

**North Dakota Board of Nursing
Meeting Minutes – January 22, 2009**

Call to Order: January 22, 2009 at 8:30 a.m. – Medcenter One Board Conference Room – BTWAN/IVN Network 300 N 7th St Bismarck, ND.

Roll Call: Eight board members present as follows:

Nelson (Buzz) Benson, RN, President	Julie Traynor, RN, Vice-President
Charlene Christianson, RN, Treasurer	Roxane Case, Public Member
Melisa Frank, LPN	Mary Tello-Pool, LPN
Daniel Rustvang, RN	JoAnn Sund, RN

Absent: Elizabeth Anderson, LPN

Staff Present:

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

The meeting was telecast through IVN and BTWAN sites throughout the state. Observers were present as indicated on the attached rosters.

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. No items were identified for discussion.</p> <p><i>Motion:</i> Case, seconded by Traynor: ADOPT THE CONSENT AGENDA AS PRESENTED.</p> <p><i>Roll call vote:</i> Anderson, absent; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; 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. Kalanek indicated Bergeson will be present for the Open Forum at 9:00 a.m. and requests discussion of agenda item 6.11 at that time.</p> <p><i>Motion:</i> Sund, seconded by Case to: APPROVE THE AGENDA AS REORDERED.</p> <p><i>Roll call vote:</i> Anderson, absent; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; 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 November 20-21, 2008 Meeting Minutes	<p><i>Discussion:</i> The minutes of the November 20-21, 2008 meeting were reviewed. No changes were identified.</p> <p><i>Motion:</i> Sund, seconded by Traynor: APPROVE THE MINUTES OF THE NOVEMBER 20-21, 2008 MEETING AS DISTRIBUTED.</p> <p><i>Roll call vote:</i> Anderson, absent; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>
2.2 December 9, 2008 Meeting Minutes	<p><i>Discussion:</i> The minutes of the December 9, 2008 special meeting were reviewed. No changes were identified.</p> <p><i>Motion:</i> Sund, seconded by Traynor: APPROVE THE MINUTES OF THE DECEMBER 9, 2008 MEETING AS DISTRIBUTED.</p> <p><i>Roll call vote:</i> Anderson, absent; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>
3.1 Financial Statements	Financial Statements through December 31, 2008 were reviewed. The board reviewed the comparison in actual expenditures to date from last year to this year. Actual Income is at 82% and actual expenses were at 48% of budgeted.
3.2 Strategic Plan Mid-Year Report	The board reviewed the 2006-2009 Strategic Plan six month progress report from July 2008 to December 2008. All items are on schedule with no issues identified. The next strategic plan will begin to be developed starting at the July 2009 meeting.

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4.1 Administrative Settlements – Practice	<p><i>Discussion:</i> Four individuals have signed and submitted an administrative settlement for practice without a license/registration since the last meeting. Each was reviewed and considered by the Board.</p> <p><i>Motion:</i> Sund, seconded by Traynor:</p> <p>ACCEPT THE ADMINISTRATIVE SETTLEMENT 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: 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>Clement, Rebecca Jo</td> <td>UAP/Applicant</td> <td>Fargo, ND</td> <td>Reprimand</td> <td>\$100</td> </tr> <tr> <td>Hansen, Kailyn</td> <td>102087UAP</td> <td>Washburn, ND</td> <td>Reprimand</td> <td>\$100</td> </tr> <tr> <td>Kremer, Chelsey</td> <td>103256UAP</td> <td>Minot, ND</td> <td>Reprimand</td> <td>\$750</td> </tr> <tr> <td>Metzger, Sara</td> <td>104145UAP</td> <td>Grandin, ND</td> <td>Reprimand</td> <td>\$100</td> </tr> </tbody> </table> <p><i>Roll call vote:</i> Anderson, absent; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>	Name	Lic/Reg #	City, State	Sanction	Penalty Fee	Clement, Rebecca Jo	UAP/Applicant	Fargo, ND	Reprimand	\$100	Hansen, Kailyn	102087UAP	Washburn, ND	Reprimand	\$100	Kremer, Chelsey	103256UAP	Minot, ND	Reprimand	\$750	Metzger, Sara	104145UAP	Grandin, ND	Reprimand	\$100
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4.41 Stipulation for Settlement – Tara Smith, L11633	<p><i>Discussion:</i> A Stipulation for Settlement was received from Tara Smith, LPN, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (3)(5)(6) and NDAC 54-02-07-01.1 (5)(6)(7)(9).</p> <p><i>Motion:</i> Traynor, seconded Christianson:</p> <p>ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR TARA SMITH, LPN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ SUSPEND THE LICENSE FOR THREE YEARS; HOWEVER, THE SUSPENSION SHALL BE STAYED FOR THREE YEARS, DURING WHICH STAY THE LICENSE SHALL BE ENCUMBERED FOR THREE YEARS WITH PARTICIPATION IN THE WORKPLACE IMPAIRMENT PROGRAM DURING THE ENCUMBRANCE UNDER THE TERMS SET OUT IN THE BOARD ORDER; ◆ ASSESS A \$1200 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Anderson, absent; Benson, yes; Case, yes; Christianson, yes; Frank, recuse; Rustvang, recuse; Sund, yes; Tello-Pool, yes; Traynor, yes; 6 yes, 0 no, 2 recuse, 1 absent. Motion carried.</p>																									
4.42 Stipulation for Settlement – Nichole Overby, L11607	<p><i>Discussion:</i> A Stipulation for Settlement was received from Nichole Overby, 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> Case, seconded by Tello-Pool:</p> <p>ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR NICHOLE OVERBY, LPN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ ENCUMBER THE LICENSE FOR TWO YEARS; ◆ 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> Anderson, absent; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>																									
4.43 Stipulation for Settlement – Balynda Casey, R31738	<p><i>Discussion:</i> A Stipulation for Settlement was received from Balynda Casey, 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> Traynor, seconded by Sund to:</p> <p>ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR BALYNDA CASEY, 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> Anderson, absent; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>																									
4.44 Stipulation for Settlement – Janelle Bannach, L9725	<p><i>Discussion:</i> A Stipulation for Settlement was received from Janelle Bannach, 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> Case, seconded by Rustvang:</p> <p>ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR JANELLE BANNACH, LPN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ ENCUMBER THE LICENSE FOR THREE YEARS; ◆ 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> Anderson, absent; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, recuse; 7 yes, 0 no, 1 recuse, 1 absent. Motion carried.</p>																									

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4.45 Stipulation for Settlement – Kasi Hammling, L11106	<p><i>Discussion:</i> A Stipulation for Settlement was received from Kasi Hammling, LPN, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (3)(5)(6) and NDAC 54-02-07-01.1 (5)(6)(9)(12).</p> <p><i>Motion:</i> Sund, seconded by Case: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR KASI HAMMLING, LPN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ SUSPEND THE LICENSE FOR TWO YEARS; ◆ ASSESS A \$1200.00 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER <p><i>Roll call vote:</i> Anderson, absent; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>
4.71 Request for Reinstatement – Ronald Flisk, 103982UAP	<p><i>Discussion:</i> Ronald Flisk was present for this agenda item and requested reinstatement of his UAP registration. The board reviewed and discussed the Disciplinary Review Panel recommendation to reinstate the UAP registration. The board questioned Mr. Flisk regarding his future plans, and he noted that he followed all the recommendations of his course of treatment and his criminal record was dismissed.</p> <p><i>Motion:</i> Traynor, seconded by Tello-Pool to: ACCEPT THE REQUEST FOR REINSTATEMENT FROM RONALD FLISK, UAP, AS HE HAS COMPLIED WITH THE TERMS AND CONDITIONS OF THE BOARD ORDER DATED SEPTEMBER 20, 2007.</p> <p><i>Roll call vote:</i> Anderson, absent; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>
4.72 Request for Reinstatement – Marilyn Ek, R23329	<p><i>Discussion:</i> Marilyn Ek was present for this agenda item and requested reinstatement of her RN & APRN license. The disciplinary review panel did not provide a recommendation due to incomplete information available for review during the most recent DRP meeting. The board reviewed a chronological history and the terms of her Voluntary Surrender. Ms. Ek reviewed her chemical dependence history with the board and her treatment and support system. There were some issues regarding the continuing education she had taken, however, she has since completed the necessary requirements. Ms. Ek stated her willingness to participate in WIP if necessary. It was noted that a chemical dependency evaluation is needed to determine participation in WIP.</p> <p><i>Motion:</i> Traynor, seconded by Tello-Pool to: ACCEPT THE REQUEST FOR REINSTATEMENT FROM MARILYN EK, RN, APRN, DEPENDENT ON THE OUTCOME OF A CHEMICAL DEPENDENCY EVALUATION PERFORMED BY A LICENSED ADDICTION COUNSELOR PREAPPROVED BY THE EXECUTIVE DIRECTOR.</p> <ul style="list-style-type: none"> • IF THE OUTCOME SHOWS NO DEPENDENCY, REINSTATE AS ENCUMBERED FOR THREE YEARS; • IF THE OUTCOME SHOWS DEPENDENCY ISSUES, REINSTATE AS ENCUMBERED WITH PARTICIPATION IN WIP FOR THREE YEARS. <p><i>Roll call vote:</i> Anderson, absent; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>
4.73 Request for Reinstatement – Yvonne Mauch, L7583	<p><i>Discussion:</i> Yvonne Mauch, LPN, has requested reinstatement of her LPN License to full status. The board reviewed and discussed the Disciplinary Review Panel recommendation to reinstate her LPN license.</p> <p><i>Motion:</i> Traynor, seconded by Case to: ACCEPT THE REQUEST FOR REINSTATEMENT FROM YVONNE MAUCH, LPN TO FULL STATUS AS SHE HAS COMPLIED WITH TERMS AND CONDITIONS OF BOARD ORDER DATED JANUARY 19, 2006 AND JANUARY 18, 2008.</p> <p><i>Roll call vote:</i> Anderson, absent; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, recuse; Tello-Pool, yes; Traynor, yes; 7 yes, 0 no, 1 recuse, 1 absent. Motion carried.</p>
4.10 Miscellaneous Discipline Issues	<p>The board reviewed the following licensure status:</p> <ul style="list-style-type: none"> • Sherry Shepherd, L11631, Williston, ND - Temporarily suspend the license until Respondent submits the required chemical dependency evaluation.
4.11 Application for Reinstatement Policy Revision	<p><i>Discussion:</i> The "Application for Reinstatement" Policy and Procedure has been reviewed for updates. The supporting affidavit is not always helpful as many times the applicant has no connection to a licensed nurse. The forms and process for Verification of Licensure are outdated. Lastly, the staff requested the application to be valid for one year to be consistent with other applications.</p> <p><i>Motion:</i> Tello-Pool, seconded by Christianson to: APPROVE THE PROPOSED REVISIONS TO THE "APPLICATION FOR REINSTATEMENT" POLICY.</p> <p><i>Roll call vote:</i> Anderson, absent; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>
4.12 Guidelines for Violations revisions	<p><i>Discussion:</i> The board reviewed a revision to the "Guidelines for Violations". The proposed revision clarifies the "double" fee for practice without a registration. If a late renewal is received for an unlicensed assistive person <u>and</u> medication assistant at the same time only the UAP fee is doubled. If a medication assistant application is received with CNA registry, only the medication assistant fee is doubled.</p> <p><i>Motion:</i> Sund, seconded by Rustvang to: ACCEPT THE PROPOSED REVISIONS TO THE "GUIDELINES FOR VIOLATIONS".</p> <p><i>Roll call vote:</i> Anderson, absent; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>

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5.21 UND Notification of Resignation and Appointment of Interim Dean	The board reviewed notification from University of ND of the resignation of Dr. Chandice Covington as Dean of the Nursing Program. Dr. Helen Melland will replace her as interim dean effective January 1, 2009.
5.22 DNP Request to add site for PN Program	<p><i>Discussion:</i> Julie Traynor recused herself from this agenda item and will represent the Dakota Nursing Program as Director of the program, and Christianson recused herself as she is involved as Coordinator of the proposed distance site in Carrington. Also present via IVN was Patty Johnson RN, LRSC site coordinator, Doug Darling, Vice-President of Instruction for LRSC, and Mitch Page, CEO at Carrington Health Center. Dakota Nursing Program – Lake Region has a current distance site for the PN program in Cooperstown that will complete in July 2009. The program proposes to start a distance site for the PN program in Carrington, ND in the fall 2009. There are at least 11 students interested in the program. The plan is to eventually provide the RN program through distance as well. Christianson and Page reviewed the clinical experience offered in the Carrington area, and noted that they also have a commitment from Jamestown Hospital for additional clinical experience. Traynor indicated that faculty that will be hired for the program will meet the requirements for qualified faculty.</p> <p><i>Motion:</i> Sund, seconded by Case: APPROVE THE REQUEST FROM DAKOTA NURSING PROGRAM-LRSC TO DELIVER THE PRACTICAL NURSING PROGRAM TO THE DISTANCE SITE IN CARRINGTON, ND, ACCORDING TO NDAC SECTION 54-03.2-06-07(6).</p> <p><i>Roll call vote:</i> Anderson, absent; Benson, yes; Case, yes; Christianson, recuse; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, recuse; 6 yes, 0 no, 2 recuse, 1 absent. Motion carried.</p>
5.41 Provision of High Quality Nursing Care – approval for contact hours	<p><i>Discussion:</i> The board reviewed the Provision of High Quality Nursing Care for approval of CE, which are presented by Board staff.</p> <p><i>Motion:</i> Christianson, seconded by Traynor to: APPROVE THE “PROVISION OF HIGH QUALITY NURSING CARE” FOR CONTACT HOURS AS DESIGNATED PER PRESENTATION.</p> <p><i>Roll call vote:</i> Anderson, absent; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>
5.42 MSCTC PN Refresher Course approval extension request	<p><i>Discussion:</i> MN State Community & Technical College had submitted their PN Refresher Course for review for continued approval. Staff recommends an extension of approval for the course to have time to complete recommended revisions.</p> <p><i>Motion:</i> Case, seconded by Traynor to: APPROVE THE REQUEST FOR EXTENSION OF THE MSCTC PN REFRESHER COURSE THROUGH MAY 2009.</p> <p><i>Roll call vote:</i> Anderson, absent; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>
5.43 Preliminary CE Audit Report	The CE Audit is in progress, and about half of those audited have submitted required documentation. A full report will be given at the March meeting.
5.44 Ratification of Approval of Continuing Education for Contact Hours	<p><i>Discussion:</i> The board reviewed a list of courses approved by board staff for contact hours as of January 19, 2009.</p> <p><i>Motion:</i> Sund, seconded by Case to: RATIFY APPROVAL OF THE WORKSHOPS FOR CONTACT HOURS SUBMITTED TO THE ND BOARD OF NURSING, WHICH INCLUDES COURSES #741 THROUGH #750.</p> <p><i>Roll call vote:</i> Anderson, absent; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>
5.51 (a) Nurse Faculty Intern Pilot Study	<p><i>Discussion:</i> One application for the Nurse Faculty Intern Pilot Study has been received since the last meeting and meets the requirements for participation.</p> <p><i>Motion:</i> Sund, seconded by Rustvang to: RATIFY APPROVAL OF THE FOLLOWING NURSE FACULTY INTERNS: Debra Bensen</p> <p><i>Roll call vote:</i> Anderson, absent; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p> <p><i>Discussion:</i> Valerie Jones was previously discharged from the NFI program, but has requested returning to the program.</p> <p><i>Motion:</i> Traynor, seconded by Sund to: REAPPROVE VALERIE JONES FROM UNIVERSITY OF ND TO PARTICIPATE IN THE NURSE FACULTY INTERN PILOT STUDY.</p> <p><i>Roll call vote:</i> Anderson, absent; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>
5.51 (b) ICN Nomination for Best Practices in Nursing Regulation	The Nurse Faculty Intern Project has been nominated to ICN as an example of Best Practices in Nursing.
5.51 (c) AACN Abstract submission and acceptance for poster presentation	American Association of Colleges of Nursing has accepted the Nurse Faculty Intern Pilot Study as a poster presentation at the February 19-21 Master's Conference.
5.521 Report of Out of State Students Memo to NDNLN	The board reviewed a memo to Jane Roggensack, President of the ND Nurse Leadership Council requesting that the council consider developing guidelines for healthcare facilities when accepting students from out of state nursing program for clinical experience in ND as directed at the last board meeting.

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5.22 Comparison of Students from Border programs and licensees 2007-2008	The board reviewed a chart of Comparison of Nursing of Students from Border Institutions and New Licensees via Examination. This chart represents a rough comparison of the average number of students obtaining clinical experience in ND from out of state programs and those that license here by examination. The chart provides evidence that roughly the same numbers of students who are obtaining clinical in ND are also being licensed in ND after completion. It was noted that Moorhead State University is a BSN program that has three years of clinical students which validates the higher number of clinical students versus those licensing in ND. This document will be shared with the ND Nurse Leadership Council.
6.11 Response to Request for Opinion-confidentiality and sharing of CHRC results	Brian Bergeson, SAAG, was present for this agenda item. At the last meeting, Mary Kay Kelsch, Assistant Attorney General, gave a presentation to the board regarding open records and open meetings. The question was raised regarding confidentiality and sharing results of the Criminal History Record Checks with the applicant. The board has been receiving conflicting information from different sources. The board directed Bergeson to request an Attorney General's Opinion regarding the issue. Thomas Trenbreath, Chief Deputy Atty General responded indicating that the applicant has the right to challenge all information on the North Dakota record and the FBI record. The board can provide a copy of the ND record to the applicant if it chooses, but the Board does not have the authority to release a copy of the FBI record, so the applicant would have to review that record at the Board's office. Bergeson will send a confirmation letter to the Attorney General's office. Staff indicated that other Boards of Nursing have been dealing with the same issues. Staff contacted the Idaho Board of Nursing, as an applicant had indicated that the Idaho Board of Nursing was willing to share the CHRC results with ND, but that is not accurate information.
6.12 Criminal History Record Check Policy Revision	<p><i>Discussion:</i> The "Criminal History Record Checks" policy and procedure has been revised to address the opinion from the Attorney Generals' Office on the release of record check information.</p> <p><i>Motion:</i> Traynor, seconded by Case to: APPROVE THE REVISIONS TO THE "CRIMINAL HISTORY RECORD CHECK" POLICY TO ADDRESS THE RELEASE OF CHRC RESULTS.</p> <p><i>Roll call vote:</i> Anderson, absent; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p> <p>Staff has identified applicants for medication assistant registration that soon after apply for LPN license by examination and the needs for a second CHRC. In some cases the criminal history record check has not yet been completed for the first application. Staff has been reviewing these applications on a case by case basis and is using a 60 day time frame before requiring a second CHRC for the second application. The board agreed staff should continue this process and review the policy for further revisions at the March Board Meeting.</p>
6.2 Revision to Policy on Non-Disciplinary Limited License	<p><i>Discussion:</i> Staff has revised the "Non-Disciplinary Limited License Application for License/Registration" Policy and Procedure to address when the application has completed full requirements for renewal or registration and requests a full license. The proposed policy allows staff to approve full licensure or registration if the requirements have been met.</p> <p><i>Motion:</i> Sund, seconded by Traynor to: ACCEPT THE PROPOSED REVISIONS TO THE POLICY ON NON-DISCIPLINARY LIMITED LICENSES/REGISTRATIONS RELATED TO MEETING REQUIREMENTS FOR FULL LICENSURE AS DEFINED IN NDAC 54-02-05-06.</p> <p><i>Roll call vote:</i> Anderson, absent; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>
6.4 Ratification of Practice Hours	<p><i>Discussion:</i> Two individuals have submitted journals for review of volunteer practice hours for care of a family member to satisfy the practice hour requirement. The board reviewed the hours accepted for Barbara Hansen and Jeanne Krein.</p> <p><i>Motion:</i> Sund, seconded by Traynor to: RATIFY APPROVAL OF 312.5 NURSING PRACTICE HOURS IN 2008 FOR BARBARA HANSEN FOR THE CARE OF HER GRANDCHILD ACCORDING TO NDAC 54-02-05-05 (d).</p> <p><i>Roll call vote:</i> Anderson, absent; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p> <p><i>Motion:</i> Traynor, seconded by Case to: RATIFY APPROVAL OF 1344 NURSING PRACTICE HOURS IN 2004 FOR JEANNE KREIN FOR THE CARE OF HER HUSBAND ACCORDING TO NDAC 54-02-05-05 (d).</p> <p><i>Roll call vote:</i> Anderson, absent; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>
6.5 Unified CNA & UAP Registry	The Executive Committee and board staff have been meeting with the ND Dept of Health at the request of ND Long Term Care Association to discuss the potential unification of the CNA and UAP Registries. The issue arose from basic care facilities on the Long Term Care side that is unfamiliar with the requirements for the UAP registry. The groups have discussed the three options 1) Retaining Current Registry Status 2) Totally Unified Registry located at the ND Dept of Health, 3) Hosting a Webservice with Search Capabilities on Each Agency Website for the CNA and UAP registry. The board reviewed the advantages and disadvantages of each option. It was noted that one of the major issues is the difference in enforcement of discipline and follow-up. The CNA registry is a listing of individuals qualified to work in a long term care setting. Only issues of abuse, neglect, or misappropriation of property require disciplinary action with no opportunity for reinstatement. The CNA registry is operated under federal requirements and the Dept of Health has narrow jurisdiction abilities. The Board UAP registry according to NDAC Article 54-07 Unlicensed Assistive Person, outlines the requirements for practice which is the similar for nurses. Chemical dependency and medication issues also reviewed. The NDCC 12.1-33-02.1 Prior conviction of a crime not bar to state licensures- Exceptions is followed. UAP/Medication Assistant registry applicants are charged a fee, but the CNA registry is operated with federal funding.

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AGENDA ITEM	ACTION
7.517 HB1269 Discipline of a UAP	<p><i>Discussion:</i> HB1269 amends the ND Nurse Practices Act related to discipline of an unlicensed assistive person practicing without a registration. The bill states that the disciplinary action of the board in the case of a first violation is limited to the issuance of a warning unless the board establishes the violation was done knowingly or intentionally. The committee is asking for the board's position. The board discussed the facility responsibility and the registrant's responsibility for the registration process. There is currently a four month waiver for a new applicant to be registered. The board discussed the notification process for renewal of a registration. All renewal registrations are due on the same date of June 30th of every other year. The applicant has a 30 day grace period after June 30th for non-disciplinary action. The board discussed a notification letter to facilities or to the Dept of Health. Another issue is the length of time that a practice without a registration stays on record, which is currently five years. The board again discussed the need for educating employers on the process for registration. It was noted that a warning would not be disciplinary action, and would not be kept on file longer than one year, so there would be no way to know if a person was a repeat offender for practice without a registration. Reducing fees for first time offenders was discussed. It was noted that fees are half of what is charged for the LPN/RN for practice without a license. The board is concerned about putting this type of policy decision in law, and how it would affect the nurses, as well as the facilities that allow practice without a registration. The board discussed three steps to decrease the incidence of practice without a registration: 1) Notify the Dept of Health of practice without a registration to alert the facilities that their policies for checking registrations need to be reviewed 2) Notify the registrant through the renewal process and 3) Education efforts to facilities on the UAP and Medication Assistant registration process. It was noted that the CE presentation on the process is currently available. Sund called the question.</p> <p><i>Motion:</i> Sund, seconded by Traynor that: THE BOARD OPPOSE HB 1269 DISCIPLINE OF A UAP AS CURRENTLY WRITTEN.</p> <p><i>Roll call vote:</i> Anderson, absent; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p> <p><i>Motion:</i> Sund, seconded by Traynor to: REQUEST THAT THE CONCERNS (UAP PRACTICE WITHOUT A REGISTRATION) BE ADDRESSED THROUGH BOARD POLICY, BUT IF NOT ACCEPTABLE RECOMMEND THE BILL BE AMENDED TO STATE THAT THE BOARD WILL:</p> <ol style="list-style-type: none"> 1) NOTIFY THE DEPT OF HEALTH OF PRACTICE WITHOUT REGISTRATIONS; 2) NOTIFY THE REGISTRANTS THROUGH THE RENEWAL PROCESS; 3) EDUCATE THE FACILITIES ON REGISTRATION PROCESS. <p><i>Roll call vote:</i> Anderson, absent; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, abstain; Traynor, yes; 7 yes, 0 no, 1, abstain, 1 absent. Motion carried. **Legislation was passed out of committee and passed by NDHR (97-1) prior to Board providing a position.</p>
7.518 SB2168 Coroner/Forensic Examination	<p><i>Discussion:</i> SB 2168 relates to numerous revisions related to autopsy reports, powers and duties of the coroner and state forensic examiners. One amendment adds advanced practice registered nurse, registered nurse, specialty practice registered nurse, or licensed practical nurse as eligible to serve as coroner. The board discussed that the SPRN is not necessary to define as they also would fall under the RN and it not within the scope of practice of an LPN. Suggested amendments include removing the SPRN and licensed practical nurse the statement reads "advanced practice registered nurse or registered nurse".</p> <p><i>Motion:</i> Sund, seconded by Traynor that: THE BOARD SUPPORT SB 2168 CORONER/FORENSIC EXAMINATION WITH AMENDMENTS TO REMOVE SPRN AND LPN.</p> <p><i>Roll call vote:</i> Anderson, absent; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>
7.519 HB 1215 Immunization by EMTs and Paramedics	<p><i>Discussion:</i> HB1215 amends the ND Century Code relating to immunizations administered by emergency medical technicians and paramedics. The understanding is that they want to be able to administer influenza vaccinations. The board discussed the training of EMTs and paramedics. It was noted when pharmacy added language to their act to allow pharmacists to give injections, however there were specific training requirements added. This bill does not refer to any training requirements. There are many questions regarding the intent of the bill.</p> <p><i>Motion:</i> Traynor, seconded by Case that: THE BOARD REMAIN NEUTRAL ON HB 1215 IMMUNIZATION BY EMTS AND PARAMEDICS UNTIL FURTHER INFORMATION IS AVAILABLE.</p> <p><i>Roll call vote:</i> Anderson, absent; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>
7.53 Communication Policy and Report Form	Representatives of Meritcare met with Senator Judy Lee to discuss the out of state student exemption. The outcome of the meeting was that facilities and programs in the Fargo-Moorhead area will meet to discuss the issue of availability of sites for clinical experience.
7.54 American Association of Nurse Anesthetists	The board reviewed a letter of concern related to a statement from the American Society of Anesthesiologists related to changes in supervision requirements and ratios for students who are not physicians. This has not been an issue for ND.
7.6 Website and Renewal	RN/LPN Renewal was completed at the end of December and a full report will be provided in March. Also, the website will be revised later this spring.
7.71 JONA – Perspectives on Nursing Leadership in Regulation	The board reviewed an article by Kalanek and Shanta titled "Perspectives on Nursing Leadership in Regulation" that was published in the December 2008 issue of the Journal of Nursing Administration.
7.72 MDA – CBK	Kalanek is participating in the MDA Lock Up on January 29, 2009.

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CONSENT AGENDA:

8.1 NCSBN
8.11 Report from President Rhodes
8.12 NCSBN Focus – APRN Licensure Vs Certification
8.2 Office Management
8.3 Nursing Practice
8.31 Summary of practice calls
8.4 Workplace Impairment Program Report
8.41 Statistics
8.5 Unlicensed Assistive Person/Medication Assistant
8.51 Testing Summary Report
8.52 NNAAP Testing
8.6 Licensure
8.61 Licensed Nurse
8.62 Unlicensed Assistive Person
8.63 NCLEX-RN – none
8.64 NCLEX-PN - none
8.7 Discipline
8.71 Disciplinary Statistics/Case Activity Report
8.8 Legal Counsel
8.9 Education
8.91 MSU – Moorhead notification of 84 BSN students practicing in ND facilities
8.92 MN State Community & Tech College (MSCTC) notification of 27 AASPN students practicing in ND facilities
8.93 Northland Community & Tech College (NCTC) notification of 40 ADN students practicing in ND facilities
8.94 MSCTC notification of 30 ADN students practicing in ND facilities
8.95 University of Wisconsin OshKosh notification of 1 BSN student practicing in ND facilities
8.96 NCTC notification of 133 AASPN students practicing in ND facilities
8.97 University of South Dakota notification of 4 ADN students practicing in ND facilities

BOARD COMMITTEES:

9.0 Program Monitoring Committee	
9.1 Nursing Education Committee	
9.2 Finance Committee	
9.3 Executive Committee	
9.4 Prescriptive Authority Committee	January 21, 2009
9.5 Nursing Practice Committee	
9.6 Prescription Drug Monitoring Program Committee	

UPCOMING MEETINGS & REPORT OF MEETINGS ATTENDED:

10.1 National Council of State Boards of Nursing
10.2 NCSBN Monthly Meetings by teleconference calls and onsite:
10.2-1 Policy Call – January 29
10.2-2 Education Consultant Network – Dec 11, 2008; Jan 8, 2009; Feb 10, 2009
10.2-3 Discipline Networking Call – December 9, 2008; February 10, 2009
10.2-4 EO Network – February 23
10.2-5 NLCA Meeting – December 15, 2008; February 10, 2009
10.2-6 Mid-Year Meeting – March 3-4, 2009 - Will support two people to attend.
10.2-7 NCSBN Executive Officers Leadership Seminar; June 23-24, 2009
10.2-8 Annual Institute of Regulatory Excellence – January 12-14, 2009
10.2-9 IRE Committee – December 11-12, January 12-14, 2009
10.2-10 Board Investigator & Attorney Workshop;
10.2-11 NCLEX Invitational
10.2-12 Practice Consultant – Dec 15, Jan 14, 2009

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10.2-13 NCLEX Examination Committee – January 20-22, 2009
10.2-14 Workshop on Regulation of Unlicensed Assisted Personal (UAP)
10.2-15 TERCAP User Conference Call – January 13, March 10, May 12
10.2-16 NCSBN Annual Meeting – August 11-14
10.2-17 Committee Chair Call – January 9, 2009
10.3 ND Nurse Leadership Council – November 21, January 20
10.4 ND Organization of Nurse Executives – December 4
10.5 ND Nurses Association
10.6 ND Rural & Public Health Conference –Mandan, April 1-3, 2009
10.7 ND LTCA Conference
10.8 ND Health Care Association Annual Meeting
10.9 ND Domestic and Sexual Violence State Prevention Team – January 26
10.10 Nurse Education Consortium (2379) – December 16, January 14
10.11 PHEVR/MRC Advisory Committee – December 16; January 20
10.12 RWJF Nursing Education Capacity Summit – February 4 & 5, 2009
10.13 AACN Master's Conference – February 19-21
10.14 NDNA Nurses Day at the Legislature – February 9

Staff Presentations

- 11.1 Delegating Effectively – St Alexius Prime Care – December 17, 2008
- 11.2 NPA & APRN – U of Mary – January 8, 2009
- 11.3 NPA Update – St Alexius Prime Care – January 20, 2009

**The meeting recessed for lunch at 11:30 a.m. on January 22, 2009 and reconvened at 1:00 p.m.
The meeting adjourned at 4:15 p.m. on January 22, 2009.**

Constance B. Kalanek, RN, PhD
Executive Director
Draft 1/30/2009