

| Spring 2023 |

NORTH DAKOTA NURSE C O N N E C T I O N



**The North Dakota Board of Nursing
Statement on "Operation Nightingale"**

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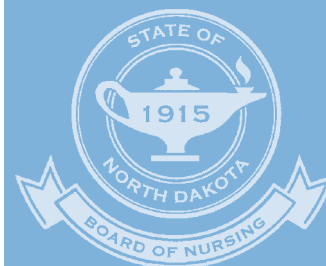
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NORTH DAKOTA NURSE CONNECTION



SPRING 2023
EDITION 82

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A message from the Executive Director

Stacey Pfenning, DNP, APRN, FNP, FAANP
North Dakota Board of Nursing

Greetings and welcome to the Spring 2023 edition of the *North Dakota Nurse Connection (NDNC)*, the official publication of the North Dakota Board of Nursing (NDBON).

North Dakota's 68th Legislative Assembly

The NDBON actively participated in the monitoring of legislative activities during the current 68th Legislative Assembly. To learn more about the NDBON involvement during the legislative session, please refer to the article in this edition of the *NDNC* titled, "North Dakota Board of Nursing Legislative Update".

Early in the session, the NDBON participated in the Nurses Day at the Legislature which was hosted by the ND Nurses Association. The highlights of Nurses Day at the Legislature included presentation from nurse leaders and representatives; attendance at select health care related hearings; and opening remarks and special comments from Lieutenant Governor, Tammy Miller.



Nurses Day at the Legislature, January 9, 2023, held at the State Capitol. Mylynn Tufte, ND Nurses Association President; Tammy Miller, Lt Governor; Kyle Martin, NDBON Director for Operations; Dr. Stacey Pfenning, NDBON Executive Director; and Marleen Bentz, NDBON Associate Director for Practice.

Meetings

The NDBON participated in the National Council of State boards of Nursing (NCSBN) and Nurse Licensure Compact (NLC) Mid-Year meetings held in Seattle, WA the week of March

27th. These meetings included strategic work with colleagues from across the globe; discussions related to important regulatory updates; and essential networking with fellow colleagues at the national level. The strategic work as provided by standing committees, ad hoc workgroups, and NCSBN leadership provided operational insight into the Next Generation NCLEX (NGN), the inclusion of artificial intelligence in nursing regulation, and expansion of the NLC to facilitate a compact nation. Operation Nightingale was also an important focus of the meetings. For more information on Operation Nightingale, please refer to the article in this *NDNC* titled, "The North Dakota Board of Nursing Statement on Operation Nightingale."



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Nurse Licensure Compact Commissioner Meeting, Seattle, WA, March 2023. Marlene Anielski, Ohio Executive Director; Fred Knight, Legal Counsel; Lori Scheidt, Missouri Executive Director; Stacey Pfenning, ND Executive Director; Rick Masters, NLC Special Counsel ICNLCA.



Nurse Licensure Compact Research Committee Presentation at Midyear Meeting by Dr. Tammy Buchholz, NDBON Associate Director for Education.

Watch for the Summer edition of the *North Dakota Nurse Connection*, as the NDBON provides education and updates pertaining to licensure, education, practice, compliance, and pertinent legislative activities. Topics are also posted on the NDBON website at Home - ND Board of Nursing (ndbon.org).

Sincerely,
Dr. Stacey Pfenning DNP APRN FNP FAANP

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MISSION

The mission of the North Dakota Board of Nursing is to assure North Dakota citizens quality nursing care through the regulation of standards for nursing education, licensure and practice.

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NORTH DAKOTA BOARD OF NURSING 2022-2023 BOARD MEETING DATES

April 27, 2023
July 27, 2023 Annual Meeting

Please note:

All meetings are open to the public and will be held in the Board office conference room at 919 South Seventh Street, Suite 504, Bismarck, ND and virtually via videoconference. It is advised that observers attending in person adhere to current Center of Disease Control COVID 19 prevention recommendations.

Agendas, which include date and time, will be listed on the Board website at www.ndbon.org. Videoconference links will be included on the agendas; and available upon request at contactus@ndbon.org. The agendas will be available 5 business days prior to each meeting.

As a service to the citizens of North Dakota, the Board provides a PUBLIC FORUM during each Board meeting (refer to agenda of each meeting for time). This is a time when anyone may address the Board about any nursing issues or topics. Prior notification is not necessary. Individuals will be recognized in the order of their signature on a roster or notification in the videoconference chat at the start of the meeting.

BOARD STAFF

Executive Director – Dr. Stacey Pfenning APRN
Associate Director for Operations – Kyle Martin
Associate Director for Compliance – Melissa Hanson RN
Assistant Director for Compliance – Corrie Lund RN
Associate Director for Practice – Maureen Bentz RN
Associate Director for Education – Dr. Tammy Buchholz RN
Administrative Service Coordinator – Karen Hahn
Accounting/Licensing Specialist – Michael Frovarp
Administrative Assistant/Licensing Specialist – Christa Stayton
Administrative Assistant/Licensing Specialist – Kimberly Kolling
Administrative Assistant – Norma Geiger

ND BOARD OF NURSING OFFICE HOURS AND OPERATIONS

Hours of Office Operations (Closed for all observed state holidays)

- Monday through Thursday 8:00 am to 5:00 pm CST
- Friday 8:00 am to 3:00 pm CST

Hours of Office Visits (Others by scheduled appointment)

- Monday through Friday 9:00 am to 2:00 pm CST

For the most immediate response or assistance, please email the appropriate division using the Directory or email contactus@ndbon.org. Fax is also available at (701) 751-2221

NORTH DAKOTA BOARD OF NURSING "CARDLESS" FOR PUBLIC SAFETY Wallet licensure cards are no longer issued for:

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License by Endorsement
UAP/Technician/Medication Assistant III
www.ndbon.org

ND Board of Nursing invites nursing and non-nursing public members to participate on the Advisory Panel.

Visit <https://www.ndbon.org/Practice/AdvisoryPanel/ParticipationIndex.asp> for information and application.

NURSES**Have you moved recently?**

UPDATE YOUR ADDRESS ON THE
ND BOARD OF NURSING WEBSITE

Change of Address and Contact Information

To ensure receipt of correspondences from the ND Board of Nursing, all licensees, registrants, and applicants are responsible for providing accurate, current address and other contact information may result in the inability to receive official notices or requests, which can lead to default or adverse action against the licensee or registrant. To change your address and other contact information visit www.ndbon.org; choose "Online Services"; then select "LPN/RN/APRN/SPRN Personal Data Updates".

NDBON Contact Information**ND Board of Nursing**

919 S 7th St., Suite 504, Bismarck, ND 58504-5881

Phone: 701-751-3000 • Fax: 701-751-2221

Email: contactus@ndbon.org or visit

www.ndbon.org for additional email options

North Dakota Board of Nursing Division Directory

APRN & Prescriptive Authority Initial Application

aprn@ndbon.org

Phone: (701) 391-9412

Compliance & Discipline

*Violations of NPA & Rules and Regulations,
Discipline Monitoring*

compliance@ndbon.org

Phone: (701) 527-5212

Criminal History Record Checks

chrc@ndbon.org

Phone: (701) 391-9412

Education & Continuing Education

education@ndbon.org

Phone: (701) 989-1276

Initial RN/LPN License By Endorsement

endorse@ndbon.org

Phone: (701) 400-0483

Initial RN/LPN License By Exam

exam@ndbon.org

Phone: (701) 391-8790

Initial UAP/Technician, Medication Assistant III

UAP_MAI@ndbon.org

Phone: (701) 391-8790

License & Registry Renewal LPN, RN, APRN, UAP/Technician, Medication Assistant III

renewal@ndbon.org

Phone: (701) 400-9108

Nurse List Orders

lists@ndbon.org

Nursing Education Loan

nel@ndbon.org

Phone: (701) 989-1276

Nurse Licensure Compact

practice@ndbon.org

Phone: (701) 527-6922

Practice Inquiries
LPN, RN, APRN, UAP/Technician/
Medication Assistant III practice inquiries
practice@ndbon.org

Phone: (701) 527-6922

Transcript Inquiries

Transcripts must be sent electronically through the National Student Clearinghouse, e-script, Parchment or another secure transcript service. Transcripts sent as email attachments or pdfs will not be accepted.

transcripts@ndbon.org

Other Inquiries/Requests

contactus@ndbon.org

Phone: (701) 751-3000

Fax: (701) 751-2221

The ND Board of Nursing (BON) is inviting stakeholders to submit application for voluntary participation on the Advisory Panel. Advisory Panel members may be considered for participation in the exploration of identified regulatory issues by means of individual consultation or select groups, at the discretion of the Board and/or Directors. As regulatory issues arise, select members will be contacted with the proposed opportunity for participation, including specific details and proposed timeline.

Visit <https://www.ndbon.org/Practice/AdvisoryPanel/ParticipationIndex.asp> for more information and application.

LICENSURE VERIFICATION

North Dakota License Verification Options

The North Dakota Board of Nursing provides the following options for individuals attempting to verify a ND nursing license:

- North Dakota Board of Nursing Website – go to www.ndbon.org
Click the "Verify" link on the navigation bar to choose the appropriate license type that you wish to verify.
- Nursys® QuickConfirm at www.nursys.com
- Look up a license from any QuickConfirm participating board of nursing and print/download a report with the licensure and discipline status information for that nurse.
- Nursys® E-Notify at www.nursys.com
- Institutions: Enroll your entire nurse list and e-Notify will send regular updates of changes to licenses from e-Notify participating boards of nursing.
- Nurses: Sign up to receive license expiration reminders and status updates via email or SMS for all your licenses from e-Notify participating boards of nursing.

NORTH DAKOTA BOARD HIGHLIGHTS

January 26, 2023

Board highlights include motions from the draft minutes posted at www.ndbon.org to be considered at the April 2023 regular meeting. Compliance Division investigations and list of all disciplinary actions taken by the Board are published in the Public Notice available at <https://www.ndbon.org/Publications/PublicNotice.asp>

The Board:

- Approved the minutes of the October 27, 2022, regular meeting as distributed.
- Accepted the FY 2022 Audit Report. Jared Mack, Eide Bailly, presented the audit report to NDBON.
- Approved the progress report submitted by the Nurse Administrator for the North Dakota State College of Science, Associate Degree Registered Nurse Education Program addressing the deficiency of non-compliance with NDAC 54-03.2-07-01. Performance of Graduates on

Licensing Exam meets the NDBON reporting requirements; and required the Program Nurse Administrator to submit quarterly progress reports to the Board addressing the deficiency of non-compliance March 31st, and June 30th, 2023.

- Approved the progress report related to the Nurse Apprenticeship Program utilizing NDAC Innovation in Nursing Education from the Dakota Nursing Program Consortium, Lake Region State College, PN Certificate and AAS in nursing program Nurse Administrator as the report meets the NDBON reporting requirements as outlined in NDAC Periodic Evaluation; Continue approval through January 2024; Required the nurse administrator to submit progress reports June 30, 2023 and December 15, 2023 providing evidence of outcomes being met and public protection not compromised for

consideration of continued approval of the innovative approach as required in NDAC Requesting Continuation of the Innovative Approach.

- Staff reported on FY 2022 renewal CE audits. In July 2022, 4,334 ND licensees established accounts with CE Broker. In December of 2022, 6,488 ND licensees had accounts, an increase of (33%). Per policy, CE Broker was directed to randomly audit 2% of individuals this renewal cycle.
- Ratified acceptance of the education and certification as Acute Care Nurse Practitioner to qualify for APRN with prescriptive authority licensure in North Dakota for Johnson, C. and Vogel, A. as Adult NP.
- Approved entering into agreement with NCSBN to implement the Optimal Regulatory Board System (ORBS),

continued on page 8



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continued from page 7

- coordinate with existing vendors to develop a data migration plan; develop proposed timelines; and to continue to initiate checklist required to move to the Optimal Regulatory Board System
- Moved that the Board, as granted authority in 54-02-06-01.1 Temporary Permit, approve Board directors to extend temporary permits of internationally educated nurses while awaiting receipt of credentials evaluations if all other application requirements have been received by the Board.
- Moved that the Board Oppose the following bills which would impact the operations of the ND Board of Nursing: and directed staff to provide opposing testimony and education to legislative committees and stakeholders: SB 2184, SB 2249, SB 2337, and SB 2296.
- Approved the updated ND Board of Nursing Organizational Chart as presented.

- Approved revisions to the Personnel and Telework Policies as presented with the following edits: Change language from permanent employees to regular employees.
- Martin provided an overview of operations since October 2022 including attending Microsoft's Office 365/Sharepoint collaborative in October, completion of NDBON's form audit, renewal and reactivation cross training with staff, PCI compliance completion, ORBS and transition to QuickBooks.
- Affirmed that a conflict of interest exists (and the Board grant) the request for recusal of Michael Hammer from deliberation and voting for Agenda Item 10.2.1
- Accepted the stipulation for Settlement [Exhibit 1] for Desiree Desjardins, APRN, and entered its order to:
 - Suspend the license of Ms. Desjardins for three years;
 - Assess a \$4,800 penalty fee;
 - Assess costs and disbursements; and
 - Other terms as set out in the Stipulation for Settlement

The intent of this Motion was to reject the Stipulation for Settlement [Exhibit 2] which would impose a reprimand, and to have that Stipulation for Settlement shredded, and of no effect, as agreed by Ms. Desjardins in the Agreement to Resolve Disciplinary Action with Case Presentation to the Board.

- Held an Executive Session to consider the following according to the NDCC 44-04-18.1: 10.3.1 Anna Cook; 10.3.2 Nicole Dykema; 10.3.3 Nicole Elkin; 10.3.4 Larissa Harrington-To discuss closed, confidential, or exempt records. Adjourned the Executive Session and opened the meeting to the public at 3:33 pm.
- Granted the delegation of authority to the Executive Director to sign Amendments to Orders for Reinstatement of License for extensions to complete the Refresher course, for up to two six-month extensions, and allowed the Amendment Orders to be then ratified by the Board at the next Board meeting.

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ATTENTION –CHECK YOUR UAP/MA EXPIRATION DATES

Unlicensed Assistive Person/Technician And Medication Assistant III Expiration/Renewal

Unlicensed Assistive Person/Technician and Medication Assistant III renewal will be available beginning April 1, 2023 through June 30, 2023.

Those who have a registration expiration date of June 30, 2023 will receive an email notification in April instructing them to go to the ND Board of Nursing website (www.ndbon.org) for renewal.

If you renew on June 30, 2023, your updated expiration date will not display on the website until the afternoon of July 3 due to the weekend. If you need to practice July 1, 2023 through July 3, 2023, you must renew your registration before June 30, 2023 so your updated registration date will display on our website.

Please note, renewals will only be available online. No paper renewal forms will be made available.

Failure to receive a renewal notice does not relieve an Unlicensed Assistive Person/Technician or Medication Assistant III of the obligation to renew his/her registration before the expiration date.

Unlicensed Assistive Person/Technician and Medication Assistant III have the responsibility of notifying the ND Board of Nursing of any address changes.

If an Unlicensed Assistive Person/Technician and/or Medication Assistant III assists in the practice of nursing without a current registration, additional fees may be assessed.

The Unlicensed Assistive Person/Technician/Medication Assistant III will be required to validate continued competency by providing one of the following:

- Current Employer Verification: Current Employers Name, City and State.
- Past Employment Verification (employment must have occurred in the last two years): Past Employers Name, City, State, and Dates of Employment.
- Licensed Nurse Verification (independent from applicant employment setting): Licensed Nurse Name, RN/LPN License Number, RN/LPN, License Expiration, and Date of Competence Verification.
- Verification of current certification or registration by board-recognized national bodies (certification expiration date is required, independent from NDBON UAP/MAIII registration expiration date).
- Medication Assistant III candidates who entered the registry as a student nurse are required to verify eligibility by providing proof of enrollment in a nursing program within the past two years.

Eagle Butte, SD

REGISTERED NURSES

Cheyenne River Health Center is recruiting RNs for the Inpatient, Outpatient, and Emergency Department.

RN Salaries range up to **\$108,795** annual base pay, based on qualifications, with up to **25 % hiring incentive based on pay**. Generous benefits can include: **Student Loan Repayment of \$20,000** per year, relocation assistance, retirement plan, 13-26 paid days of vacation days per year, guaranteed hours, 11 paid holidays per year, excellent health benefits (health, dental, and vision) and on-site rental housing.

For information, contact:

**Chelsie Veit at (605) 964-0516 or (605) 964-7724
or chelsie.veit@ihs.gov**

The Indian Health Service is an Affirmative Action Employer. Preference in filling vacancies is given to qualified Indian candidates in accordance with the Indian Reorganization Act of 1934 (Title 25, USC, Section 472).



NDBON Nursing Education Loan

The NDBON Nursing Education Loan (NEL) application period for this fiscal year began March 1, 2023, and will close June 30, 2023 at midnight. We encourage all student nurses who meet the qualifications to apply. Here is some general information about the NEL including the rules and guidelines related to the process.

The NDBON NEL is disbursed annually after the end of the fiscal year (The NDBON fiscal year is July 1st to June 30th). Each March through July 1st applications are accepted for consideration of a NEL award. Reapplication may occur annually if the applicant has not received the total loan amount available for degree level.

The total loan amount for each educational level is detailed in the ND Administrative Code (NDAC) Chapter 54-04.1-03-01 and is dependent on the extent that funds are available each fiscal year. The awards for undergraduate students are disbursed from the NDBON

to the financial aid office of the institution in which enrolled in one payment each fall for distribution to the recipient as determined by the institutional financial aid office. Graduate student NEL awards are made directly to the recipient. See below for specific loan amounts detailed in the NDAC associated with educational level.

NDAC 54-04.1-03-01. Amount of loans.

To the extent funds are available, educational loans will be made in the following amounts:

1. Students accepted into a nondegree licensed practical nurse program may receive a loan of no more than one thousand dollars.
2. Students in an associate degree licensed practical or registered nurse program may receive a loan of no more than two thousand dollars for the entire program, including a one plus one program.
3. Students in a baccalaureate registered nurse program may receive a loan of no more than three thousand dollars.
4. Graduate nurse students including students in a post-master's certificate program may receive a loan of no more than four thousand dollars to complete studies for a master's degree in nursing.
5. Graduate nurse students pursuing a doctorate may receive a loan of up to five thousand five hundred dollars.
6. Licensed practical nurses or registered nurses may receive a loan of no more than the cost of the course for a board-approved nurse refresher course.

The funds available each fiscal year are dependent on the number of licensure renewals received by the Board (\$10 of each renewal fee goes to the

loan program) as well as the number of applicants that apply for the loan. The Board makes decisions regarding loan awards at the Annual Board meeting each July.

The loan is for student nurses at every degree and licensure level who are enrolled in a nursing education program or a board approved nurse refresher course. The loan is repaid by working as a nurse in North Dakota; one hour of employment is equal to one dollar (\$1) of loan reimbursement. For example: if you were awarded \$2000 you would need to work full time for a year (40 hours x 52 weeks= 2080 hours) to have the loan paid in full. Our records indicate most nursing education loan recipients remain in the state of North Dakota for employment after graduation, and most often choose to work within the communities they live in.

NDAC 54-04.1-02-01. Qualifications

To qualify for a nursing education loan, the applicant must:

1. Have all necessary application forms completed and on file in the board office by July 1st (June 30th at 11:59 pm CST) of the year in which the applicant wishes to be considered by the board for a nursing education loan; and
2. Demonstrate one of the following:
 - a. Be accepted into and enrolled in a North Dakota board-approved undergraduate nursing education program for practical nurses or registered nurses;
 - b. Have a current North Dakota license and have been accepted into and enrolled in an educational program that is accredited by a United States department of education-recognized regional or national accreditation entity and acceptable to the board; or
 - c. Be a resident of North Dakota for refresher courses and accepted into a refresher course that meets board requirements.



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Please see table below for the NDBON NEL disbursements by program type and monetary awards for the last five years.

Nursing Education Loans	2017-2018		2018-2019		2019-2020		2020-2021		2021-2022	
LPN Certificate Program	2	\$1400	2	\$1,816	0	\$0	7	\$630	3	\$3,000
LPN Associate Degree Program	0	\$0	1	\$908	0	\$0	0	\$0	1	\$1,375
RN Associate Degree Program	7	\$8960	5	\$7,652	4	\$9,092	2	\$2,510	2	\$4,000
RN Baccalaureate Degree Program	16	\$25,106	12	\$24,378	10	\$15,801.21	4	\$7,528	10	\$19,143
Master's Degree Program	19	\$35,895	15	\$37,294	16	\$38,478.49	5	\$4,930	11	\$29,098
Doctoral Program	12	\$17,510	11	\$26,962	8	\$21,478.30	1	\$622	13	\$46,054
Refresher Course	1	\$500	1	\$500	0	\$0	0	\$0	0	\$0
Total	57	\$89,371	47	\$99,510	39	\$84,850	19	\$20,000	40	\$102,670

Additional information related to the NEL process, including required forms to be completed as part of the process can be found and accessed on the Board website at: <https://www.ndbon.org/Education/NursingEdLoan/Policies.asp>

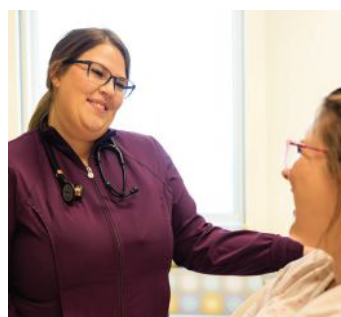
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The North Dakota Board of Nursing Statement on “Operation Nightingale”

January 25, 2023, the Federal Bureau of Investigations (“FBI”) publicly announced its enforcement actions against a large-scale fraudulent nursing diploma scheme operated by Florida-based nursing education programs. The U.S. Department of Health and Human Services, Office of Inspector General, and law enforcement announced the results of a multi-state investigation titled “Operation Nightingale.” The investigation focused on the alleged selling of fraudulent documents, transcripts, and nursing degrees. These documents permitted individuals to apply to take the NCLEX and, if they successfully passed, permitted these individuals to obtain a license to practice nursing as a licensed practical nurse (LPN) or registered nurse (RN). It was reported that over 7,600 fraudulent nursing diplomas were issued by these Florida-based programs to individuals across the United States.

The North Dakota Board of Nursing (NDBON) has assisted the FBI and other regulatory bodies throughout its criminal investigation to gather supporting evidence on individuals who may have obtained a nursing license fraudulently. The NDBON has diligently worked to investigate any ND licensees associated with fraudulent nursing education programs. The NDBON continues its active investigation into this serious matter and will take actions necessary to protect the health, safety, and welfare of all ND citizens.

The NDBON is committed to protecting the public and thoroughly investigating allegations into any nurses licensed in ND who presented fraudulent documents to obtain a license. Appropriate action, including revocation of a license, will be taken against any nurse licensed in ND who presented fraudulent documents to obtain a license.

The NDBON has responded quickly to gather information and evidence related to potentially fraudulent practice. As the NDBON collects evidence, it has taken action, consistent with NDCC and NDAC, to protect the public from individuals suspected of working without the requisite education and training.

The NDBON will continue to provide more information as it becomes publicly available. An additional layer of protection is the use of a national licensure database system to report and communicate disciplinary actions to other states. The NDBON monitors and utilizes this system to retrieve reports to prevent nurses from attempting to obtain a license in ND using fraudulent credentials.

If you have any concerns about the authenticity of a nurse’s education, please contact the NDBON Compliance Division at compliance@ndbon.org.

Please check the NDBON website www.ndbon.org periodically for updated information. When the NDBON

takes disciplinary action against a licensee as a result of Operation Nightingale or the NDBONs investigation into fraudulent nursing schools, we will notify the public.

For additional information:

- 2023 Operation Nightingale Enforcement Action
- Department of Justice Statement
- National Council of State Boards of Nursing Statement on Operation Nightingale
- The Complaint Process: Investigation to Resolution
- NCSBN “Filing a Complaint”
- ANA Releases Statement on Fraudulent Nursing Diploma Scheme
- NLN Condemns Scheme Exposed by Operation Nightingale to Sell Fake Nursing School Transcripts & Diplomas

The National Council of State Boards of Nursing (NCSBN) Statement on Operation Nightingale

The National Council of State Boards of Nursing (NCSBN) applauds the U.S. Department of Health and Human Services—Office of Inspector General (HHS-OIG), the Federal Bureau of Investigation (FBI) and the Justice Department for their important work on Operation Nightingale. The investigation focused on nursing education programs that were allegedly involved in the sale of false and fraudulent nursing education credentials.

With public safety and welfare as a top concern, NCSBN and our member nursing regulatory bodies partnered with federal and state authorities, helping to identify and monitor individuals who allegedly provided these illegitimate transcripts and credentials that could potentially undermine safe patient care.

Nursing regulatory bodies in affected states have been investigating individual cases and are taking appropriate action, in accordance with their state laws and due process, that includes loss of license.

As the world leader in nursing regulatory knowledge, NCSBN is dedicated to protecting the public and will continue to support our member nursing regulatory bodies as they thoroughly investigate each case, taking the necessary actions to ensure public safety and root out the fraud involved in this case. NCSBN is committed to helping our members identify any additional safeguards and solutions that are needed.

This situation speaks to the importance of nursing regulation and the collective duty to protect the public. NCSBN will continue working with all appropriate nursing regulatory bodies, nursing education program providers, accreditation bodies and authorities to detect, investigate and resolve these matters today and into the future.

North Dakota Board of Nursing Legislative Update



This legislative update is brought to you by the ND Board of Nursing (NDBON) Legislative Team which includes directors and SAAG Nicholas Simonson, as the legislative monitor. The NDBON Legislative team meets weekly throughout the session to explore and monitor bills pertinent to nursing regulation. The NDBON Legislative Team also participates in the biweekly Nursing Legislative Updates hosted by the ND Nurses Association and provides updates on the regulatory bills related to nursing.

At this time, the 68th Legislative Assembly is well underway in North Dakota as lawmakers address numerous issues impacting the workforce and the nursing profession. The NDBON Legislative Team would like to provide the following recap of bills pertaining to regulation of nursing in ND this session.

Alternative to Discipline Program

SB 2114 is a NDBON agency bill that creates an Alternative to Discipline (ATD) Program. An ATD program provides the NDBON with the ability to monitor nurses without encumbering their license. This program will be modeled after similar programs in 44 states. The NDBON ATD Program would allow nurses to stay in the workforce, through ongoing monitoring bound by a contract based on a treatment professional's recommendations. Entry into the program is meant to occur prior to any potential action by the nurse that would impede the nurse's ability to safely practice nursing.

Additional language in SB 2114 would clean up language providing for options to transition the NDBON's Nursing Education Loan program to a scholarship or financial assistance program and strikeout outdated language.

The NDBON provided introduced the bill and provided testimony on SB 2114 which passed both the House and Senate unanimously. The bill is awaiting signature from Governor Doug Burgum. Once signed, the bill will take effect August 1, 2023.

Board Efficiencies and Functions

Two bills are currently being discussed in the House that would impact board operations.

SB 2184, as passed by the Senate, would provide for a legislative study to examine the regulation of occupations and professions, consider board powers and duties, examine licensure requirements, disciplinary actions and audit processes. The study would also

examine apprenticeships and internships. A hog house amendment proposed would require boards to issue licenses in the least restrictive manner possible and provide rules for governing board membership, with the purpose of standardizing guidelines for all occupational boards in North Dakota to simplify licensing. SB 2184 is currently being considered by the House Industry, Business and Labor Committee (HIBL).

SB 2249, as passed by the Senate, is also being considered by the HIBL Committee. The bill would grant the North Dakota Labor Commissioner the authority to conduct interviews with occupational licensing boards for the purposes of identifying efficiencies, examine uniform licensure, work to expedite out of state worker applications, and revise or eliminate continuing education requirements. If passed, SB 2249 would grant the Labor Commissioner authority to introduce legislation regulating boards in perpetuity.

The NDBON provided neutral educational testimony on SB 2249 as passed in Senate and introduced in the HIBL Committee.

As of March 21, no committee action has been taken on SB 2184 or SB 2249.

Healthcare Practitioner Transparency

HB 1221 would require practitioners, including nurses, to identify the type of licenses they hold. In addition, practitioners would be required to wear photo identification during all patient encounters. The identification would be mandated to include a recent photograph of the practitioner, their name and their license type.

Multiple exceptions are provided in the bill for practitioners, including those working in nonpatient care settings who have no direct patient care interactions, or if identification would jeopardize the practitioner's safety.

The NDBON offered testimony with recommendations to align the nurse titles within the original bill with the Nurse Practices Act, which were considered by the Legislative Council. The bill has passed both the House and Senate and is currently being reviewed for minor changes by the bill's originating chamber prior to final passage.

The NDBON Legislative Team will provide a summary of the session in the next edition of the ND Nurses Connection.

Next Generation NCLEX (NGN) Update

Tammy Buchholz, DNP, RN, CNE, FRE
Associate Director for Education

The Next Generation NCLEX® (NGN) has been “top of mind” for the Nursing Education community for at least the last three years.

The National Council of State Boards of Nursing (NCSBN) has been consistently providing updates over the past six years about the research being done and progress being made to enhance the NCLEX by ensuring it measured clinical judgment. Dr. Phil Dickison has been the lead research ambassador for the NGN and has provided information about the research progress and the results related to the NGN as they have been available. In August, Dr. Dickinson shared the implementation date for the NGN would be April 1, 2023.

Last month NCSBN shared a video message from Dr. Dickison as nurse educators and nurse graduates prepare for the NGN implementation date. He provided some important information about the exam and offered words of encouragement to nurse graduates who may be nervous about the enhanced exam. As the release of the NGN examination in April 2023 quickly approaches, here are some points that Dr. Dickison shared that I thought may be helpful.

Implementation of the NGN into the NCLEX-PN® and NCLEX-RN® for nurse graduates officially begins April 1, 2023. The new test plans become effective on that date with clinical judgment represented as an NCLEX Integrated Process.

According to Dr. Dickison, over 680,000 NCLEX test takers opened the research component in the NCLEX-RN® and approximately 340,000 test takers took an average of 15 research items that were not counted in their score. Since January of 2020, more than 1000 questions have been tested, and NCSBN is confident that the technology is sound.

The NGN examination will include these five new question types:

- Extended Multiple Response
- Extended Drag and Drop
- Cloze/Drop Down
- Enhanced Hot Spot
- Matrix/Grid

The exam will include:

- **Clinical Judgement Case Studies:** Real-world nursing situations (three for the minimum length exam) that include eighteen test items. Case studies are made up of six test items, that measure multiple elements of the Clinical Judgment Measurement Model (NCJMM) which include recognize cues, analyze cues, prioritize hypotheses, generate solutions, take action, evaluate outcomes, within the scenario.

- **Standalone Items:** Individual items not part of a case study, which measure one or more of the Clinical Judgement Measurement Model elements.
- **Multiple Choice/Multiple Response:** Test items that apply clinical knowledge, using the current NCLEX testing approach.

In his presentation in August, Dr. Dickinson provided a summary of the differences between the current NCLEX exam and processes and the NGN exam. Please see the comparison chart below for details.

Comparison of Current and NGN NCLEX

Text Design	Current NCLEX	NGN NCLEX Minimum Length	NGN NCLEX Maximum Length
Time Allowed	5 hours	5 hours	5 hours
Case Studies	NA	3 case studies (18 test items)	3 case studies (18 test items)
Clinical Judgment Stand Alone	NA	0 items	Approximately 7 items
Multiple Choice/Response Items	60-130	52 items	Approximately 110 items
Total Scored Item	60-130	70 items	Approximately 135 items
Unscored (Pre-test) items	15 items	15 items	15 items

For more information about the NGN project, please visit the NCSBN website where you will find Frequently Asked Questions, which address common questions from candidates and educators. The NGN Resources page includes past publications of the NGN News. NGN Talks & Videos houses short NGN videos on topics related to the NGN Next Generation NCLEX Resources | NCSBN. Encourage nurse graduates to use the resources provided by NCSBN to prepare for the exam Before the Exam | NCSBN which include the NCLEX Candidate Bulletin with helpful information and the NCLEX Tutorial to familiarize themselves with the exam item types and how to answer them.

I agree with Dr. Dickison that the NGN will simply validate the knowledge, skills, and abilities that nurse graduates have gained from their nursing education. North Dakota nursing faculty and students have been diligent in their education preparation of nurse graduates prepared for what they will encounter in the practice setting. North Dakota consistently ranks among the highest pass percentage for the NCLEX in the U.S. because of our exceptional nurse educators and program curricula. I have complete confidence that our standing among the top states in the U.S. will continue, and nurse graduates in North Dakota will be as incredibly successful with the NGN examination as they have with the previous NCLEX exam. I wish all nurse graduates the best as they begin their endeavor toward nurse licensure and begin their professional practice. I look forward to counting you among my nurse colleagues.



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