Call to Order: September 29, 2016 at 8:30 a.m. – NDBON Board Conference Room – 919 S 7<sup>th</sup> Street, Suite 504, Bismarck ND

Roll Call: Eight members present as follows:

Jane Christianson, RN Member, President Michael Hammer, RN Member, Vice-President Paula Schmalz, APRN Member, Treasurer Jamie Hammer, RN Member Mary Beth Johnson, RN Member Wendi Johnston, LPN Member Bonny Mayer, LPN Member Clara Sue Price, Public Member

Absent: Janelle Holth, RN

Staff Present:

Stacey Pfenning, APRN, Executive Director Tammy Buchholz, RN, Associate Director for Education Julie Schwan, Administrative Services Coordinator Melissa Hanson, RN, Associate Director for Discipline Patricia Hill, RN, Assistant Director for Practice & Discipline

Other individuals were present as indicated on the Board Meeting Attendance Roster.

AGENDA	DISCUSSION & ACTION
1.1 Consent Agenda	Discussion: The consent agenda was reviewed with no items identified for discussion.
	Motion: Price, seconded by Schmalz to: ADOPT THE CONSENT AGENDA AS PRESENTED.
	Roll call vote: Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, absent; Johnson, yes; Johnston, yes; Mayer, yes; Price, yes; Schmalz, yes. 8 yes, 0 no, 1 absent. Motion carried.
1.2 Agenda	Discussion: The agenda was reviewed. One addition for agenda item 5.2-3 United Tribes Technical College Programmatic Change Notification was requested.
	Motion: Mayer, seconded by Schmalz to: APPROVE AGENDA WITH ADDITION OF AGENDA ITEM 5.2-3 UTTC PROGRAMMATIC CHANGE NOTIFICATION.
	Roll call vote: Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, absent; Johnson, yes; Johnston, yes; Mayer, yes; Price, yes; Schmalz, yes. 8 yes, 0 no, 1 absent. Motion carried.
1.3 Public Forum 9:00 a.m.	Cora Rabenberg, Family Planning Program Director for the ND Dept of Health addressed the Board related to Title X Family Planning Clinic standing
Public forum requires written testimony	protocols. <b>Penny Hamilton, Director of Nursing for First District Health Unit</b> addressed the Board related to Title X Family Planning Clinic standing protocols.
to board members and is available upon open records request.	Jean Smith – RN, Richland County Wahpeton addressed the Board related to Title X Family Planning Clinic standing protocols.

AGENDA	DISCUSSION & ACTION		·		
2.1 July 21, 2016 Meeting Minutes & Public Notice	Discussion: The minutes of the July 21,	2016 meeting were rev	iewed. Staff identified a corre	ection under Agenda Item	5.2-5 NDSCS PN Certificate Program
	to correct "Certificate" program to "Diplor				
	Motion: Price, seconded by M Hammer				
	APPROVE THE MINUTES OF THE JUL				
	Roll call vote: Christianson, yes; J. Ham	mer, yes; M. Hammer,	yes; Holth, absent; Johnson, y	es; Johnston, yes; Mayer	r, yes; Price, yes; Schmalz, yes.
	8 yes, 0 no, 1 absent. Motion carried.				
2.3 August 12, 2016 Special Meeting	Discussion: The minutes of the August		ng were reviewed. There were	e no changes identified.	
Minutes	Motion: Johnson, seconded by Schmall APPROVE THE MINUTES OF THE AUG		NG AS DISTRIBUTED.		
	Roll call vote: Christianson, yes; J. Ham 8 yes, 0 no, 1 absent. Motion carried.	mer, yes; M. Hammer,	yes; Holth, absent; Johnson, y	es; Johnston, yes; Mayer	r, yes; Price, yes; Schmalz, yes.
3.1 Financial Statements	The financial statements through August 31, 2016 without adjusting entries were reviewed. Income is at 5% and expenses at 13% of budgeted. A comparison of this fiscal year to last fiscal year was reviewed.				
3.2 2015-2016 Year End Financial	Discussion: The board reviewed the fisc	,	ncial reports and comparison fr	rom FY 14-15 to FY 15-1	6. The income with deferred revenue
Reports	adjusting entries was reviewed and is at and is at 100%. The fieldwork of the 15-	96% budgeted. Exper	ses with adjusting entries of a	ccrued annual leave and	depreciation expense was reviewed
4.1.1 Request for Reinstatement – Allan	Discussion: Allan Meckle, LPN was pre	sent to request reinstate	ement of his suspended LPN I	icense. Mr. Meckle signe	ed a statement in which he
Meckle, L7007	acknowledged the board is authorized to	hold an executive sess	sion to discuss exempt or close	ed records, and agreed to	discuss his request for licensure
	during the regular board meeting, which				
	the Disciplinary Review Panel recommen	ndation for reinstatemer	nt to encumbered status for two	o years. Mr. Meckle disc	cussed his future employment plans
	with the board.				
	Motion: Johnson, seconded by Schmalz to:				
	GRANT ALLAN MECKLE'S REQUEST FOR REINSTATEMENT OF HIS SUSPENDED LPN LICENSE TO ENCUMBERED STATUS FOR TWO YEARS WITH THE TERMS AND CONDITIONS OF THE ENCUMBRANCE AS ESTABLISHED BY THE BOARD AND AS SET OUT IN THE BOARD ORDER.				
	Roll call vote: Christianson, yes; J. Ham				
	8 yes, 0 no, 1 absent. Motion carried.	illier, yes, ivi. Halliller,	yes, Holli, abselli, Johnson, y	es, Johnston, yes, Mayer	i, yes, Flice, yes, Schillaiz, yes.
4.1.2 Request for Reinstatement –	Discussion: Twila Johnson, RN was pre	seent to request reinstat	tement of her suspended PN li	icanca Me Johnson sign	ned a statement in which she
Twila Johnson, R25808					
i wild doffillooff, 1120000	acknowledged the board is authorized to hold an executive session to discuss exempt or closed records, and agreed to discuss her request for licensure during the regular board meeting, which is open to the public, and may include personal health information. The board reviewed the order and discussed				
	the Disciplinary Review Panel (DRP) recommendation for reinstatement to encumbered status for three years. Ms. Johnson discussed her recovery and future plans with the board.				
	Motion: Price, seconded by M. Hamme	r to:			
	GRANT TWILA JOHNSON'S REQUEST FOR REINSTATEMENT OF HER SUSPENDED RN LICENSE TO ENCUMBERED STATUS FOR THREE YEARS				
	WITH THE TERMS AND CONDITIONS OF THE ENCUMBRANCE AS ESTABLISHED BY THE BOARD AND AS SET OUT IN THE BOARD ORDER.				
	Roll call vote: Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, absent; Johnson, recuse; Johnston, yes; Mayer, yes; Price, yes; Schmalz, yes. 7 yes, 0 no, 1 recuse, 1 absent. Motion carried.				
4.3.1 Request for Reconsideration –	Discussion: Tamara Bogo, RN is reques		one-vear time frame stated in	her hoard order for com	onletion of a refresher course. The
Tamara Bogo, R19790	Disciplinary Review Panel recommends			The board order for com	ipiction of a refresher course.
ramara Bogo, reformo	Motion: Johnson, seconded by M. Hammer to:				
	GRANT TAMARA BOGO'S REQUEST FOR A SIX-MONTH EXTENSION FOR REFRESHER COURSE COMPLETION.				
	Roll call vote: Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, absent; Johnson, yes; Johnston, yes; Mayer, yes; Price, yes; Schmalz, yes.				
	8 yes, 0 no, 1 absent. Motion carried.				
4.5 Surrender	Discussion: One individual has signed a	and submitted a surrend	er, seeking the Board's consid	deration and approval of i	its terms. The Board reviewed and
	discussed the facts and terms of the sur				
	Motion: Johnson, seconded by Johnston to:				
	APPROVE AND ACCEPT THE TERMS OF THE PROPOSED SURRENDER AS A FINAL ORDER OF THE BOARD FOR THE FOLLOWING:				
	Name	Lic/Reg #	City, State	Penalty Fee	_
	Wallace, Andrew	R41182	Carmel Valley, CA	\$200	
	Roll call vote: Christianson, yes; J. Ham		er, yes; Holth, absent; Johnson	n, yes; Johnston, yes; Ma	ayer, yes; Price, yes; Schmalz, yes.
	7 yes, 0 no, 1 recuse, 1 absent. Motion	carried.			

AGENDA	DISCUSSION & ACTION
4.6.1 Stipulation for Settlement – Cimberly Hooker, R30392	Discussion: A Stipulation for Settlement was received from Cimberly Hooker, 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)(8).  Motion: Price, seconded by M. Hammer to:  ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR CIMBERLY HOOKER, RN, ENTER ITS ORDER TO:
	<ul> <li>ISSUE A REPRIMAND;</li> <li>ASSESS A \$1000 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND</li> <li>OTHER TERMS AS SET OUT IN BOARD ORDER.</li> </ul>
	Roll call vote: Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, absent; Johnson, yes; Johnston, yes; Mayer, yes; Price, yes; Schmalz, yes. 8 yes, 0 no, 1 absent. Motion carried.
4.6.2 Stipulation for Settlement – Jayme Meier, R31998 & L10292	Discussion: A Stipulation for Settlement was received from Jayme Meier, RN & 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 (8)(17).
	Motion: Johnson, seconded by M. Hammer to:  ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR JAYME MEIER, RN AND ENTER ITS ORDER TO:  ◆ ISSUE A REPRIMAND;  ◆ ASSESS A \$500 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND  ◆ OTHER TERMS AS SET OUT IN BOARD ORDER.
	Roll call vote: Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, absent; Johnson, yes; Johnston, yes; Mayer, yes; Price, yes; Schmalz, yes. 8 yes, 0 no, 1 absent. Motion carried.
4.6.3 Stipulation for Settlement -Fay Thibodeaux, TX RN PTP R843536	Discussion: A Stipulation for Settlement was received from Fay Thibodeaux, TX RN PTP 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)(7).  Motion: Price, seconded by Johnston to:
	ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR FAY THIBODEAUX, TX RN PTP AND ENTER ITS ORDER TO:  • ISSUE A REPRIMAND;  • ASSESS A \$600 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND
	◆ OTHER TERMS AS SET OUT IN BOARD ORDER.  Roll call vote: Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, absent; Johnson, yes; Johnston, yes; Mayer, yes; Price, yes; Schmalz, yes. 8 yes, 0 no, 1 absent. Motion carried.
4.9.1 Frederick Beckett, CO PTP R189566	CEASE AND DESIST ORDER issued to Frederick Beckett, CO PTP RN, Denver, CO on August 25, 2016. PVR received 12/17/15 from Altru Health System in Grand Forks related to unprofessional behavior and positive drug screen.
5.2-1 NDSCS AND RN Program Change Notification	The board reviewed notification from ND State College of Science ADN RN program for change in delivery format for a 2 credit course NURS 261 Maternal Newborn course currently offered via a combination of online and in-person to entirely face-to-face in classroom setting. The change is in response to feedback received on student course evaluations requesting the change to full classroom setting.
5.2-2 Concordia College Notification of Change in Program Administrator	Concordia College Department of Nursing, Moorhead, MN has notified the board of change in program administration. Dr. Polly Kloster has resigned as chief nurse administrator and Dr. Jean Bokinskie, PhD, RN has assumed the role of full-time chair as of July 13, 2016.
5.2-3 United Tribes Technical College Notification of Change in Program Administrator	Notification was received from United Tribes Technical College that Jan Lynch, MSN, RN has been promoted to the position of Practical Nursing Program Chair effective September 19, 2016.
5.3-1 MSCTC Refresher Course change in director	The board reviewed notification from MN State Community & Technical College Refresher Course of change in Program Director. Amber Reed, MSN, RN will replace Karen Schumacher, RN, MS effective August 1, 2016.
5.4-1 Notification of NDBON Accreditation Survey & Visit with DOE	The US Department of Education has notified the board of the upcoming process for renewal of national accreditation. The NDBON Survey Report and application for renewal are due January 5, 2017. The Dept. of Education on-site survey of the NDBON will be May 17-18, 2017. Surveyor will attend the NEC Meeting and Board meeting during the survey. The NDBON report will be reviewed at the Spring 2017 meeting of the National Advisory Committee on Institutional Quality & Integrity (NACIQI).
5.4-2 Distance Nursing Education Program Letter of Concern  5.4-3 Notification of pending application submission for initial approval of new nursing program	A letter of concern was issued to Maryville University, Catherine McAuley School of Nursing in St Louis MO for placement of an MSN Nurse Practitioner student in ND clinical facility without proper notification or submission of required clinical practice documents Spring and Summer 2016.  Staff notified the board that Rasmussen College will be submitting application for initial approval of a new accelerated BSN program in Fargo, ND.

4.05110.4	Discussion a restrict with the control of the contr
AGENDA	DISCUSSION & ACTION
7.1-1 Family Planning Clinics and Standing Orders/Protocols for contraceptives and treating STI update	Discussion: The board discussed the issue of RNs dispensing contraceptives and administering STI medications in Title X Family Planning Clinic (FP) settings based on standing orders authorized by providers/prescribers for new/unestablished clients (in which there is no established relationship with the provider/prescriber). Staff indicated a meeting has been set up by ND Dept. of Health with the ND Board of Pharmacy, ND Board of Medicine, ND Board of Nursing and other interested stakeholders for October 27th. Staff recommended the board archive the current practice statement titled "RN & LPN Scope of Practice in the utilization of Prescription Protocols in Clinical Settings" adopted in 2006. Directors to attend the October 27th meeting and report outcomes at the November Board meeting. It was discussed to request a legal opinion from SAAG Brian Bergeson in regards to this issue.  Motion: Price, seconded by Johnson to:
	APPROVE ARCHIVING THE PRACTICE STATEMENT TITLED, "RN & LPN SCOPE OF PRACTICE IN THE UTILIZATION OF PRESCRIPTION PROTOCOLS IN CLINIC SETTINGS" ADOPTED 2006 AND DIRECT STAFF TO ATTEND THE OCTOBER 27, 2016 MEETING HOSTED BY THE ND DEPT OF HEALTH AND BRING OUTCOME TO THE NOVEMBER BOARD MEETING.
	Roll call vote: Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, absent; Johnson, yes; Johnston, yes; Mayer, yes; Price, yes; Schmalz, yes. 8 yes, 0 no, 1 absent. Motion carried.
	Motion: Price, seconded by M Hammer to: DIRECT LEGAL COUNSEL TO REVIEW NDCC 43-12.1 NURSE PRACTICES ACT AND ND ADMINISTRATIVE CODE TITLE 54 TO DETERMINE THE LEGALITY OF RN'S DISPENSING STI/OBC WITH STANDING PROTOCOLS FOR NEW UNESTABLISHED CLIENTS IN TITLE X FAMILY PRACTICE CLINICS.
	Roll call vote: Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, absent; Johnson, yes; Johnston, yes; Mayer, yes; Price, yes; Schmalz, yes. 8 yes, 0 no, 1 absent. Motion carried.
7.2-1 Legal Opinion for APRN Initial Licensure NPA & NDAC Grandfather effective December 31, 2015.	Discussion: Brian Bergeson, SAAG was present for this agenda item. Board requested legal opinion for NDCC 43-12.1-09, sub c and d and NDAC 54-05-03.1-04 as it relates to the APRN grandfather clause for APRNs licensed in another state prior to December 31, 2015 based on a certificate program instead of a master's degree and applying for an APRN license in ND after December 31, 2015. Bergeson reported an inconsistency between law and rules. Bergeson's review and staff research on grandfather clause discussed. The board would use criteria of what level of education was required in ND at the time the applicant was initially licensed outside of ND.
	Motion: Johnson, seconded by Schmalz to: AFFIRM THAT AN APPLICANT SEEKING LICENSURE AS AN APRN IN ND MUST COMPLY WITH N.D.C.C. 43-12.1-09 (C) OR (D), AS APPLICABLE, AND MUST, AMONG OTHER THINGS, DEMONSTRATE THAT THE APPLICANT COMPLETED THE EDUCATIONAL REQUIREMENTS THAT WERE IN EFFECT IN NORTH DAKOTA AT THE TIME THE APPLICANT WAS INITIALLY LICENSED AS AN APRN IN ANOTHER STATE.
	Roll call vote: Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, absent; Johnson, yes; Johnston, yes; Mayer, yes; Price, yes; Schmalz, yes. 8 yes, 0 no, 1 absent. Motion carried.
7.3-1 eNLC and APRN Compact-update	Pfenning reported on available resources for the enhanced compact and APRN compact for boards to use through NCSBN. There are six states planning to move forward with legislation for the APRN compact, and the compact will not take effect until ten have joined.
7.4-1 NDAC PDMP Rules	The NDAC PDMP Rules were presented at the ND Legislative Administrative Rules Committee on September 13, 2016 and will take effect October 1, 2016.
7.4-2 Proceedings - Legislative Committees	http://www.legis.nd.gov/assembly/63-2013/interim/15-0133-01000.pdf
7.4-3 Legislative Committee – Legislative Updates & Tracking Teams	ND Center for Nursing website has legislative updates and tracking team information.

AGENDA	DISCUSSION & ACTION
9.1 Nursing Education Committee	Next meeting November and July (Nursing Student Loan focused)
9.2 Finance Committee	Last Meeting May 18, 2016
9.3 Executive Committee	Last Meeting May 19 & June 29
9.4 Technology Committee	Last Meeting April 14, 2016
9.5-1 Prescription Drug Monitoring Committee	Last Meeting April 14, 2016
9.5-2 ND Center for Nursing	Board of Directors – Fargo – June 3, 2016 Pfenning & Schmalz. Upcoming Board of Directors meeting-Bismarck-October 21, 2016.
9.5-3 ND Hospital Association Workforce Committee-Regulatory Subcommittee	NDHA Board Presentation – September 12, 2016. Pfenning indicated the full committee met and will provide letters of endorsement and support for the APRN & enhanced Nurse Licensure Compact for the upcoming legislative session. She reviewed the makeup of the committee with representation from major hospitals, legislators, and other stakeholders. The Tri-regulator Collaborative proposed by the board consisting of ND Board of Nursing, ND Board of Medicine, and ND Board of Pharmacy is in the process of being developed with creating a charter and membership. The purpose of the Tri-Regulator Collaborative would be to work through issues that affect all three regulatory boards.
9.9-4 Neonatal Task Force	No meeting
9.9-5 Reducing Pharmaceutical Narcotics in our Community	No meeting.
10.1 Office security system	Board staff will participate in training for office security on October 20th presented by Steven Skeen of Threat Awareness Consultants.
11.1-1 NDBON Advisory Panel	Discussion: At the last meeting, the board approved discontinuing the Program Monitoring Committee and the Nurse Practice Committee and directed staff to research creation of a Nurse Advisory Panel. The Nurse Advisory Panel would be composed of individuals with experience in specific practice settings and/or with specific populations. The Advisory Panel would provide analysis, guidance and direction on nursing regulation issues. The structure of the panel allows for utilization of members by means of individual consultation or advisory groups at the discretion of the Board and/or staff. Stipends would be provided as designated for External Committee Members.
	Motion: Schmalz, seconded by M. Hammer to: APPROVE ADDITION OF AN ADVISORY PANEL TO PROVIDE INDIVIDUAL OR GROUP ANALYSIS, GUIDANCE AND DIRECTION ON NURSING REGULATIONS ISSUES AT THE REQUEST OF THE BOARD AND/OR STAFF.
	Roll call vote: Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, absent; Johnson, yes; Johnston, yes; Mayer, yes; Price, yes; Schmalz, yes. 8 yes, 0 no, 1 absent. Motion carried.
11.1-2 Review Revisions to Governance Manual	Discussion: The board reviewed proposed revisions to the governance manual which includes striking the section that states the board meetings must be held "on the third Thursday and Friday", to offer the board more latitude in scheduling meetings. The Nurse Practice Committee and Program Monitoring Committee were removed and the Advisory Panel was added as directed at the July meeting.
	Motion: Johnson, seconded by M. Hammer to: APPROVE THE PROPOSED REVISIONS TO THE NDBON GOVERNANCE MANUAL.
	Roll call vote: Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, absent; Johnson, yes; Johnston, yes; Mayer, yes; Price, yes; Schmalz, yes. 8 yes, 0 no, 1 absent. Motion carried.
11.2 Dakota Nurse Connection	Submission deadline September 15, 2016 for Fall Issue
Presentations	Staff indicated that new NDBON presentations are being prepared by board staff covering different topics for CE opportunities for facilities and organizations.

#### CONSENT AGENDA:

8.1 NCSBN
8.2 Office Management
8.3 Nursing Practice
8.3-1 Collaborative Agreements: APRN and Pharmacy
8.4 Legal Counsel
8.5 Unlicensed Assistive Person/Medication Assistant
8.5-1 NNAAP Testing Summary
8.5-2 NNAAP Testing Statistics
8.6 Licensure
8.6-1 NCLEX-RN Quarterly Reports – 2 <sup>nd</sup> Quarter 2016
8.6-2 NCLEX-PN Quarterly Reports – 2 <sup>nd</sup> Quarter 2016
8.6-3 Nursys Duplicate License Report
8.7 Discipline

8.7-1 Discipline Statistics/Case Activity Report	
8.7-2 NLC Case Log	
8.8 Academic and Continuing Education	
8.8-1 Ratification of approval of continuing education for contact hours	
8.8-2 Distance education students	
8.8-3 Faculty Development Program	
8.8-4 Survey Schedule Updates Fall 2016-Spring 2017	

#### 12.0 STAFF PRESENTATIONS

- 12.1 Social media and Scope of Practice & Delegation presentation October 2016 Altru Conference
- 12.2 Safe Nursing Practice 2: Discipline Pat & Melissa NDNA Conference
- 12.3 Approval of update to director presentation offerings for stakeholders

The meeting adjourned at 12:00 p.m. on September 29, 2016.

Stacey Pfenning, DNP, APRN, RN

Stower Kenning

Executive Director Draft 10/03/2016