

## North Dakota Board of Nursing Meeting Minutes – April 28, 2011

Call to Order:	Special Meeting called April 28, 2011 at 4:00 p.m. – ND Board of Nursing Conference Room, 919 S 7 <sup>th</sup> St, Suite 504, Bismarck, ND.	
Roll Call:	Board members present as follows:	
	Board office:	Nelson (Buzz) Benson, RN, President Deborah Smith, RN
	Via Telephone:	Julie Traynor RN, Vice-President Charlene Christianson, RN, Treasurer Dan Rustvang, RN Melissa Frank, LPN (left at 4:50 p.m.) Elizabeth Anderson, LPN Angie Levi, LPN Clara Sue Price, Public Member
	Staff Present:	Constance Kalanek, PhD, RN, Executive Director Karla Bitz, PhD, RN, Associate Director Jane Hoerner MSN, RN, Associate Director for Education
		Julie Schwan, Admin Services Coordinator Patricia Hill, BSN, RN, Assistant Director of Practice & Discipline Brian Bergeson, SAAG
	Guest:	Billie Jo Neumiller & Tracy Perhus (Carrington via phone)

AGENDA ITEM	ACTION
Roll Call of Board Members	President Benson called the meeting to order and requested roll call. All board members were present. Benson recognized newly appointed public member Clara Sue Price and welcomed her to the board.
Approval of the Agenda	<p><i>Discussion:</i> Benson indicated the purpose of the special meeting was to discuss the Implementation Plan for Transition of UAP/MA Assistant I &amp; II Registry to the Nurse Aide Registry at the ND Department of Health and give staff direction for transitioning the registry and the processes for the upcoming months. There is also one disciplinary case for voluntary surrender for the board's consideration.</p> <p><i>Motion:</i> Anderson, seconded by Christianson to: <b>APPROVE THE AGENDA AS DISTRIBUTED.</b></p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Price, yes; Rustvang, yes; Smith, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.</p>
Voluntary Surrender	<p><i>Discussion:</i> Nichole Garber 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> Levi, seconded by Rustvang to: <b>APPROVE AND ACCEPT THE TERMS OF THE PROPOSED VOLUNTARY SURRENDER AS A FINAL ORDER FOR THE FOLLOWING INDIVIDUAL: Nichole Garber, R 31187, Carrington, ND Penalty Fee of \$200.00</b></p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, recuse; Frank, yes; Levi, yes; Price, recuse; Rustvang, yes; Smith, yes; Traynor, yes; 7 yes, 0 no, 2 recuse, 0 absent. Motion carried.</p>
Discussion of Implementation Plan for Transition of UAP/Medication Assistant I & II Registry to the Nurse Aide Registry at the NDDoH	<p><i>Discussion:</i> The 2011 Legislative Assembly passed legislation to transfer the UAP &amp; Medication Assistant I &amp; II registries to the ND Department of Health. The Board of Nursing will continue to maintain a registry for unlicensed assistive persons for surgical technicians and Medication Assistant III. The law will take effect on July 1, 2011. Staff is working on a transition plan as a guide to how to proceed with current registrants that expire on June 30, 2011 and new applications prior to that time. A proposal from staff is that the board may extend the registry expiration dates for those that will be transitioned to the NDDoH to June 30, 2012 at no additional cost. This would allow the Department some time to get their registry up and running. Bergeson has reviewed the rules and indicates that current rules that require a two year registration are binding on the agency and the board may not have the authority to extend registrations. He indicates it may be the responsibility of the ND Dept of Health to extend the registrations, and not NDBON. After much discussion, it was decided that Bergeson and Kalanek should meet with the NDDoH and their attorney as to the legalities of the registries and NDDoH intent and procedures after July 1<sup>st</sup>. The board can revisit the issue at the May meeting to determine how to proceed with registrations expiring on June 30, 2011. The board continued to review the transition plan and discussed the administrative rules, policies and procedures, and FAQs that would need revision. There are currently two UAPs that are being monitored under a Board Order, and the board discussed the circumstances of each violation. The board recommends forwarding the information to the ND Dept of Health. The board will have no continued authority over these individuals. Bergeson will also review if these encumbrances require any action from the Board. Other information discussed in the plan was the incomplete applications that have not finished the Criminal History Record Checks, Potential Violation Reports, Practice without a Registration, and Communication with Stakeholders.</p> <p><i>Motion:</i> Traynor, seconded by Levi to: <b>APPROVE THE IMPLEMENTATION PLAN FOR TRANSITION OF UAP/MEDICATION ASSISTANT I &amp; II TO THE ND DEPT OF HEALTH NURSE AIDE REGISTRY PENDING LEGAL REVIEW AND DIRECT STAFF AND LEGAL COUNSEL TO CONSULT WITH THE ND DEPARTMENT OF HEALTH.</b></p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, absent; Levi, yes; Price, yes; Rustvang, yes; Smith, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>

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Costs Associated with Registry Transfer	<i>Discussion:</i> The board discussed the cost of the registry transition for the Board, which includes legal fees, technology, postage & printing. The ND Dept of Health has received an appropriation for the onetime costs associated with the registry transition. The board discussed the costs incurred by the board as a result of this new law. Kalanek indicated staff time would not be billed, but the board recommended that staff track the time involved in the transition process.
	<i>Motion:</i> Rustvang, seconded by Levi to: <b>DIRECT STAFF TO INVOICE THE ND DEPT OF HEALTH FOR COSTS INCURRED RELATED TO THE TRANSITION PROCESS AND REPORT ESTIMATED COSTS AT THE MAY BOARD MEETING.</b>
	<i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Price, yes; Rustvang, yes; Smith, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.

Meeting Adjourned at 5:25 p.m.

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Constance B. Kalanek, RN, PhD, FRE  
Executive Director  
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