R31521	<p><i>Discussion:</i> A Stipulation for Settlement was received from Carmen Doney, 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 (1).</p> <p><i>Motion:</i> Benson, seconded by Traynor to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR CARMEN DONEY, RN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> • ENCUMBER HER LICENSE FOR TWO YEARS; WITH REQUIRED PARTICIPATION IN THE WORKPLACE IMPAIRMENT PROGRAM FOR THE PERIOD OF ENCUMBRANCE; • ASSESS A \$500.00 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; Olson, no; Schell, yes; Sund, yes; Tello-Pool, yes; Traynor, yes. 8 yes, 1 no, 0 absent. Motion carried.</p>
4.45 Stipulation for Settlement – Katie Jaster, L10601	<p><i>Discussion:</i> A Stipulation for Settlement was received from Katie Jaster, 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 (1)(8)(9).</p> <p><i>Motion:</i> Case, seconded by Hegle to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR KATIE JASTER, LPN, ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> • SUSPEND THE LICENSE FOR TWO YEARS; HOWEVER, THE SUSPENSION SHALL BE STAYED FOR TWO YEARS, DURING WHICH STAY THE LICENSE SHALL BE ENCUMBERED FOR TWO YEARS UNDER THE TERMS SET OUT IN THE BOARD ORDER; • REQUIRE PARTICIPATION IN WIP DURING THE PERIOD OF ENCUMBRANCE; • ASSESS A \$900.00 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; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes; Traynor, recuse. 8 yes, 0 no, 1 recuse, 0 absent. Motion carried.</p>
4.91 Other – Linda Moreno	<p><i>Discussion:</i> Linda Moreno submitted an application for LPN License by Endorsement with a positive response to the regulatory questions. Ms Moreno is currently under a board order in MT as of March 2006 and is a participant in the disciplinary track of the Nurses Assistance Program.</p> <p><i>Motion:</i> Olson, seconded by Tello-Pool to: DENY LINDA MORENO'S LPN 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; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes; Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
4.92 Other – Rebecca Volk, R25251	<p>Hill notified the board that Rebecca Volk was under a stayed suspension with her current board order, with automatic suspension for violation of Board Order. Ms. Volk was sent a Notice of Suspension on December 7, 2006 for violations of the terms of the September 21, 2006 Consent Order. Ms. Volk's license is automatically suspended for a period of three years.</p>
4.93 Other – Ann Larson, L6321	<p>Bitz notified the board that Ann Larson was under a stayed suspension with her current board order, with automatic suspension for violation of Board Order. Ms. Larson was sent a Notice of Suspension on January 5, 2007 for violations of the terms of the July 20, 2006 Stipulation for Settlement and Consent of Entry into the Workplace Impairment Program. Ms. Larson's license is automatically suspended for a period of two years.</p>
5.21 NDSU notification of intent to apply for approval of new graduate nursing program	<p>NDSU wishes to initiate a graduate program in nursing effective September 20, 2007. The nursing program at NDSU would offer two degrees, the Master of Science (nursing) (MS) and the Doctor of Nursing Practice (DNP).</p>

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5.22 UTTC report related to NDAC 54-03.2-07-01.1	<p><i>Discussion:</i> United Tribes Technical College notified the board of a plan of correction for deficiencies related to NDAC 54-03.2-07-01.1 Performance of Graduates on licensing examination.</p> <p><i>Motion:</i> Traynor, seconded by Case to: ACCEPT THE PLAN OF CORRECTION FOR DEFICIENCIES FROM UTTC ASPN PROGRAM REGARDING NDAC 54-03.2-07-01.1. PERFORMANCE OF GRADUATES ON LICENSING EXAMINATION.</p> <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes, Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
5.23 TCU Transition Plan for closing the Nursing Graduate Program	<p><i>Discussion:</i> The board reviewed the Transition plan for the voluntary closure of Tri-College University Graduate Nursing Consortium effective 9/1/07.</p> <p><i>Motion:</i> Hegle, seconded by Schell to: ACCEPT THE TRI-COLLEGE UNIVERSITY TRANSITION PLAN FOR CLOSING THE NURSING GRADUATE PROGRAM ACCORDING TO NDAC 54-03.2-09.2 VOLUNTARY CLOSURE.</p> <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes, Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
5.24 DNP PN Program Update for Northwood site of instruction	<p><i>Discussion:</i> The board reviewed an update from Dakota Nursing Program at Lake Region State College in relation to the Northwood site of instruction. Included in the information was an update on all faculty members including their qualifications, number of students, and general description of the progress of the program at Northwood.</p> <p><i>Motion:</i> Dietrich, seconded by Case to: ACCEPT THE UPDATE REPORT FOR DAKOTA NURSING PN PROGRAM NORTHWOOD SITE OF INSTRUCTION.</p> <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes, Traynor, recuse. 8 yes, 0 no, 1 recuse, 0 absent. Motion carried.</p>
5.25 DNP PN Program request for new site of instruction at Langdon – 1:30 p.m.	<p><i>Discussion:</i> Dr. Elizabeth Pross, Director of the Dakota Nursing Program, Pamela Pranke, RN, MSN, Coordinator for the Lake Region site, and Doug Darling, Vice-President of Academic Affairs at LRSC were present for this agenda item. Also present via IVN were Kim Reger, RN Director of Nursing and Lawrence Blue from the Cavalier County Memorial Hospital. The Dakota Nursing Program is requesting approval for Lake Region State College to deliver the Dakota Nursing PN program to Langdon beginning the Fall 2007 semester. Dr. Pross discussed the number of students, the clinical sites and options available and the available faculty for hire in the Langdon area. The board discussed concerns of the program holding conditional approval at the present time. A program survey is scheduled for Fall 2007.</p> <p><i>Motion:</i> Hegle, seconded by Olson to: ACCEPT THE ADDITION OF LANGDON SITE TO DAKOTA NURSING PROGRAM – PN LAKE REGION STATE COLLEGE.</p> <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes, Traynor, recuse. 8 yes, 0 no, 1 recuse, 0 absent. Motion carried.</p>
5.31 Medication Assistant Categories	<p>The board reviewed a breakdown of Medication Assistant categories prepared by staff of Medication Assistant I, Medication Assistant II, and Medication Assistant III. The document lists definitions, setting, and eligibility requirements for each level. Pharmacology content requirement for the Medication Assistant III will be added. This document will be available on the website.</p>
5.41 Revised policies and Procedures - CE	<p><i>Discussion:</i> Staff have reviewed and revised the Continuing Education Renewal Requirements RN or LPN license and consolidated policies and procedures for the audit process and moved the audit procedure process to “Verification of Compliance with CE Requirements for Renewal of License. The verification of compliance was revised to include the on-line renewal process.</p> <p><i>Motion:</i> Traynor, seconded by Olson to: ACCEPT THE REVISED “CONTINUING EDUCATION RENEWAL REQUIREMENTS” AND “VERIFICATION OF COMPLIANCE WITH CONTINUING EDUCATION REQUIREMENTS FOR RENEWAL OF LICENSE”.</p> <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes, Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
5.42 Ratification of approval workshops etc for contact hours	<p><i>Discussion:</i> The board reviewed a list of courses approved by board staff for contact hours as of January 17, 2007.</p> <p><i>Motion:</i> Dietrich, seconded by Traynor to: RATIFY APPROVAL OF THE WORKSHOP FOR CONTACT HOURS SUBMITTED TO THE ND BOARD OF NURSING, WHICH INCLUDES COURSE #611.</p> <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes, Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>

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5.51 Approval Nurse Faculty Intern Applications and report	<p><i>Discussion:</i> The board reviewed the Nurse Faculty Interns that have applied since the last meeting. There were six new applications and four withdrawals from the Nurse Faculty Intern Pilot Study. It was reported that the Board has received a grant from NCSBN to fund the pilot study for the next four years.</p> <p><i>Motion:</i> Dietrich, seconded by Case: BOARD RATIFY THE FOLLOWING NURSE FACULTY INTERN APPLICATIONS:</p> <ul style="list-style-type: none"> ◆ SANDRA BERRETH - NDSU ◆ JOYCE SCHMALTZ - NDSU ◆ TAMRA GARBERG - NDSU ◆ MELISSA ULBERG – U OF MARY ◆ MARLYS BACHAMP - DSU ◆ MICHELLE HINRICHS – DSU (PENDING RECEIPT OF VERIFICATION OF CURRENT ENROLLMENT) <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes; Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
5.52 Revisions to Nurse Faculty Policy	<p><i>Discussion:</i> When the policy for Nurse Faculty Intern was developed, it was envisioned that Nurse Faculty Interns would apply every year. However, it has been decided that updates from the programs would be more realistic and participants would continue on in the study, eliminating the requirement for the nurse faculty intern to apply each year. The policy has been revised to reflect this change.</p> <p><i>Motion:</i> Dietrich, seconded by Benson to: ACCEPT THE REVISIONS TO THE “NURSE FACULTY INTERN POLICY” AND “NURSE FACULTY INTERN PROCEDURES”.</p> <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes; Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
5.54 President Bush Community Based Planning Grant	<p>ND Community Based Health Partners had applied for a President Community Based planning grant proposal was not reviewed due to the grant proposal missing a deadline. The Board of Nursing had provided a letter of support for the grant. University of ND took the lead and submitted the grant. As a result, a bill will be proposed to the legislature that would provide funding for a mobile clinical simulation training lab. Kalanek met with Senator Judy Lee and Senator Joan Warner and they have asked for the board's support. The expectation is that various nursing organizations would help to make any necessary changes to bill to make it a workable project. The board by consensus supports the bill.</p>
5.55 Dakota Medical Foundation Grant – Web-based Nursing Educ Annual Report	<p>Staff have applied for a grant to develop the nursing education annual report as a web based report from the Dakota Medical Foundation. Staff will inform the board of the outcome when notified.</p>
6.1 & 6.6 NCSBN Test Development Application – Sara Berger and Janet K Johnson	<p><i>Discussion:</i> Sara Berger, RN and Janet Johnson RN have submitted an application and have been selected to serve on the NCSBN NCLEX® Examination Item Development Panel.</p> <p><i>Motion:</i> Dietrich, seconded by Case to: RATIFY APPROVAL OF SARA BERGER RN AND JANET JOHNSON RN TO SERVE ON THE NCSBN NCLEX EXAMINATION ITEM DEVELOPMENT PANEL.</p> <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes; Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
6.2 NCLEX-RN Examination Passing Standard	<p>The board reviewed a news release from NCSBN indicating that the NCLEX-RN® passing standard has been increased for public safety. The change will take effect April 1, 2007 in conjunction with the 2007 NCLEX-RN® Test Plan.</p>
6.3 Language modified version of NCLEX	<p>NCSBN Board of Directors voted not to pursue a translated version or language-modified version of the NCLEX at this time based on a survey of member boards, as well as consideration of research from a number of other sources.</p>
6.4 License Renewal Application – NDAC 54-02-05-05.1 Practice requirements for license renewal	<p><i>Discussion:</i> Alice Hersey does not meet requirements for practice, as she is practicing in a rural facility on PRN basis and is semi-retired. The board reviewed a letter from her employer and a letter of support from her son. HB1118 which allows for issuing limited licenses for those who do not meet the practice hour requirements would address Ms. Hersey's issue.</p> <p><i>Motion:</i> Hegle, seconded by Olson to: TABLE A DECISION ON ALICE HERSEY'S 2007-2008 APPLICATION FOR RENEWAL PENDING OUTCOME OF HB1118.</p> <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes; Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
6.5 NCLEX Member Board Review	<p>Benson, Traynor and Kalanek reviewed NCLEX test items at the Pearson Test Center in Bismarck on December 19, 2006.</p>
7.21 Report on Recruitment & Retention Recommendation – 2006-2007	<p>ND Nurse Leadership Council discussed issues of how issues of recruitment and retention are being used. The board reviewed a document developed by staff on how the Nursing Needs Study results related to recruitment and retention have been used by the Board of Nursing.</p>

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7.31 Prescriptive Authority Applications	<p><i>Discussion:</i> One individual has submitted an application for prescriptive authority since the last meeting.</p> <p><i>Motion:</i> Olson, seconded by Case to: RATIFY PRESCRIPTIVE AUTHORITY FOR THE FOLLOWING: Verna Schad, FNP, Hettinger, ND</p> <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes, Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
7.32 Report from Prescriptive Authority Committee	<p>Benson chaired the Prescriptive Authority Committee meeting that was held on 1/17/06 at 5:00 p.m. Benson indicated that the group reviewed all APRNs granted Prescriptive Authority in 2006 with no issues identified. The Committee reviewed an update on Prescription Monitoring Program. ND is setting up a mechanism to electronically track controlled substance prescriptions. There would be a central database to enter all prescriptions for controlled substances, which would aid physicians when prescribing for patients. There is a bill currently moving forwarded through the legislature. Board of Nursing may use program in the process of an investigation. An advisory board will have a representative from the Board and from NDNA.</p>
7.33 Region 8 Invitational Leadership Meeting	<p><i>Discussion:</i> Board received an invitation to the Region 8 Invitational Leadership Meeting from AANP. Kalanek attended first year. Cheryl Rising attended last year and was partially funded by the Board and presented to the Board at the May meeting. Patricia Dardis, FNP, is a member of the Board's prescriptive authority committee, and could not attend last year. Cheryl Rising has requested partial funding from the board for attendance, and Patricia Dardis has also indicated a willingness to represent to the board. The board discussed sending the board's prescriptive authority committee member and will reimburse expenses according to state rates.</p> <p><i>Motion:</i> Tello-Pool, seconded by Benson to: APPROVE PATRICIA DARDIS, FNP, AS BOARD REPRESENTATIVE TO ATTEND THE REGION 8 INVITATIONAL LEADERSHIP MEETING SPONSORED BY AANP.</p> <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes, Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
7.41 Kentucky Implementation of NLC	<p>Kentucky will join the Nurse Licensure Compact on June 1, 2007. Colorado, Indiana and New Jersey are pending implementation of the compact.</p>
7.43 NLC Case Log	<p>The board reviewed the Nurse Licensure Compact Case Log indicating four individuals who have action taken on their compact license or practice privileges.</p>
7.51 Legislative Bills Affecting State Agencies	<p>The board reviewed and discussed the following bills:</p> <ul style="list-style-type: none"> ◆ SB2134 – related to prescription drug monitoring program for controlled substances ◆ HB1237 – Relates to allowing a registered nurse to act as a coroner or assistant coroner and required training. The bill will be withdrawn, and Dr. Dwelle of the ND Dept of Health will convene a work group to study the issue and the entire chapter. ◆ HB1293 – related to an exemption to the regulation of dentistry regarding application of topical fluoride varnish to children of certain ages. ◆ HB2133 – related to consumer-directed health maintenance services – Dept of Human Services, submitting revisions. ◆ SB2260 – related to criminal background checks for state boards – rules would need to be developed for the board to have authority to conduct. ◆ SB2025 – medication administration at a correctional facility – provides an exemption for medication administration in jails and requires medication administration training
7.52 Communication with Senators & Representatives	<p>A list of state representatives and state senators was distributed, and board members were asked to contact those in their area or legislative district to make themselves available for any questions.</p>
7.53 2007 ND Legislative Deadlines	<p>The board reviewed a list of Legislative Deadlines.</p>
7.54 Board of Nursing Legislation	<p>HB1118 which provides for the issuance of limited licenses and registrations and requirements for license by endorsement has passed the House.</p>
7.55 Talk Points – revised	<p>An update on the talking points for legislation affecting the Board of Nursing was distributed.</p>
7.57 Administrative Rule Promulgation – Proposed Rule Revision NDAC 54-05-04-06 & 54-07-01-04	<p><i>Discussion:</i> The current rule promulgation on consumer directed care that provides for training for unlicensed care givers and removes the liability from the nurses that did the training was reviewed by Attorney General's office. A notice for the AG office was received that the rules are in substantial compliance. The way in which the public notice was printed in the newspaper, it appeared that the written testimony was to be sent to the ND State Water Commission. No testimony was received by the ND State Water Commission.</p> <p><i>Motion:</i> Olson, seconded by Schell to: FINALLY ADOPT THE PROPOSED ADDITIONS TO NDAC ARTICLE 54-07 UNLICENSED ASSISTIVE PERSON: NEW SECTION 54-07-01-04 MEDICAID RECIPIENT DIRECTED CARE PROVIDERS AND NDAC CHAPTER 54-05-04 STANDARDS FOR ASSIGNMENT AND DELEGATION: NEW SECTION 54-05-04-06 TRAINING OF THE MEDICAID RECIPIENT DIRECTED CARE PROVIDERS AND FILE WITH LEGISLATIVE COUNCIL.</p> <p><i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes, Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
7.61 Report on 2006 Renewal process	<p>5169 individuals renewed on-line (87%), and 754 (13%) by paper. 763 did not renew for 2007-2008.</p>

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7.71 Input into NCSBN Strategic Plan	The board is being asked to provide input into the NCSBN Strategic Plan. The board reviewed three questions presented by NCSBN. 1) What are the key trends and issues you are observing related to nursing regulation, practice and education? 2) What do nurse regulators need to be aware of for the future? 3) What is important to you and what will you need from NCSBN in the future? The board reviewed the questions and provided feedback for staff.
7.8 Unlicensed Practice (8:30 a.m. – 1/29/07)	Brian Bergeson, SAAG, was present for this agenda item. The board discussed a report related to complaints concerning lay midwives who have assisted in home deliveries with bad outcomes (death of infant). There has been much discussion between groups whether lay midwifery is the practice of nursing or the practice of medicine. Research on the issue shows some states define it as the practice of obstetrics, others indicate it is neither nursing nor medicine. The practice acts for both the Board of Nursing and Board of Medical Examiners include practicing without a license as a violation of the law and a misdemeanor. Kalanek & Bergeson have discussed the issue with Board of Medical Examiners and other interested groups. The board discussed the confusion existing because a master's prepared registered nurse specializing in the practice of obstetrics is known as a certified nurse midwife. A certified nurse midwife does not do home deliveries. A lay midwife is not a nurse, and is not regulated, and may or may not have any education. The board discussed doing an article in the Dakota Nurse Connection to educate the nursing community, and to contact the Certified Nurse Midwife group in ND to request help in educating the public, through a letter to the editor for dissemination regarding the differences between lay midwives and a Certified Nurse Midwife. It will also be discussed as an agenda item by the ND Nurse Leadership Council. It was also suggested to contact representatives of Parish Nursing as they see this issue more often than most. The Board of Nursing has been informed that a legislative bill will be introduced regarding this matter.
7.9 NDNA Report	Jane Roggensack, President of NDNA was present to address the board regarding legislative issues that NDNA is following. Nurses Day at the legislature is February 14 th . NDNA has weekly government relation calls and is monitoring many of the same bills that the board is monitoring. Other bills being monitored are: <ul style="list-style-type: none"> ◆ SB2026 – Creation of Allied Health Profession board – make sure board of nursing is not included ◆ SB 2164 Smoking bills – banning in bars ◆ HB 1079 Smoking at state capitol ◆ Working on a bill related to a resolution for needle stick safety ◆ School nursing bill – seeking \$3 million ◆ HB1136 - Immunization bill – relating to circumstances when children's required immunizations can be waived. The board will sponsor a booth at Nurses day at the Legislature.
Administrative Settlement	<i>Discussion:</i> One additional administrative settlement for practice without a license/registration was received yesterday from Emily Welle, UAP, which was reviewed and considered by the board. <i>Motion:</i> Hegle, seconded by Case to: ACCEPT THE ADMINISTRATIVE SETTLEMENT FOR PRACTICE WITHOUT A LICENSE/REGISTRATION FOR THE FOLLOWING: Emily Welle, UAP, issue a Reprimand and \$300.00 penalty fee <i>Roll call vote:</i> Benson, yes; Case, yes; Dietrich, yes; Hegle, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes, Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.
Environmental Scan	Board Members gave updates from their organizations. Board Staff also gave updates on regulatory projects.

CONSENT AGENDA:

8.1 NCSBN
8.11 Update on APRN Activities
8.12 The Ethical Recruitment of Nurses for Licensure – Position Statement
8.2 Office Management
8.3 Nursing Practice
8.31 Summary of practice calls
8.4 Workplace Impairment Program Report
8.41 Statistics
8.42 WIP Newsletter
8.5 Unlicensed Assistive Person/Medication Assistant
8.51 Testing Summary Report
8.52 NNAAP Testing
8.53 2007 NNAAP Skills Review & Standard Setting Meeting – Nomination Form

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8.6 Licensure
8.61 Licensed Nurse
8.62 Unlicensed Assistive Person
8.63 NCLEX-RN
8.64 NCLEX-PN
8.65 Late Renewal Summary
8.7 Discipline
8.71 Disciplinary Statistics/Case Activity Report
8.8 Legal Counsel
8.81 Unlicensed Practice
8.9 Education
8.91 St. Alexius notification of 3 out-of-state Presentation College Students
8.92 MN State Community & Tech College notification of 36 student that practiced in ND in summer 2006 and 33 students in fall 2006.
8.93 Northland Community E Technical College notification of 30 AD students to practice in ND – spring 2007
8.94 State Legislative Initiatives to Address the Nursing Shortage – AACN
8.95 USD notification of 3 ASN out-of-state students in multiple facilities in ND.
8.96 MSCTC notification of 27 ASN students and 66 AASPN students practicing in ND in Spring 2007
8.97 Mount Marty College SD – notification of 2 CRNA Students practicing in ND Spring 2007 – February 2009

BOARD COMMITTEES:

9.0 Program Monitoring Committee	No Meeting
9.1 Nursing Education Committee	No Meeting
9.2 Finance Committee	No Meeting
9.3 Executive Committee	No Meeting
9.4 Prescriptive Authority Committee	Scheduled for January 17 @ 5 pm
9.5 Nursing Practice Committee	No meeting

UPCOMING MEETINGS & REPORT OF MEETINGS ATTENDED:

10.1 NCSBN Annual Meetings – August 7-10, 2007
10.2 NCSBN Monthly Meetings by teleconference calls and onsite:
10.2-1 National and State Policy
10.2-2 Education Consultants
10.2-3 Discipline Networking
10.2-4 EO Network
10.2-5 NLCA Meeting
10.2-6 Mid-Year Meeting, April 2-4, 2007, New Orleans
10.2-7 Bylaws Committee – November 28-29, 2006
10.2-8 NCSBN Executive Officers Seminar
10.2-9 Annual Institute of Regulatory Excellence, January 7-10, 2007 – Bitz and Kalanek will become fellows upon completion of research projects.
10.2-10 IT Summit, Portland, OR
10.2-11 IRE Tele-conference
10.2-12 Board Investigator & Attorney Workshop
10.2-13 NCLEX Invitational
10.2-14 Education Consultants Focus Group, Feb 19-20, 2007
10.2-15 Continued Competency Advisory Panel, Dec 13-15, 2006
10.2-16 TERCAP Task Force
10.3 ND Nurse Leadership Council – November 30
10.4 ND Organization of Nurse Executives – December 7
10.5 ND Nurses Association
10.6 ND Rural & Public Health Conference – March 20-22, 2007 – Seven Seas, Mandan

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10.7 ND LTCA Conference
10.8 ND Health Care Association Annual Meeting
10.9 ND Domestic and Sexual Violence State Prevention Team – January 5
10.10 Health Workforce Summit – December 5 – Bismarck, Sund, Kalanek, Benson – The board reviewed the agenda. Data from the ND Nursing Needs Study was used, and nursing was able to make decisions based on data because of the Nursing Needs Study.
10.11 ND Legislative Council – November 15-16, 2006
10.12 Nurses Day at the Legislature – February 13-14, 2007
10.13 Nurse Licensure Portability Summit – December 11, 2006 – funded by Office of Administration of Telehealth. Government agency with primary goal to promote telehealth. States invited were those going into licensure compact and those implementing criminal background checks. OAT does have grant funding available for implementation of criminal background checks.
10.14 Nurse Education Articulation Taskforce – January 17, 2007 – Most programs were in attendance. Vision is to have an articulation from CNA to PhD or DNP and make it more seamless. Looked at common course numbering, and the diversity within the programs.

Staff Presentations:

- 11.1 **APRN – University of Mary – January 4**
- 11.2 **Emerging Issues – SCCI – Mandan – March 1**
- 11.3 **Emerging Issues – Altru – June 11**
- 11.4 **Development, Implementation, & Evaluation of a Continued Competence Mandate – Dakota Conference – March 20-21 – poster presentation – Kalanek**
- 11.5 **Nurse Faculty Intern Pilot Study – Dakota Conference – March 20-21 – poster presentation – Shanta**
- 11.6 **TERCAP: New Pathways for Safe Nursing Practice – Dakota Conference – March 20-21 – poster presentation – Bitz**

Board Leadership Development:

- 12.1 **Board Governance Model**
- 12.2 **Dakota Nurse Connection**
- 12.3 **Role of a Board Member**
 - 12.31 **Governance**
- 12.4 **Board Meeting Evaluation**

The meeting recessed for lunch from 11:50 a.m. to 1:00 p.m. on January 18, 2007.

The meeting recessed for the day at 4:00 p.m. and reconvened at 8:30 a.m. on January 19, 2007 at the Board office conference room with all members present.

The meeting adjourned at 9:50 a.m. on January 19th, 2007.

Constance B. Kalanek, RN, PhD
Executive Director
Draft 1/22/07