

North Dakota Board of Nursing Meeting Minutes – January 20, 2011

Call to Order: January 20, 2011 at 8:30 a.m. – BSC National Energy Center of Excellence Room 335 1200 Schafer St, Bismarck, ND

Roll Call: Eight board members present as follows:
 Nelson (Buzz) Benson, RN, President
 Charlene Christianson, RN, Treasurer
 Daniel Rustvang, RN
 Angela Levi, LPN
 Julie Traynor, RN, Vice-President
 Deborah Smith, RN
 Elizabeth Anderson, LPN
 Melissa Frank, LPN (present via IVN in Dickinson ND)

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

Other individuals were present as indicated on the roster. The meeting was broadcast through IVN sites throughout the state with nursing program students in attendance.

AGENDA	ACTION
1.1 Consent Agenda	<p><i>Discussion:</i> The board reviewed the consent agenda. .</p> <p><i>Motion:</i> Traynor, seconded by Christianson to: ADOPT THE CONSENT AGENDA AS DISTRIBUTED.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Rustvang, yes; Smith, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p>
1.2 Agenda	<p><i>Discussion:</i> The agenda was reviewed as distributed. No changes were identified.</p> <p><i>Motion:</i> Traynor, seconded by Anderson to: APPROVE THE AGENDA AS DISTRIBUTED.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Rustvang, yes; Smith, yes; Traynor, yes; 8 yes, 0 no, 0 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 18-19, 2010 Meeting Minutes	<p><i>Discussion:</i> The minutes of the November 18-19, 2010 meeting were reviewed. No changes were identified.</p> <p><i>Motion:</i> Christianson, seconded by Smith to: APPROVE THE MINUTES OF THE NOVEMBER 18-19, 2010 MEETING AS DISTRIBUTED.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Rustvang, yes; Smith, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p>
3.1 Financial Statements	Financial Statements through December 31, 2010 were reviewed. The board reviewed the comparison in actual income expenditures to date from last year to this year. Income is at 82% and expenses at 51% of budgeted.
3.2 Strategic Plan – July 1-December 31, 2010 progress report	<p>Staff reviewed activities and progress toward meeting the outcomes of the current strategic plan from July 1, 2010 through December 31, 2010. Many items are ongoing and progressing toward meeting the identified goals. A report will be given to the board every six months.</p> <p><i>Motion:</i> Anderson, seconded by Levi to: ACCEPT THE STRATEGIC PLAN PROGRESS REPORT FOR JULY 1 – DECEMBER 31, 2010.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Rustvang, yes; Smith, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p>
3.3 Report of potential merger/collaboration – NDNLC & ND Education Capacity Team	Members of the Nurse Leadership Council and Nursing Education Summit Team met and discussed the possibility of a merger. The council and summit team are made up of many of the same members. The membership of the two organizations agreed to combine resources and become one. A steering committee has been established to begin work on the organizational framework. One of the goals for the Nursing Education Summit Team is to establish a Center for Nursing. The Center for Nursing is a goal of the group and will begin with hiring a center director.
3.4 Approval of purchase from Reserve Funds – Netbook	<p><i>Discussion:</i> Benson indicated he had requested that staff purchase a netbook for use during the legislative session instead of printing hard copies of the legislative bills. Benson felt that it was necessary to see how the netbook would work during the session as the board moves toward becoming paperless. As approved by the NDBON Finance Committee for this fiscal year, all fixed assets are coming from reserve funds with board approval.</p> <p><i>Motion:</i> Christianson, seconded by Rustvang to: APPROVE THE FIXED ASSET PURCHASE OF A NETBOOK FROM RESERVE FUNDS.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Rustvang, yes; Smith, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p>

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3.5 NDBON Annual Report – 2009-2010 (draft)	<p><i>Discussion:</i> The board reviewed the draft 2009-2010 NDBON Annual Report. The report is based on the Nurse Practices Act and each section of the act is identified and outlined the activity for the fiscal year.</p> <p><i>Motion:</i> Anderson, seconded by Traynor to: APPROVE THE NDBON 2009-2010 ANNUAL REPORT AS DISTRIBUTED.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Rustvang, yes; Smith, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p>																
4.3 Voluntary Surrender	<p><i>Discussion:</i> One individual has submitted a voluntary surrender, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Voluntary Surrender.</p> <p><i>Motion:</i> Anderson, seconded by Rustvang to: APPROVE AND ACCEPT THE TERMS OF THE PROPOSED VOLUNTARY SURRENDER AS A FINAL ORDER OF THE BOARD FOR THE FOLLOWING INDIVIDUAL:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">NAME</th> <th style="text-align: left;">LIC/REG#</th> <th style="text-align: left;">CITY, STATE</th> <th style="text-align: left;">PENALTY FEE</th> </tr> </thead> <tbody> <tr> <td>Strom, Jeanne</td> <td>103862UAP</td> <td>Hazen, ND</td> <td>\$100</td> </tr> </tbody> </table> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Rustvang, yes; Smith, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p> <p><i>Discussion:</i> One individual has submitted a voluntary surrender, seeking the Board's consideration and approval of its terms that was received later in the day. The Board reviewed and discussed the facts and terms of the Voluntary Surrender.</p> <p><i>Motion:</i> Traynor, seconded by Anderson to: APPROVE AND ACCEPT THE TERMS OF THE PROPOSED VOLUNTARY SURRENDER AS A FINAL ORDER OF THE BOARD FOR THE FOLLOWING INDIVIDUAL:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">NAME</th> <th style="text-align: left;">LIC/REG#</th> <th style="text-align: left;">CITY, STATE</th> <th style="text-align: left;">PENALTY FEE</th> </tr> </thead> <tbody> <tr> <td>Geir, Melinda</td> <td>106058UAP</td> <td>Milton, ND</td> <td>\$100</td> </tr> </tbody> </table> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Rustvang, yes; Smith, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p>	NAME	LIC/REG#	CITY, STATE	PENALTY FEE	Strom, Jeanne	103862UAP	Hazen, ND	\$100	NAME	LIC/REG#	CITY, STATE	PENALTY FEE	Geir, Melinda	106058UAP	Milton, ND	\$100
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4.41 Stipulation for Settlement – Vickie Weathers, R28599	<p><i>Discussion:</i> A Stipulation for Settlement was received from Vickie Weathers, RN, APRN, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (3)(5) and NDAC 54-02-07-01.1 (5)(6)(7)(8) and NDAC 54-05-03.1-10(7) and NDAC 54-05-03.1-13(2). The board discussed the sanction of encumbering only the prescriptive authority instead of her nursing license.</p> <p><i>Motion:</i> Anderson, seconded by Traynor to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR VICKIE WEATHERS, RN, APRN AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ SUSPEND HER PRESCRIPTIVE AUTHORITY FOR TWO YEARS; HOWEVER THE SUSPENSION SHALL BE STAYED FOR TWO YEARS, DURING WHICH STAY THE PRESCRIPTIVE AUTHORITY SHALL BE ENCUMBERED FOR TWO YEARS UNDER THE TERMS SET OUT IN THE BOARD ORDER. ◆ ASSESS A \$1600.00 PENALTY FEE PLUS COSTS & DISBURSEMENTS; ◆ OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Rustvang, yes; Smith, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p>																
4.42 Stipulation for Settlement – Erica Zaun, 106876UAP	<p><i>Discussion:</i> A Stipulation for Settlement was received from Erica Zaun, 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) (5) and NDAC 54-02-07-01 (12).</p> <p><i>Motion:</i> Rustvang, seconded by Traynor to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR ERICA ZAUN, UAP. AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> • ENCUMBER THE REGISTRATION FOR ONE YEAR; • ASSESS A \$100 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND • OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Rustvang, yes; Smith, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p>																

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4.43 Stipulation for Settlement – Kimberly Rasmussen, R33537	<p><i>Discussion:</i> A Stipulation for Settlement was received from Kimberly Rasmussen, 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(12).</p> <p><i>Motion:</i> Rustvang, seconded by Levi to:</p> <p>ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR KIMBERLY RASMUSSEN, RN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> • ISSUE A REPRIMAND; • ASSESS A \$600 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND • OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Anderson, recuse; Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Rustvang, yes; Smith, yes; Traynor, yes; 7 yes, 0 no, 1 recuse, 0 absent. Motion carried.</p>
4.44 Stipulation for Settlement – Graig Wells, LPN Endorsement Applicant	<p><i>Discussion:</i> A Stipulation for Settlement was received from Graig Wells, LPN Applicant, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (2).</p> <p><i>Motion:</i> Traynor, seconded by Smith to:</p> <p>ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR GRAIG WELLS, LPN APPLICANT, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> • ENCUMBER THE LPN LICENSE TO RUN CONCURRENT WITH COMPLETION OF 2000 HOURS OF EMPLOYMENT AS AN LPN; • OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Rustvang, yes; Smith, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p>
4.45 Stipulation for Settlement – Bridget Iverson, R32982	<p><i>Discussion:</i> A Stipulation for Settlement was received from Bridget Iverson, 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).</p> <p><i>Motion:</i> Anderson, seconded by Traynor to:</p> <p>ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR BRIDGET IVERSON, RN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> • ENCUMBER THE RN LICENSE FOR ONE YEAR; • ASSESS A \$500 PENALTY FEE PLUS COSTS & DISBURSEMENTS; AND • OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Rustvang, yes; Smith, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p>
4.46 Stipulation for Settlement – Lynell Skavlem, L12830	<p><i>Discussion:</i> A Stipulation for Settlement was received from Lynell Skavlem, 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)(12).</p> <p><i>Motion:</i> Traynor, seconded by Levi to:</p> <p>ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR LYNELL SKAVLEM, LPN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ SUSPEND THE LPN LICENSE FOR TWO YEARS; ◆ ASSESS A \$600 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Rustvang, yes; Smith, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p>
4.5 Consent Order – Donna Brokke, L9536	<p><i>Discussion:</i> A Consent Order was received from Donna Brokke, 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(9) and NDAC 54-02-05-08(1) and NDAC 54-02-07.01.1(18).</p> <p><i>Motion:</i> Traynor, seconded by Anderson to:</p> <p>ACCEPT THE CONSENT ORDER FOR DONNA BROKKE, LPN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> • VOLUNTARY SURRENDER HER LPN LICENSE; • ASSESS A \$200.00 PENALTY FEE; AND • OTHER TERMS AS SET OUT IN THE BOARD ORDER. <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Rustvang, yes; Smith, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p>
4.61 Amanda Peden, 106414UAP/MA	<p><i>Discussion:</i> Brian Bergeson, SAAG was present for this agenda item. A hearing was conducted in the matter of Amanda Peden, UAP, MA in December 2010 with Administrative Law Judge Allen Hoberg. Ms. Peden was not present for this discussion, and was not present at the hearing or represented by counsel. The Board reviewed and discussed the ALJ's Recommended Finding of Fact, Conclusion of Law and Order dated December 16, 2010 for Amanda Peden, UAP, MA for violation of NDCC 43-12.1-14 (3)(5)(6) and NDAC 54-02-07-01.1 (5)(6)(7)(9). There were corrections noted in the ALJs order on pages 2 and 5, and Bergeson indicated he has prepared a new order for the board's consideration that has additional terms consistent with other board orders relating to costs, reinstatement requirements, and disciplinary data bank reporting.</p>

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4.61 Amanda Peden, 106414UAP/MA (cont.)	<p><i>Motion:</i> Traynor, seconded by Christianson to: ADOPT THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER, WITH THE CORRECTIONS NOTED ON PAGES 2 AND 5, IN THE CASE OF AMANDA PEDEN, UAP/MA AND ADOPT THE ORDER PREPARED BY LEGAL COUNSEL WITH THE ADDITIONAL TERMS.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Rustvang, yes; Smith, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p>
4.71 Request for Reinstatement – Susan Forester, L5491	<p><i>Discussion:</i> Susan Forester was present to request reinstatement of her voluntary surrendered LPN license. The board reviewed the current order and discussed the Disciplinary Review Panel recommendation to reinstate the license to encumber the license for two years with participation in the Workplace Impairment Program during the encumbrance.</p> <p><i>Motion:</i> Traynor, seconded by Christianson to: GRANT SUSAN FORESTER'S REQUEST FOR REINSTATEMENT OF THE SURRENDERED LPN LICENSE TO ENCUMBERED STATUS FOR TWO YEARS, WITH PARTICIPATION IN THE WORKPLACE IMPAIRMENT PROGRAM DURING THE PERIOD OF ENCUMBRANCE ACCORDING TO THE TERMS AND CONDITIONS SET OUT IN THE BOARD ORDER AND WORKPLACE IMPAIRMENT PROGRAM AGREEMENT.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Rustvang, yes; Smith, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p>
4.72 Request for Reinstatement – Amy Shilling, L11078, R33694	<p><i>Discussion:</i> Amy Shilling has requested reinstatement of her RN and LPN license from encumbered status to full licensure status. The board reviewed the current order and discussed the Disciplinary Review Panel recommendation to reinstate the license to full licensure status. The terms and conditions of the board order dated January 14, 2010 have been met.</p> <p><i>Motion:</i> Anderson, seconded by Traynor to: GRANT AMY SHILLING'S REQUEST FOR REINSTATEMENT OF HER RN AND LPN LICENSE TO FULL STATUS AS SHE HAS COMPLIED WITH THE TERMS AND CONDITIONS OF HER BOARD ORDER DATED JANUARY 14, 2010.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Rustvang, yes; Smith, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p>
4.10.1 – Other - Rochanda Poitra – Med Assist Applicant	<p><i>Discussion:</i> Rochanda Poitra submitted a Medication Assistant application to the board. Ms. Poitra was charged with two Class C Felonies in April 2010 and has practiced as a medication assistant from April 26, 2010 to August 30, 2010 without a medication assistant registration.</p> <p><i>Motion:</i> Traynor, seconded by Rustvang to: DENY ROCHANDA POITRA'S MEDICATION ASSISTANT APPLICATION BASED ON NDCC 43-12.1-14 (1) (7).</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Rustvang, yes; Smith, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p>
4.11.1 Miscellaneous	<p>Notice of Suspension was issued to Paulette Long Chase, L11394 on January 14, 2011 for violation of terms and conditions of Order for Reinstatement of License dated September 16, 2010. License automatically SUSPENDED for a period of three (3) years.</p>
5.11 Annual Education Report 2009-2010 (draft)	<p><i>Discussion:</i> The board reviewed the 2009-2010 Annual NDBON Education Report. The report indicates five year trends related to nursing education program data. It was noted that admission numbers remain steady, with the largest enrollment increase in the masters programs. The other noted trend is the continued educational advancement by currently licensed nurses. Many faculty that are currently teaching are also completing their own graduate studies. The format of the report no longer includes curriculum designs as the most up to date information is available on each schools websites. Once report is approved it will be available on the website. The goal for the upcoming year is electronic submission of the data for this report.</p> <p><i>Motion:</i> Anderson, seconded by Traynor to: APPROVE THE NDBON NURSING EDUCATION ANNUAL REPORT FOR 2009-2010.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Rustvang, yes; Smith, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p>
5.21 Proposal from DNP – Addition of PN programs from BSC – Hazen/Harvey	<p><i>Discussion:</i> Julie Traynor recused herself from the next two agenda items and participated in discussion as Chair of the Dakota Nursing Program. Suzie McShane, BSC Program Coordinator and Drake Carter, Provost and VP for Academic Affairs, were present and participated in the discussion. The Dakota Nursing PN Program is requesting approval of two distance sites from the BSC campus, one at Hazen, ND and one in Harvey, ND. There is a clinical instructor identified for the Harvey site, but the Hazen site has two interested individuals, so the program has not identified a clinical instructor until the board approves the distance site. The program has limited the enrollment to eight students at each site. The program representatives discussed the clinical instruction aspect and indicated that the fact that the clinical experience will fall in the summer semester allows students to obtain experience in Bismarck when clinical sites are available. Staff indicate the program meets the requirements of the rules for these requests.</p>

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5.21 Proposal from DNP – Addition of PN programs from BSC – Hazen/Harvey (cont.)	<p><i>Motion:</i> Anderson, seconded by Rustvang to: APPROVE THE REQUEST FROM DAKOTA NURSING PROGRAM-BSC PN PROGRAM TO EXTEND THE PROGRAM TO A NEW DISTANCE SITE IN HAZEN AND HARVEY, ND AS THE PROGRAM HAS MET THE REQUIREMENTS ACCORDING TO NDAC 54-03.2-07-03.1 PROGRAM DELIVERY WITH THE STIPULATION THAT PRIOR TO ADMITTING STUDENTS FOR FALL 2011, THE DNP PROGRAM DIRECTOR NOTIFY THE BOARD OF THE NAME AND QUALIFICATION OF THE CLINICAL INSTRUCTOR HIRED FOR THE HAZEN SITE.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Rustvang, yes; Smith, yes; Traynor, recuse; 7 yes, 0 no, 1 recuse, 0 absent. Motion carried.</p>
5.22 Proposal from DNP – Addition of RN Program from LRSC - Mayville	<p><i>Discussion:</i> Christianson recused herself from this item due to her involvement with the DNP-LRSC. Present for this agenda item via IVN in Devils Lake were Karen Clementich, RN, Nursing Coordinator for LRSC, Doug Darling, VP for Instructional Services of LRSC and Kari Matthys, RN, Site Manager at Mayville State College via telephone. Dakota Nursing Program-LRSC has requested the board's consideration to extend the ADN RN program to the current practical nurse distance site in Mayville ND. Staff indicates that the proposed program demonstrates rules compliance in every aspect except faculty qualifications. As of Fall Semester 2011, two of the proposed faculty could be academically qualified if their graduate studies are completed as anticipated. The third could become academically qualified at the end of that fall semester in December 2011 if a master's degree is completed as anticipated. The program representative requested that the board not delay the starting date, because of the way the curriculum is structured; the program would need to wait to admit students until Fall 2012. Their other concern is potential loss of the current clinical masters prepared instructor that is working with the PN program students in Mayville. They indicate the program has a successful history of distance sites and is very adept at working with each other and communicating. Julie Traynor, Program Director is located on campus at LRSC. The didactic education will be the same as LRSC through IVN. There are currently five students in PN program that would like to articulate into the RN program in Fall 2011. Staff recommends a delayed start date of Spring semester 2012 when faculty would be in compliance with the rules. The board and staff discussed concern about faculty workload, graduate studies, and the consideration that LRSC does not have a qualified site coordinator and has not had one for some time.</p> <p><i>Motion:</i> Rustvang, seconded by Smith to: APPROVE THE REQUEST FROM DAKOTA NURSING PROGRAM-LRSC RN PROGRAM TO EXTEND THE PROGRAM TO A NEW DISTANCE SITE IN MAYVILLE, ND BEGINNING IN FALL 2011, AS THE PROGRAM HAS MET THE REQUIREMENTS ACCORDING TO NDAC 54-03.2-07-03.1 PROGRAM DELIVERY.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, recuse; Frank, yes; Levi, yes; Rustvang, yes; Smith, yes; Traynor, recuse; 6 yes, 0 no, 2 recuse, 0 absent. Motion carried.</p>
5.51 Notification: Increase in NCLEX PN Passing Standard	<p>The board reviewed a press release from NCSBN that will be effective April 1, 2011; the passing standard for the NCLEX-PN Examination will be increased. Staff had contacted NCSBN for information regarding the logit change and the effect on pass rates. It was indicated that a logit change usually impacts the pass rate by a 1-2% drop, which is not considered a major change.</p>
6.2 SPRN Certification Examination Recognized by NDBON – Urologic	<p><i>Discussion:</i> The board reviewed the current list of certification examinations recognized by the board for Specialty Practice Registered Nurse. The SPRN is not a widely used category, with five SPRNs licensed in ND. An SPRN application has been received with a specialty in urology. The applicant meets all requirements for the SPRN other than the board has not approved the specialty examination. Staff recommends the addition of the examination administered by the "Certification Board for Urologic Nurses & Associate Urologic Nursing."</p> <p><i>Motion:</i> Anderson, seconded by Christianson to: APPROVE THE ADDITION OF THE "CERTIFICATION BOARD FOR UROLOGIC NURSES & ASSOCIATE UROLOGIC NURSING" TO THE SPRN CERTIFICATION EXAMINATIONS RECOGNIZED BY THE ND BOARD OF NURSING.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Rustvang, yes; Smith, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p>
6.3 Request for Approval of Surgical Technician application – Felicia Huber	<p><i>Discussion:</i> Felicia Huber has submitted an application for surgical technician. Ms Huber has been employed and trained at the Wishek Community Hospital from 1994 to present, with a few years lapse in her employment, which was during the grandfathering time for surgical technicians to apply without a formal training program. The board took action in March 2009 indicating that the BON would no longer accept applications for the surgical technician without a formal training program effective 8/1/2009.</p> <p><i>Motion:</i> Traynor, seconded by Anderson to: APPROVE THE APPLICATION FOR SURGICAL TECHNICIAN FROM FELICA HUBER.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Rustvang, yes; Smith, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p>
6.4 Ratification of nursing practice hours	<p><i>Discussion:</i> Staff has reviewed the journals of two individuals for care of their family members for practice hours.</p> <p><i>Motion:</i> Anderson, seconded by Traynor to: RATIFY THE FOLLOWING NURSING PRACTICE HOURS:</p> <ul style="list-style-type: none"> • GERALDINE COURTNEY, L4740 2008= 96 HOURS; 2009=300 HOURS; 2010=726 HOURS • BARBARA HANSEN, R11626 2010=126 HOURS

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AGENDA	ACTION
6.4 Ratification of nursing practice hours (continued)	<i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Rustvang, yes; Smith, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.
7.11 Scope of Practice RN – Nurse counseling for vaccine administration – NDDOH (Robin Iszler & Custer Health Rep) 1:00 p.m.	<p><i>Discussion:</i> Bergeson was present for this agenda item. Robin Iszler, RN, Central Valley Health District was available via phone and Heather Weaver RN and Jocelyn Koch RN from Custer District Health Unit were present. The board reviewed a request for consideration from the ND Department of Health and the public health units questioning if the nurses who give vaccines meet the criteria of “other qualified healthcare professionals” for the purpose of performing counseling for vaccine administration. Effective January 1, 2011 two new codes for administration of vaccines have become available, which allow the providers to bill components of a vaccine separately for providing counseling during vaccine administration. The health units request the boards’ opinion if it is within the RN scope of practice to provide counseling as part of the nursing process. According to the guidelines, the health units must refer to their states’ scope of practice laws, and they are requesting clarification of the scope of practice. The Board reviewed the NDCC 43-12.1-02.5(c) Nurse Practices Act and NDAC section 54-05-02-02.1-3(h) Registered nurse responsibility to implement the nursing process.</p> <p><i>Motion:</i> Christianson, seconded by Traynor to: OPINE THAT IT IS WITHIN THE SCOPE OF PRACTICE OF THE RN, WITH OR WITHOUT SUPERVISION, TO ADMINISTER VACCINE AND PERFORM COUNSELING FOR VACCINE ADMINISTRATION AND MEETS THE CRITERIA OF “OTHER QUALIFIED HEALTHCARE PROFESSIONAL” IN THE 2011 PEDIATRIC IMMUNIZATION ADMINISTRATION CODES.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Rustvang, yes; Smith, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p>
7.4 Nurse Licensure Compact	It was noted that there is movement in MN in preparation for 2011 session for introduction of nurse licensure compact legislation. Health Partners is supportive of the Compact in MN. Illinois and Florida are also considering compact legislation.
7.51 Legislative Bills Affecting State Agencies	<p><i>Discussion:</i> Cal Rolfson was present to review the status of bills affecting or of interest to the board. The board discussed SB 2148 and HB1103 which both relate to APRNs. SB 2148 relates to Prescriptive Authority for APRNs and removing the requirement for a collaborative agreement. HB1103 includes APRNs in the definition of “Licensed medical care provider” for instances relating to nondriver photo identification, operator’s license, and motorcycle safety and body requirements.</p> <p><i>Motion:</i> Anderson, seconded by Smith to: SUPPORT THE FOLLOWING LEGISLATION:</p> <ul style="list-style-type: none"> • SB 2148 – RELATING TO PRESCRIPTIVE PRACTICE STANDARDS FOR ADVANCED PRACTICE REGISTERED NURSES • HB1103 – DEPT OF TRANSPORTATION – INCLUDES APRNS – NONDRIVER PHOTO IDENTIFICATION, OPERATOR’S LICENES, AND MOTORCYCLE SAFETY AND BODY REQUIREMENTS. <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Rustvang, yes; Smith, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p> <p><i>Discussion:</i> The board reviewed potential legislation related to licensing lay midwives. The legislation would set up regulation of lay midwives and a registry operated by the Board of Nursing. A task force has been studying the issue and indicates a need for regulation of lay midwives and that the regulation should be with the Board of Nursing. The Board of Nursing licenses Certified Nurse Midwives that are advanced practice nurses. The Board discussed the confusion that already exists between lay midwives that are not nurses and CNM which are nurses.</p> <p><i>Motion:</i> Anderson, seconded by Levi that: THE BOARD TAKE NO POSITION ON SB 2315 RELATED TO LICENSED MIDWIVES (THE REGULATION OF LAY MIDWIVES).</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, absent; Levi, yes; Rustvang, yes; Smith, yes; Traynor, yes; 7 yes, 0 no, 1 absent. Motion carried.</p> <p><i>Discussion:</i> The board discussed SB 2035 which relates to pharmacists administration of immunizations and vaccinations to minors. The bill allows pharmacists to give vaccinations and immunizations to children eleven and older instead of the current age of eighteen and over.</p> <p><i>Motion:</i> Anderson, seconded by Traynor that: THE BOARD SUPPORT THE FOLLOWING LEGISLATION: SB 2035 – PHARMACIST ADMINISTRATION OF IMMUNIZATIONS AND VACCINATIONS TO MINORS.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, absent; Levi, yes; Rustvang, yes; Smith, yes; Traynor, yes; 7 yes, 0 no, 1 absent. Motion carried.</p> <p><i>Discussion:</i> The board discussed HB 1092 which would add an exemption to the State Board of Career & Technical Education for institutions whose only physical presence in the state consists of students enrolled in practicums, internships, clinicals, or student teaching in this state. This exemption would mean that clinical nursing students would not fall under regulation by any entity in the state. The board discussed their concerns and discussed a recommendation for an amendment that would authorize regulation by the board of nursing for out of state nursing programs with students doing clinical in ND.</p> <p><i>Motion:</i> Traynor, seconded by Anderson to: SUPPORT HB 1092 RELATED TO EXEMPTION OF CERTAIN INSTITUTIONS FROM REGULATION BY THE CAREER AND TECHNICAL EDUCATION WITH AMENDMENTS THAT WOULD AUTHORIZE REGULATION BY THE BOARD OF NURSING FOR OUT OF STATE NURSING STUDENTS.</p>

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AGENDA	ACTION
7.51 Legislative Bills (continued)	<p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, absent; Levi, yes; Rustvang, yes; Smith, yes; Traynor, yes; 7 yes, 0 no, 1 absent. Motion carried.</p> <p>Rolfson indicated HB 1041 – UAP Registry bill: Came out of committee with a do pass without an appropriation.</p>
7.53 Communication with Senators & Representatives	Board members discussed whether staff should notify legislators of who are members of the Board of Nursing. Board members will also contact their own legislators.
7.54 CNS – Issuance of Medicaid provider number	Nurse Practitioners requested to be issued Medicaid provider numbers for more accurate billing last year. Instead of the law being written using the title APRN, it was worded “nurse practitioners”. Clinical Nurse Specialists (CNS) had asked the board for their support in adding their APRN title to the law. Information was sent to Department of Human Services, and legislation was being prepared to add the CNS to the law. The Department of Human Services has worked out the issue without the need for legislative changes.
7.55 Report on Request for Direct Access to PDMP	Rustvang had followed up on the possibility of the board obtaining direct access to Prescription Drug Monitoring Program after board supported direct access for licensed addiction counselors. Howard Anderson of Board of Pharmacy was not supportive of giving Board of Nursing direct access, and indicated they would continue with the present process for obtaining information. Board staff agrees that as long as the reports are received on a timely basis when requests are made, it is not necessary to pursue direct access at this time.
7.6 Website and renewal	As of December 31, 2010, a total of 7,430 licensees had been renewed and 921 non-renewed. There were approximately 40 individuals with late renewals received in the first week. In December of 2000 the total number of licenses was 10,814 and December 2010 total number was 15,081. RN numbers are rising significantly while LPN numbers are staying steady.
7.71 Media Relations	There was an article published in the Fargo Forum related to mandatory overtime and shifts. The board has a practice statement on Safety to Practice and Abandonment. Many nurses indicate they are threatened with license suspension by the employer if they do not stay. Staff indicate DRP has not received any reports of patient abandonment recently. The board discussed the difference between employee, employer issues and patient abandonment violations.
8.32 Prescriptive Authority Applicants (continued)	The following applicant has submitted an application for prescriptive authority since the last meeting and was ratified with the consent agenda: HEATHER LAUTT, FNP, MINOT CP: JESSE SABIITI MD
9.7 Technology Committee	The committee had a second meeting on January 17 th . The committee heard from the superintendent of schools of the Jamestown School system as to how they transitioned to paperless board meetings. The committee reviewed options that they will investigate and use at the committee level before a recommendation is made to the board. Another topic to be researched is e-transcripts for availability from the graduate of nursing programs throughout the state. The committee will receive a demonstration on the netbooks at the next meetings to determine the effectiveness and ease of operation.
12.2 Update list of BON Committee Appointments	<p><i>Discussion:</i> Two committees have vacancies with the resignation of Karen LaLonde. Benson volunteered for the Nursing Education Committee and Rustvang volunteered for the Finance Committee.</p> <p><i>Motion:</i> Levi, seconded by Traynor to: APPOINT BUZZ BENSON TO FILL THE VACANCY ON THE NURSING EDUCATION COMMITTEE AND DAN RUSTVANG TO FILL THE VACANCY ON THE FINANCE COMMITTEE.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, absent; Levi, yes; Rustvang, yes; Smith, yes; Traynor, yes; 7 yes, 0 no, 1 absent. Motion carried.</p>

CONSENT AGENDA:

8.1 NCSBN
8.11
8.12 NCSBN Board of Directors endorses Institute of Medicine Future of Nursing Report
8.2 Office Management
8.3 Nursing Practice
8.31 Summary of practice calls
8.32 Prescriptive Authority Applications
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 Statistics
8.62 UAP Stats

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8.63 NCLEX-RN
8.64 NCLEX-PN
8.7 Discipline
8.71 Discipline Statistics/Case Activity Report
8.72 NLC Case Log
8.8 Legal Counsel
8.9 Education
8.91 Ratification of CE Approval
8.92 Report of Out-of-State Students
8.93 Education Dialogue (November & December)

BOARD COMMITTEES:

9.0 Program Monitoring Committee	December 8, 2010
9.1 Nursing Education Committee	March 9, 2011
9.2 Finance Committee	April 2011
9.3 Executive Committee	
9.4 Prescriptive Authority Committee	March 9, 2011
9.5 Nursing Practice Committee	
9.6 Prescription Drug Monitoring Program Committee	March 24, 2011
9.7 Technology Committee	December 9, 2010; January 19, 2011

UPCOMING MEETINGS & REPORT OF MEETINGS ATTENDED:

10.1 National Council of State Boards of Nursing Annual Meeting, August 2-5, 2011
10.2 NCSBN Monthly Meetings by teleconference calls and onsite:
10.2-1 Policy Call
10.2-2 Education Consultants
10.2-3 Discipline Networking Call
10.2-4 EO Network – December 20
10.2-5 NLCA Meeting – November 29
10.2-6 Mid-Year Meeting – March 13-16, 2011
10.2-7 NCSBN Executive Officers Leadership Seminar – June 21-23, 2011
10.2-8 Annual Institute of Regulatory Excellence, February 8-10, 2011
10.2-9 IRE Committee – December 13; January 10
10.2-10 Attorney/Investigator Symposium
10.2-11 NCLEX Invitational
10.2-12 Practice Consultant Call – October 20
10.2-13 TERCAP User Conference Call
10.2-14 IT Summit – May 10-11, 2011
10.2-15 ULR Committee – December 6-7
10.2-16 APRN Summit – January 12-13, 2011 – Rustvang, Kalanek, Hill & Bergeson attended. Highlighted trying to get more congruent language regarding APRN. Identified four areas CNS, NP, CRNA, CNM of APRN category.
10.3 ND Nurse Leadership Council, January 5
10.4 ND Organization of Nurse Executives
10.5 ND Nurses Association
10.6 ND Rural & Public Health Conference – March 23-25, 2011.
10.7 ND LTCA Conference – May 3-6, 2011
10.8 ND Health Care Association Annual Meeting
10.9 Center Champion Nursing America Capacity Team – January 5
10.10 Lay Midwife Meeting – September 27; November 29; December 20; January 11

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Staff Presentations:
None

The meeting recessed for lunch at 12:00 p.m. and reconvened at 1:00 p.m. on January 20th.
The meeting adjourned at 4:30 p.m. on January 20th, 2011.

Constance B. Kalanek, RN, PhD, FRE
Executive Director
Draft 1/31/11