

## North Dakota Board of Nursing Meeting Minutes – March 22, 2012

Call to Order: March 22, 2012 at 8:30 a.m. – NDBON Board Conference Room – 919 S 7<sup>th</sup> Street, Suite 504, Bismarck ND

Roll Call: Nine board members present as follows:  
 Nelson (Buzz) Benson, RN, President  
 Julie Traynor, RN, Vice-President  
 Deborah Smith, RN  
 Bonny Mayer, LPN  
 Melisa Frank, LPN  
 Clara Sue Price, Public Member  
 Charlene Christianson, RN, Treasurer  
 Daniel Rustvang, RN (absent from 12:55 p.m.–2:45 p.m. to attend PDMP meeting)  
 Angela Levi, LPN

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, Administrative Services Coordinator

Other individuals were present as indicated on the roster.

AGENDA	ACTION
1.1 Consent Agenda	<p><i>Discussion:</i> The board reviewed the consent agenda. Agenda item 8.61 is RN &amp; LPN statistics that are now provided on the portal when logging in to the members only site. Board members by consensus agree that the separate statistical document is no longer needed.</p> <p><i>Motion:</i> Frank, seconded by Traynor to:  <b>ADOPT THE CONSENT AGENDA AS PRESENTED.</b></p> <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, yes; Traynor, yes.            9 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 Christianson to:  <b>APPROVE THE AGENDA AS DISTRIBUTED.</b></p> <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, yes; Traynor, yes.            9 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.
1.32 Open Meetings Procedures	Brian Bergeson, SAAG, was present to discuss open meetings procedures with the board, and in particular the right of an audience member to ask questions of board members during the meeting. Bergeson reviewed portions of the attorney general's open meeting handbook which indicate that a person attending an open meeting may photograph, record or broadcast the portion of the meeting that is not in executive session as long as it does not interfere with the meeting. It was also noted that the right of a person attending an open meeting does not include the right to address the governing body during the meeting unless a specific statute requires a public hearing. The procedures to be followed during a meeting are generally left to the public entity's discretion.
2.1 January 19, 2012 Meeting Minutes 2.2 Public Notice	<p><i>Discussion:</i> The minutes of the January 19, 2012 meeting were reviewed. No corrections were identified. The board was asked for direction on including the public notice under this section as well as the minutes, and by consensus agreed to have the public notice included, which is a summary of the minutes.</p> <p><i>Motion:</i> Traynor, seconded by Levi to:  <b>APPROVE THE MINUTES OF THE JANUARY 19, 2012 MEETING AS DISTRIBUTED.</b></p> <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, yes; Traynor, yes.            9 yes, 0 no, 0 absent. Motion carried.</p>
3.1 Financial Statements	Financial Statements through February 29, 2012 were reviewed. The board reviewed the comparison in actual income expenditures to date from last year to this year. Income is at 92% and expenses at 70% of budgeted.
3.2 Strategic Plan	No report.
3.3 ND Center for Nursing Funding Proposal	<p><i>Discussion:</i> Dr. Karen Latham, VP of Center for Nursing, addressed the board regarding a proposal for funding from the ND Center for Nursing. The ND Center for nursing began with funding from the Board of Nursing, Otto-Bremer Foundation, ND Organization of Nurse Executives, College and University Education Administrators and the ND Nurse Leadership Council for 2011-2012. The Center for Nursing is looking for stable funding infrastructure in order to support the full spectrum of needed activities currently being shaped through their strategic planning process. The ND Center for Nursing proposes that the ND Board of Nursing add an additional \$30 fee to each LPN/RN renewal fee, endorsement and reactivation fee and that this additional fee be directed to the ND Center for Nursing. Dr. Patricia Moulton, Executive Director of the Center for Nursing reviewed the history and mission of the ND Center for Nursing and discussed the benefits of nurses being involved in the Center for Nursing. It was discussed that communication efforts regarding the proposal would be essential to make the necessary changes through administrative rule. The board discussed the proposal and were supportive of beginning the process.</p>

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3.3 ND Center for Nursing Funding Proposal (continued)	<p><i>Motion:</i> Levi, seconded by Mayer to: <b>ACCEPT THE PROPOSAL TO ADD AN ADDITIONAL \$30.00 FEE TO EACH LPN/RN RENEWAL FEE, ENDORSEMENT FEE, AND REACTIVATION FEE AND THAT THIS ADDITIONAL FEE BE DIRECTED TO THE ND CENTER FOR NURSING AND MOVE FORWARD WITH THE RULE PROMULGATION PROCESS.</b></p> <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, yes; Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>																									
3.4 Request for Approval of Board Staff Lodging Costs for NDSU On-Site Survey	<p><i>Discussion:</i> Staff was unable to find hotel accommodations at the current state rate in the Fargo area for the NDSU nursing program onsite survey at state rates. Staff is requesting reimbursement of the rooms by the board at actual costs. The board suggested the Finance Committee to review the policy for state rates at hotels when preparing the 2012-2013 budget.</p> <p><i>Motion:</i> Traynor, seconded by Christianson to: <b>ACCEPT REIMBURSEMENT OF LODGING EXPENSES FOR THE NDSU SITE VISIT AT THE ACTUAL RATE OF 99.00 PLUS TAX PER NIGHT FOR HOERNER AND KALANEK.</b></p> <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, yes; Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>																									
4.1 Administrative Settlement – Practice	<p><i>Discussion:</i> Four individuals have signed and submitted administrative settlements for practice without a license/registration since the last meeting. The settlements were reviewed and considered by the board. Additional information provided by Annette Duchene indicated that she understood she had a compact license. The board discussed employer responsibility and education regarding compact issues.</p> <p><i>Motion:</i> Traynor, seconded by Rustvang to: <b>ACCEPT THE ADMINISTRATIVE SETTLEMENTS FOR PRACTICE WITHOUT A LICENSE/REGISTRATION FOR THE FOLLOWING:</b></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;">Sanction</th> <th style="text-align: left;">Penalty Fee</th> </tr> </thead> <tbody> <tr> <td>Christianson, Deborah</td> <td>RN Endorsement Applicant</td> <td>Williston, ND</td> <td>Reprimand</td> <td>\$200</td> </tr> <tr> <td>Duchene, Annette</td> <td>LPN Endorsement Applicant</td> <td>Turtle Lake, ND</td> <td>Reprimand</td> <td>\$200</td> </tr> <tr> <td>Ebach, Susan</td> <td>R20679</td> <td>McClusky, ND</td> <td>Reprimand</td> <td>\$400</td> </tr> <tr> <td>Timboe, Sylvia</td> <td>R19901</td> <td>Minot, ND</td> <td>Reprimand</td> <td>\$400</td> </tr> </tbody> </table> <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, yes; Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>	NAME	Lic/Reg #	City, State	Sanction	Penalty Fee	Christianson, Deborah	RN Endorsement Applicant	Williston, ND	Reprimand	\$200	Duchene, Annette	LPN Endorsement Applicant	Turtle Lake, ND	Reprimand	\$200	Ebach, Susan	R20679	McClusky, ND	Reprimand	\$400	Timboe, Sylvia	R19901	Minot, ND	Reprimand	\$400
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4.3 Voluntary Surrender	<p><i>Discussion:</i> Two individuals have 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> Traynor, seconded by Smith to: <b>APPROVE AND ACCEPT THE TERMS OF THE PROPOSED VOLUNTARY SURRENDERS AS FINAL ORDERS OF THE BOARD FOR THE FOLLOWING INDIVIDUALS:</b></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>Freeman, John</td> <td>R37252</td> <td>Bismarck, ND</td> <td>\$200</td> </tr> <tr> <td>O'Grady, Denise</td> <td>R28052</td> <td>Bismarck, ND</td> <td>\$200</td> </tr> </tbody> </table> <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, yes; Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>	NAME	LIC/REG#	CITY, STATE	PENALTY FEE	Freeman, John	R37252	Bismarck, ND	\$200	O'Grady, Denise	R28052	Bismarck, ND	\$200													
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4.4.1 Stipulation for Settlement – Linda Nelson, L8656	<p><i>Discussion:</i> A Stipulation for Settlement was received from Linda Nelson, 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 (6). Ms. Nelson signed the administrative settlement but also indicated that the medication error was not done intentionally.</p> <p><i>Motion:</i> Christianson, seconded by Levi to: <b>ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR LINDA NELSON, LPN, AND ENTER ITS ORDER TO:</b></p> <ul style="list-style-type: none"> <li>◆ <b>ISSUE A REPRIMAND;</b></li> <li>◆ <b>ASSESS A \$300 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND</b></li> <li>◆ <b>OTHER TERMS AS SET OUT IN BOARD ORDER.</b></li> </ul> <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, yes; Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>																									

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AGENDA	ACTION
4.4.2 Stipulation for Settlement – Carol Larsgaard, L12995	<p><i>Discussion:</i> Brian Bergeson was present for this agenda item. A Stipulation for Settlement was received from Carol Larsgaard LPN, seeking the Board's consideration and approval of its terms. In the Stipulation for Settlement, Ms. Larsgaard denies the allegations of the complaint, but for the purposes of resolving the matter and eliminating the costs she acknowledges that the allegations, if proven true, could be determined to be conduct that violates the Nurse Practice Act. 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)(7). It was also noted that the Stipulation for Settlement was signed right shortly after the January board meeting, and the mutual parties agreed that her encumbrance would begin February 1, 2012.</p> <p><i>Motion:</i> Traynor, seconded by Levi to:  <b>ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR CAROL LARSGAARD, LPN, AND ENTER ITS ORDER TO:</b></p> <ul style="list-style-type: none"> <li>◆ <b>ENCUMBER THE LICENSE FOR ONE YEAR, BEGINNING FEBRUARY 1, 2012;</b></li> <li>◆ <b>ASSESS A \$600 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND</b></li> <li>◆ <b>OTHER TERMS AS SET OUT IN BOARD ORDER.</b></li> </ul> <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, yes; Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
4.4.3 Stipulation for Settlement – Marilyn Bohlman, L6546	<p><i>Discussion:</i> A Stipulation for Settlement was received from Marilyn Bohlman, 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).</p> <p><i>Motion:</i> Traynor, seconded by Mayer to:  <b>ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR MARILYN BOHLMAN, LPN, AND ENTER ITS ORDER TO:</b></p> <ul style="list-style-type: none"> <li>• <b>ENCUMBER THE LICENSE FOR TWO YEARS;</b></li> <li>• <b>ASSESS A \$600 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND</b></li> <li>• <b>OTHER TERMS AS SET OUT IN BOARD ORDER.</b></li> </ul> <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, yes; Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
4.4.4 Stipulation for Settlement – Kimberly Borowicz, R29961	<p><i>Discussion:</i> A Stipulation for Settlement was received from Kimberly Borowicz, 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 Smith to:  <b>ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR KIMBERLY BOROWICZ, RN AND ENTER ITS ORDER TO:</b></p> <ul style="list-style-type: none"> <li>◆ <b>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;</b></li> <li>◆ <b>ASSESS A \$1,500 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND</b></li> <li>◆ <b>OTHER TERMS AS SET OUT IN BOARD ORDER.</b></li> </ul> <p><i>Roll call vote:</i> Benson, recuse; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, yes; Traynor, yes. 8 yes, 0 no, 1 recuse, 0 absent. Motion carried.</p>
4.4.5 Stipulation for Settlement – Theresa O'Neill, R22098	<p><i>Discussion:</i> A Stipulation for Settlement was received from Theresa O'Neill, 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> Smith, seconded by Rustvang to:  <b>ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR THERESA O'NEILL, RN AND ENTER ITS ORDER TO:</b></p> <ul style="list-style-type: none"> <li>◆ <b>ISSUE A REPRIMAND;</b></li> <li>◆ <b>ASSESS A \$500 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND</b></li> <li>◆ <b>OTHER TERMS AS SET OUT IN BOARD ORDER.</b></li> </ul> <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, yes; Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
4.7.1 Request for Reinstatement – Janelle Bannach, L9725	<p><i>Discussion:</i> Janelle Bannach, is requesting reinstatement of her encumbered license to full status. The board reviewed and discussed the requirements of her board order. The board reviewed and discussed the Disciplinary Review Panel recommendation to reinstate the LPN license to full licensure status.</p> <p><i>Motion:</i> Rustvang, seconded by Levi to:  <b>GRANT JANELLE BANNACH'S REQUEST FOR REINSTATEMENT OF THE ENCUMBERED LPN LICENSE TO FULL LICENSURE STATUS AS SHE HAS COMPLIED WITH TERMS AND CONDITIONS OF BOARD ORDER DATED JANUARY 22, 2009.</b></p> <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, yes; Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>

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AGENDA	ACTION
4.7.2 Request for Reinstatement – Marilyn Ek, R23329, APRN	<p><i>Discussion:</i> Marilyn Ek, RN, APRN is requesting reinstatement of her encumbered license to full status. The board reviewed and discussed the requirements of her board order. The board reviewed and discussed the Disciplinary Review Panel recommendation to reinstate the RN, APRN license to full licensure status.</p> <p><i>Motion:</i> Traynor, seconded by Christianson to:  <b>GRANT MARILYN EK'S REQUEST FOR REINSTATEMENT OF THE ENCUMBERED RN, APRN LICENSE TO FULL LICENSURE STATUS AS SHE HAS COMPLIED WITH TERMS AND CONDITIONS OF BOARD ORDER DATED JANUARY 22, 2009.</b></p> <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, yes; Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
4.7.3 Request for Reinstatement – Christine Kuhn, R32517	<p><i>Discussion:</i> Christine Kuhn, RN is requesting reinstatement of her encumbered license to full status. The board reviewed and discussed the requirements of her board order. The board reviewed and discussed the Disciplinary Review Panel recommendation to reinstate the RN license to full licensure status.</p> <p><i>Motion:</i> Smith, seconded by Traynor to:  <b>GRANT CHRISTINE KUHN'S REQUEST FOR REINSTATEMENT OF THE ENCUMBERED RN LICENSE TO FULL LICENSURE STATUS AS SHE HAS COMPLIED WITH TERMS AND CONDITIONS OF BOARD ORDER DATED MARCH 11, 2010.</b></p> <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, recuse; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, yes; Traynor, yes. 8 yes, 0 no, 1 recuse, 0 absent. Motion carried.</p>
4.7.4 Request for Reinstatement – Thomas Meyer, R23366 (CRNA)	<p><i>Discussion:</i> Thomas Meyer, RN, CRNA, is requesting reinstatement of his encumbered license to full status. The board reviewed and discussed the requirements of his board order. The board reviewed and discussed the Disciplinary Review Panel recommendation to reinstate the RN, CRNA, icense to full licensure status.</p> <p><i>Motion:</i> Traynor, seconded by Rustvang to:  <b>GRANT THOMAS MEYER'S REQUEST FOR REINSTATEMENT OF THE ENCUMBERED RN, CRNA LICENSE TO FULL LICENSURE STATUS AS HE HAS COMPLIED WITH TERMS AND CONDITIONS OF BOARD ORDER DATED MARCH 10, 2011.</b></p> <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, yes; Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
4.7.5 Request for Reinstatement – Carrie Lagge, R28825	<p><i>Discussion:</i> Carrie Lagge, RN, was present to request reinstatement of her suspended license to encumbered status. The board discussed her progress during the past year. The board reviewed and discussed the Disciplinary Review Panel recommendation to reinstate the RN license to encumbered status with participation in the Workplace Impairment Program for three years. Price recused herself. Staff requested direction from the board in drafting the WIP agreement. The board agreed that the usual requirements of a WIP agreement should be included.</p> <p><i>Motion:</i> Traynor, seconded by Levi to:  <b>GRANT CARRIE LAGGE'S REQUEST FOR REINSTATEMENT OF THE SUSPENDED RN LICENSE TO ENCUMBERED STATUS FOR THREE YEARS WITH PARTICIPATION IN THE WORKPLACE IMPAIRMENT PROGRAM DURING THE ENCUMBRANCE, ACCORDING TO THE TERMS SET OUT IN THE BOARD ORDER AND WORKPLACE IMPAIRMENT PROGRAM AGREEMENT.</b></p> <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, recuse; Price, recuse; Rustvang, yes; Smith, yes; Traynor, yes. 7 yes, 0 no, 2 recuse, 0 absent. Motion carried.</p>
4.7.6 Request for Reinstatement – Donna Steen, L11703	<p><i>Discussion:</i> Donna Steen, LPN, was present to request reinstatement of her suspended license to encumbered license. The board discussed her progress during the past two and half years. The board reviewed and discussed the Disciplinary Review Panel recommendation to reinstate the LPN license to encumbered status with participation in the Workplace Impairment Program for three years.</p> <p><i>Motion:</i> Traynor, seconded by Price to:  <b>GRANT DONNA STEEN'S REQUEST FOR REINSTATEMENT OF THE SUSPENDED LPN LICENSE TO ENCUMBERED STATUS FOR THREE YEARS WITH PARTICIPATION IN THE WORKPLACE IMPAIRMENT PROGRAM DURING THE ENCUMBRANCE, ACCORDING TO THE TERMS SET OUT IN THE BOARD ORDER AND WORKPLACE IMPAIRMENT PROGRAM AGREEMENT.</b></p> <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, yes; Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
4.10.1 Other – Jessica Pew – Applicant for RN License by Endorsement	<p><i>Discussion:</i> Jessica Pew submitted an application for license by endorsement on February 2012. In September 2008, the NE Dept of Health &amp; Human Services placed Ms. Pew's license on a four year probation. Ms. Pew violated the terms and conditions of the probation and on 4/7/09 her license in the state of NE was revoked.</p> <p><i>Motion:</i> Traynor, seconded by Levi to:  <b>DENY APPLICATION FOR RN LICENSURE BY ENDORSEMENT FOR JESSICA PEW BASED ON NDCC 43-12.1-14 (2).</b></p> <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, absent; Smith, yes; Traynor, yes. 8 yes, 0 no, 1 absent. Motion carried.</p>

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AGENDA	ACTION
4.11.1 Scott Bezold, L12901	<b>Notice of Emergency Suspension</b> issued to Scott Bezold, L12901, Jamestown, ND on February 16, 2012. Respondent's license is SUSPENDED for 5 years or until retracted, modified or superseded by final disciplinary action of the Board or upon agreement between Respondent.
4.11.2 Jodi Gaeta, L10343	<b>Notice of Suspension</b> issued to Jodi Gaeta, L10343, on March 20, 2012 for violating terms and conditions of Stipulation for Settlement dated November 18, 2010. Respondent's license is automatically SUSPENDED for a period of three (3) years.
4.11.3 Grace Hornbaker, L10803	<b>Notice of Emergency Suspension</b> issued to Grace Hornbaker, L10803, East Grand Forks, MN on March 19, 2012. Respondent's license is SUSPENDED for 5 years or until retracted. Modified or superseded by final disciplinary action of the Board or upon agreement between Respondent.
4.12.1 Policy Revisions – Refresher Course Requirements for Reinstatement	<i>Discussion:</i> The board reviewed a proposed - policy, the Refresher Course Requirements for Reinstatement following disciplinary sanctions Policy. The policy outlines the requirements for board ordered refresher courses when the individual does not meet the required practice hour requirement The policy provides for an individual to participate in clinical component experience as part of the refresher course under an encumbered license.
	<i>Motion:</i> Price, seconded by Traynor to: <b>APPROVE THE REVISIONS TO THE NEW DRAFT POLICY “REFRESHER COURSE REQUIREMENTS FOR REINSTATEMENT OF LICENSURE FOLLOWING DISCIPLINARY SANCTIONS”.</b>
	<i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, absent; Smith, yes; Traynor, yes. 8 yes, 0 no, 1 absent. Motion carried.
5.11 Medcenter One College of Nursing: BSN Program (NEC) 11:15	<i>Discussion:</i> Dr. Karen Latham, Dean of the Medcenter One College of Nursing was present for this agenda item. Medcenter One College of Nursing submitted a paper interim survey for review. The Nursing Education Committee reviewed the report in detail. There were no issues of non-compliance or partial compliance identified.
	<i>Motion from NEC:</i> <b>THE NURSING EDUCATION COMMITTEE RECOMMENDS TO THE BOARD TO:</b> <b>1. FIND MEDCENTER ONE COLLEGE OF NURSING BACHELOR OF SCIENCE IN NURSING PROGRAM IN FULL COMPLIANCE WITH ND ADMINISTRATIVE CODE 54-03.2; AND</b> <b>2. GRANT FULL APPROVAL OF THE BSN PROGRAM THROUGH MARCH 2017.</b>
	<i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, yes; Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.
5.21 Request for Approval: Extension of DNP's ADN Program to Harvey, ND (NEC) 11:30 a.m.	<i>Discussion:</i> Julie Traynor excused herself as a board member for this agenda item, and was available as Chair of the Dakota Nursing Program (DNP). Also present were Suzie McShane RN, DNP Coordinator at BSC, Deb McAvoy RN, Clinical Instructor and Mr. Rocky Zastoupil President/CEO, Saint Aloisius Medical Center, Harvey. The Nursing Education Committee reviewed the proposal from Dakota Nursing Program to deliver their ADN program to Harvey through the Bismarck State College site. The LPN program is currently provided at that site and the plan is to alternate the two programs if approved.
	<i>Motion from NEC:</i> <b>THE NURSING EDUCATION COMMITTEE RECOMMENDS TO THE BOARD TO:</b> <b>1. APPROVE THE REQUEST FROM DAKOTA NURSING PROGRAM AT BSC TO EXTEND THE ADN PROGRAM TO HARVEY, ND BEGINNING IN FALL 2012, WITH THE PROGRAM ADMITTING NO MORE THAN 8 STUDENTS;</b> <b>2. INFORMATION THAT MONITORS THE ONGOING PROGRESS OF THE IDENTIFIED CLINICAL INSTRUCTOR TOWARD GRADUATE PROGRAM COMPLETION MUST BE PROVIDED TO THE BOARD ACCORDING TO PRE-ESTABLISHED TIMELINES VIA THE FACULTY DEVELOPMENTAL PROGRAM, AS REQUIRED BY NDAC 54-03.2-04-08.1.</b>
	<i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, yes; Traynor, recuse. 8 yes, 0 no, 1 recuse, 0 absent. Motion carried.
5.32 Medication Assistant Program I – ND Dept of Corrections & Rehabilitation	<i>Discussion:</i> The Medication Assistant I Program offered by the ND Department of Corrections & Rehabilitation (NDDOCR) has been approved by the ND Board of Nursing, and is due to be reviewed for continued approval. Although the Medication Assistant Programs were transferred to the ND Department of Health during the last legislative session, the NDDOCR NDCC 12-44.1 law requires their medication assistant program be approved by the ND Board of Nursing. The ND Board of Nursing no longer has rules for medication assistant I programs, so staff reviewed the course in accordance with the NDAC CHAPTER 33-43-01 administrative rules for medication assistant I programs through the ND Department of Health. Staff recommend a two year approval until the NDDOCR has the opportunity to change the requirements of the law through legislation.
	<i>Motion:</i> Traynor, seconded by Frank that: <b>1. NDDOCR CONFORMS TO THE REQUIREMENTS FOR MEDICATION ASSISTANT PROGRAM I AS SET BY NDAC CHAPTER 33-43-01 NURE AIDE TRAINING, COMPETENCY EVALUATION, AND REGISTRY AND NDCC 12-44.1 JAILS AND REGIONAL CORRECTION CENTERS, AND</b> <b>2. THE BOARD OF NURSING GRANT CONTINUED APPROVAL FOR THE MEDICATION ASSISTANT PROGRAM I TO BE OFFERED BY THE ND DEPARTMENT OF CORRECTIONS AND REHABILITATION FROM MARCH 2012 AND MARCH 2014.</b>
	<i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, absent; Smith, yes; Traynor, yes. 8 yes, 0 no, 1 absent. Motion carried.

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AGENDA	ACTION
6.1 Ratification of Nursing Practice Hours	<p><i>Discussion:</i> Two individuals have submitted journals for care of family members for review and consideration for practice hours. Barbara Hansen has been caring for her grandson in CA and Tonya Olson has been caring for her son.</p> <p><i>Motion:</i> Frank, seconded by Traynor to:  <b>BOARD RATIFY THE FOLLOWING PRACTICE HOURS FOR CARE OF A FAMILY MEMBER:</b>  <b>BARBARA HANSEN, R11627 2011 – 103 HOURS</b>  <b>TONIA OLSON, R33781 2010 – 2080 HOURS; 2011 – 2080 HOURS</b></p> <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, absent; Smith, yes; Traynor, yes.            8 yes, 0 no, 1 absent. Motion carried.</p>
7.11 a) Practice Statements Occupational Respiratory Protection OSHA Standards & Temporary Reassignment	<p><i>Discussion:</i> The Nursing Practice Committee is reviewing practice statements and revising as necessary. The committee recommends archiving the <i>Occupational Respiratory Protection OSHA Standards</i> statement as the employer is responsible for compliance with federal regulations.</p> <p><i>Motion from NPC:</i>  <b>THE NURSING PRACTICE COMMITTEE RECOMMENDS THAT THE BOARD ARCHIVE THE FOLLOWING PRACTICE STATEMENT: OCCUPATIONAL RESPIRATORY PROTECTION OSHA STANDARDS.</b></p> <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, absent; Smith, yes; Traynor, yes.            8 yes, 0 no, 1 absent. Motion carried.</p> <p><i>Discussion:</i> The Nursing Practice Committee reviewed the <i>Temporary Reassignment</i> practice statement. There were a minimum changes and references were added to the statement.</p> <p><i>Motion from NPC:</i>  <b>THE NURSING PRACTICE COMMITTEE RECOMMENDS THAT THE BOARD APPROVE THE TEMPORARY REASSIGNMENT PRACTICE STATEMENT AS REVISED.</b></p> <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, absent; Smith, yes; Traynor, yes.            8 yes, 0 no, 1 absent. Motion carried.</p>
7.11 b) Request for Practice Statement – (NPC 9.4)	<p><i>Discussion:</i> The Nursing Practice Committee reviewed a request from June 2011 related to whether or not arterial or venous puncture in cardiac catheterization laboratory procedures is within the role of the RN. The committee had directed staff to obtain more information and after review of the additional information the committee did not believe it falls within the scope of practice of the RN.</p> <p><i>Motion from NPC:</i>  <b>THE NURSING PRACTICE COMMITTEE RECOMMENDS TO THE BOARD THAT IT IS NOT WITHIN THE SCOPE OF PRACTICE FOR THE REGISTERED NURSE TO PERFORM THE ARTERIAL OR VENOUS PUNCTURE (ACCESS) DURING CARDIAC CATHETERIZATION PROCEDURES</b></p> <p><i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, absent; Smith, yes; Traynor, yes.            8 yes, 0 no, 1 absent. Motion carried.</p>
7.2 Nursing Needs Study	No report.
7.31 All Imaginable futures are not Equally Possible, Feb 2012	The board reviewed an article titled “ <i>All Imaginable Futures are Not Equally Possible – Three States Take Different Size Steps Forward</i> ” in the “Nurse Practitioner World News” that highlighted ND as being a state that had moved forward with removing collaborative agreements for prescriptive authority.
7.32 Advanced Practice Registered Nurse Specialty Types	ND is in total compliance with the NCSBN’s APRN Model Rules. One of the requirements sets a defined list of current APRN Specialty practice areas to be used for consistency. The board database was reviewed and revised, and members reviewed the deleted specialty types and the new specialty types that replaced them.
7.41 North Dakota Compacts	A list from the National Center for Interstate Compacts listing all North Dakota compacts was reviewed.
7.42 States with Pending Licensure Compact Legislation 2012	The board reviewed the current list of states with compact legislation pending in 2012 which includes GA, MA, MN, NJ, NY, and IL. .
7.43 Writer addresses NLC and ANA on job board web site	The board reviewed articles in support of the Nurse Licensure Compact.
7.44 Duplicate License Report	The board reviewed the NLC duplicate license report. The NLC has initiated an operations network call that involves operations staff that work directly with applicants and compact issues to help identify how problems can be solved.
7.45 ANA Talking Points Nurse Licensure Compact 2011	The board reviewed the remaining talking points from ANA that support their opposition to the Nurse Licensure Compact. The main issue of concern to ANA is that the compact is based on primary state of residence instead of the state of practice.
7.46 CMSA Article – MSL Task Force	The board reviewed an article by Case Management Systems Association in support of the Nurse Licensure Compact.

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AGENDA	ACTION
7.51 Legislative Bills Affecting State Agencies – Board of Pharmacy	The board reviewed draft legislation from the ND Board of Pharmacy that would allow Certified Ophthalmic Assistants, Certified Ophthalmic Medical Technicians, and Ophthalmic Surgical Assistants be added to the list of approved professionals in NDCC 43-114-31.3 allowing them to transmit prescriptions to a pharmacy via a telephone or fax. The board discussed recommending the use of the term “electronic” transmission instead of oral so there would be a trail. Questions arose during discussion and it was decided to table any action until more information is received regarding the proposed bill.
7.51-1 Methadone Treatment Data	The board reviewed a letter from the ND Board of Pharmacy to the Food and Drug Administration requesting an application packet for the process for approval of narcotic treatment programs related to methadone. The letter indicates with the influx of workers to western ND there has been increase in the requests for such a program.
7.51-2 Legislative Report	An update of legislative activity throughout the nation provided by NCSBN was reviewed.
7.52 Legislative Committees	None
7.53 Communication with Senators and Representatives	None
7.54 Prescription Painkiller Overdose – 2012 State Legislation	The board reviewed a list of bills from states that have introduced legislation related to Prescription Painkiller Overdose.
7.61 Non-Renewal Table	A list of licensees who have not renewed their licenses for 2012-2013 was reviewed. There were a total of 920 nurses that did not renew in December, due to retirements, relocations, or other reasons. The board discussed that there is no “retiree” list, licensees are either active or inactive, and it was suggested that the Board look at the possibility of creating such a list for a nominal fee to the licensee.
7.62 RN/LPN Non-renewal Lists	A list of all RN and LPN non-renewals was distributed and will be posted on the website.
7.63 Use of portal on Members Only Website – discussion	This item was discussed with the approval of the consent agenda.
7.7 Staff Report	Staff reported that in light of the issues with the international student transcripts at Dickinson State University, a sample of DSU graduate transcripts and all international student transcripts were reviewed. There were no issues found of non-compliance and all licensees have met the requirements.
9.1 Nursing Education Committee	Traynor reported that the Nursing Education Committee had preliminary discussion about pass through degrees, such as an entry level master’s degree when the applicant does not obtain a baccalaureate degree, and the conflict with the administrative rules for faculty. The discussion is in the early stages, and the committee requested feedback from CUNEA. The committee also reviewed the committee charges, the electronic education annual report, and had a discussion about professionalism and communication from newly licensed nurses and different ways nursing programs and employers are tackling this concern.
9.6 Technology Committee Recommendations	<i>Discussion:</i> The Technology Committee reviewed and approved three policies regarding the use of the Audio Video equipment. After staff and SAAG review, it was noted that the “Management of Use of AV Equipment” is a step by step how to document and would be a procedure rather than a board approved policy. It is suggested that the committee recommendation to approval all three policies be voted down and a new motion to approve the two policies “Technology Acceptable Use Policy” and “Laptop Care & Uses” be offered. The board discussed how well the paperless board meeting is working, and there were no issues identified.
	<i>Motion from TC:</i> <b>THE TECHNOLOGY COMMITTEE RECOMMENDS THAT THE BOARD APPROVE THE FOLLOWING THREE POLICIES:</b>
	<ul style="list-style-type: none"> <li>• MANAGEMENT OF USE OF AV EQUIPMENT (AUDIO-VIDEO CONFERENCING)</li> <li>• TECHNOLOGY ACCEPTABLE USE POLICY</li> <li>• LAPTOP CARE &amp; USES</li> </ul>
	<i>Roll call vote:</i> Benson, no; Christianson, no; Frank, no; Levi, no; Mayer, no; Price, no; Rustvang, no; Smith, no; Traynor, no. 0 yes, 9 no, 0 absent. Motion failed.
	<i>Motion:</i> Traynor, seconded by Christianson to: <b>APPROVE THE FOLLOWING TWO POLICIES:</b>
	<ul style="list-style-type: none"> <li>• TECHNOLOGY ACCEPTABLE USE POLICY</li> <li>• LAPTOP CARE &amp; USES</li> </ul>
	<i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, yes; Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.
<i>Discussion:</i> The committee had discussed the recommendation to purchase additional microphones for the board room so each individual had their own microphone to remedy audio issues.	
<i>Motion from TC:</i> <b>THE TECHNOLOGY COMMITTEE RECOMMENDS THAT THE BOARD ACCEPT THE PROPOSAL FROM NORTH STAR AUDIO CONSULTING TO PURCHASE FIVE ADDITIONAL MICROPHONES FROM RESERVE FUNDS.</b>	
<i>Roll call vote:</i> Benson, yes; Christianson, yes; Frank, yes; Levi, yes; Mayer, yes; Price, yes; Rustvang, yes; Smith, yes; Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.	

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### CONSENT AGENDA:

8.1 NCSBN
8.12 National Council of State Boards of Nursing Model Rules
8.13 National Council of State Boards of Nursing Model Act
8.14 Why State Based Licensure is Important – K Apple CEO
8.2 Office Management
8.3 Nursing Practice
8.31 Summary of practice calls
8.32 Prescriptive Authority Applications
8.33 Understanding Advanced Practice Registered Nurse distribution in urban & rural areas of the US
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 RN/LPN/UAP Statistics
8.62 NCLEX-RN
8.63 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 Out-of-Students and Current list of Board-Recognized Out-of-State Nursing Education Programs
8.93 Education Dialogue (January/February 2012)

### BOARD COMMITTEES:

9.0 Program Monitoring Committee	
9.1 Nursing Education Committee	March 21, 2012
9.2 Finance Committee	May 2012
9.3 Executive Committee	May 2012
9.4 Nursing Practice Committee	A subgroup of the Nursing Practice Committee will be meeting to look at scope of practice examples for APRNs on April 17.
9.5 Prescription Drug Monitoring Program Committee	Rustvang attended this committee meeting from 12:00 to 2:45 pm and reported that the group has been meeting every four months and all members were present at this meeting. There are currently 1,057 providers that have direct access and 220 waiting to be processed. The group discussed more efficient ways of processing the applications. It also was discussed to attend provider conferences to have individuals sign up. The group is looking at developing a funding mechanism for the program.
9.6 Technology Committee	Meeting – February 16, 2012
9.7 Risk Management Committee	April 10, 2012
9.8 Center for Nursing	January 26, 2012 Board Meeting – any board members who want to volunteer for a leadership or sub committees should contact the Executive Director of the Center.

### UPCOMING MEETINGS & REPORT OF MEETINGS ATTENDED:

10.1 National Council of State Boards of Nursing Annual Meeting, August 8-9, 2012 – The Fairmont Dallas, Dallas TX
10.2 NCSBN Monthly Meetings by teleconference calls and onsite:
10.2-1 Policy Call - February 28
10.2-2 Education Network – March 16
10.2-3 Discipline Networking Call – February 29; April 30; June 21; August 29
10.2-4 EO Network – March 12
10.2-5 NLCA Meeting – February 13, March 11

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10.2-6 Mid-Year Meeting – March 12–13, 2012; Swissotel Chicago, Chicago, IL Benson & Kalanek attended and reviewed the highlights of the meeting.
10.2-7 NCSBN Executive Officers Leadership Seminar – June 19-20, 2012
10.2-8 NCSBN NCLEX Conference
10.2-9 IT Summit – May 15-16, 2012
10.2-10 Board Investigator & Attorney Workshop – June 4-6, 2012
10.2-11 NCLEX Invitational
10.2-12 APRN Practice Networking Call- January 25, March 22
10.2-13 Practice Networking Call
10.2-14 TERCAP User Call – February 14
10.2-15 Advanced Practice Registered Nurse Committee – Feb 1-2
10.2-16 Impact of Canadian Nurses taking NCLEX – Feb 24
10.2-17 Nurse Licensure Compact Operations Network – March 6
10.3 ND Organization of Nurse Executives
10.4 ND Nurses Association
10.5 ND Rural & Public Health Conference – May 30, - June 1, 2012 – Alerus Center Grand Forks
10.6 ND LTCA Conference – May 1-4, 2012 – Ramkota Hotel, Bismarck
10.7 ND Hospital Association Annual Meeting –
10.8 North Dakota Public Health Emergency Volunteer Reserves Advisory Board – e-mail meeting
10.9 Rasmussen College – Proposed Medical Assistant Program – Feb 22

### Staff Presentations:

- 11.1 Emerging Issues and Delegating Effectively – Jamestown Regional Medical Center – Feb 14
- 11.2 Emerging Issues and Delegating Effectively – TrainND Northwest/LRSC – May 19

The meeting recessed for lunch at 12:00 p.m. and reconvened at 12:55 p.m. on March 22<sup>nd</sup>.  
The meeting adjourned at 3:30 p.m. on March 22, 2012.

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Constance B. Kalanek, RN, PhD, FRE  
Executive Director - Draft 03/27/2012