

North Dakota Board of Nursing Meeting Minutes – September 19, 2013

Call to Order: September 19, 2013 at 8:35 a.m. – NDBON Board Conference Room – 919 S 7th Street, Suite 504, Bismarck ND

Roll Call: Nine board members present as follows:

Julie Traynor, RN, President	Clara Sue Price, Public Member, Treasurer
Daniel Rustvang, RN, Vice President	Charlene Christianson, RN
Bonny Mayer, LPN	Melisa Frank, LPN
Paula Schmalz, APRN	Janelle Holth, RN
Jane Christianson, RN	

Staff Present:

Constance Kalanek, RN, Executive Director	Patricia Hill, RN, Asst. Director for Practice & Discipline
Karla Bitz, RN, Associate Director	Stacey Pfenning, RN, Associate Director for Education
Julie Schwan, Administrative Services Coordinator	

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

AGENDA	ACTION
Welcome New Board Members	Jane Christianson, APRN from Bismarck, ND was appointed to the board as an RN Board Member to complete the term of Deborah Smith, RN who resigned her position on the board effective September 9, 2013. Christianson's term expires June 30, 2014.
Web Streaming	Erik Wanek was available to assist the board with web streaming issues. The meetings will be web streamed in the future.
1.1 Consent Agenda	<p><i>Discussion:</i> The board reviewed the consent agenda.</p> <p><i>Motion:</i> Rustvang, seconded by C. Christianson to: ADOPT THE CONSENT AGENDA AS PRESENTED.</p> <p><i>Roll call vote:</i> C. Christianson, yes; J. Christianson, yes; Frank, yes; Holth, yes; Mayer, yes; Price, yes; Rustvang, yes; Schmalz, 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. Staff request the addition of an appointment for representatives of UND for Agenda Item 5.2-1 at 12:45 p.m. via conference call.</p> <p><i>Motion:</i> Frank, seconded by Price to: APPROVE AGENDA AS AMENDED TO ADD 12:45 P.M. UNIVERSITY OF ND APPOINTMENT.</p> <p><i>Roll call vote:</i> C. Christianson, yes; J. Christianson, yes; Frank, yes; Holth, yes; Mayer, yes; Price, yes; Rustvang, yes; Schmalz, yes; Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
1.3 Public Forum 11:00 a.m.	No one was present to address the board during the open forum.
1.3-3 Statement for reinstatement – discussion of health information	See agenda item 4.7.1
2.1 July 18, 2013 Meeting Minutes & Public Notice	<p><i>Discussion:</i> The minutes of the July 18, 2013 meeting were reviewed. No corrections were identified.</p> <p><i>Motion:</i> Rustvang, seconded by Mayer to: APPROVE THE MINUTES OF THE JULY 18, 2013 MEETING AS DISTRIBUTED.</p> <p><i>Roll call vote:</i> C. Christianson, yes; J. Christianson, yes; Frank, yes; Holth, yes; Mayer, yes; Price, yes; Rustvang, yes; Schmalz, yes; Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
3.1 Financial Statements	The financial statements through August 31, 2013 were reviewed. Income is at 5% and expenses at 12% of budgeted. A comparison of this year to last year income and expenses was reviewed with no major issues identified.
3.2 Strategic Plan	The board began their strategic planning for the upcoming years at their annual retreat on September 18, 2013. Rose Stoller is facilitating the process. The board is scheduled to continue the process at their November meeting.
3.3 Redirect the NCSBN Annual Fee to NLC	<p><i>Discussion:</i> NCSBN has charged an annual membership fee of \$3,000 to all boards for use of the NCLEX examination for many years. Since entering the Nurse Licensure Compact, the board has also paid an annual \$3,000 fee for compact administration. The 2013 National Council State Board of Nursing Delegate Assembly voted to set the member board membership fee to zero upon adoption of the revised Member Board Agreement. This fee had been paid to NCSBN by the board in July. The Nurse Licensure Compact Administrators voted in August to request all compact boards to redirect the NCSBN Annual fee to the Nurse Licensure Compact Administrators (NLCA) for this year. NLCA is a government entity and NCSBN is a non-profit. NLCA is working closely with legal counsel for both NLCA and NCSBN to come to a permanent funding solution for the compact.</p> <p><i>Motion:</i> C. Christianson, seconded by Rustvang to: ACCEPT THE REQUEST FROM NCSBN TO REDIRECT THE \$3,000 ANNUAL FEE TO THE NURSE LICENSURE COMPACT.</p> <p><i>Roll call vote:</i> C. Christianson, yes; J. Christianson, yes; Frank, yes; Holth, yes; Mayer, yes; Price, yes; Rustvang, yes; Schmalz, yes; Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>

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3.4 2012-2013 FY Financial Statements	The board reviewed the 2012-2013 Fiscal Year end financial reports with adjusting entries. The income was at 104% of budgeted and expenses were at 99% of budgeted. The audit fieldwork of the 2012-2013 Fiscal Year has been completed and will be presented at the November meeting.																									
4.0.1 FY 12-13 PVR Case Resolution	The board reviewed a Summary of Statistics for Potential Violation Report (PVR) Case Resolution for FY 12-13. There were 150 RN/LPN PVRs received and 165 resolved (15 from prior year). There were 4 UAP PVRs received and 7 resolved (3 from prior year). The number of days from date of receipt of PVR to resolution continues to decrease, and averages 48 days for RN/LPN cases and 26 days for UAP cases.																									
4.0.2 2013 Positive Response Resolution Summary	The board reviewed a Positive Response Resolution Summary for FY 12-13. The question with the largest number of positive responses continues to be the criminal history question that states "Have you ever been arrested, charged or convicted of a felony". There were 75 RN/LPN applications received with positive responses, 80 cases resolved (some from prior year) and an average time of 36 days from receipt to resolution. There were 31 UAP applications received with positive responses. 27 resolved and an average time of 47 days from receipt to resolution.																									
4.0.3 Diversion Case Compilation	The board reviewed a Comparison of Diversion cases in relation to the RN/LPN PVRs. It was noted that the percentage of diversion cases continues to increase with the 14% of cases in 2012 involving diversion of medication.																									
Disciplinary Review Panel	Holth and Schmalz attended a disciplinary review panel meeting as part of their orientation to the board and will recuse from any disciplinary agenda items that were discussed at that meeting.																									
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.</p> <p><i>Motion:</i> Rustvang, seconded by C. Christianson to:</p> <p>ACCEPT THE ADMINISTRATIVE SETTLEMENTS FOR PRACTICE WITHOUT A LICENSE/REGISTRATION FOR THE FOLLOWING:</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>Anderson, Merry</td> <td>UAP 106815</td> <td>Minot, ND</td> <td>Reprimand</td> <td>\$200</td> </tr> <tr> <td>Buboltz, Ann</td> <td>RN Endorsement App</td> <td>Redwood Falls, MN</td> <td>Reprimand</td> <td>\$200</td> </tr> <tr> <td>Miller, Cassandra</td> <td>RN Endorsement App</td> <td>Wahpeton, ND</td> <td>Reprimand</td> <td>\$1000</td> </tr> <tr> <td>Parker-Sundquist, Charla</td> <td>LPN Endorsement App</td> <td>Grand Forks, ND</td> <td>Reprimand</td> <td>\$200</td> </tr> </tbody> </table> <p><i>Roll call vote:</i> C. Christianson, yes; J. Christianson, yes; Frank, yes; Holth, recuse; Mayer, yes; Price, yes; Rustvang, yes; Schmalz, recuse; Traynor, yes. 7 yes, 0 no, 2 recuse, 0 absent. Motion carried.</p>	NAME	Lic/Reg #	City, State	Sanction	Penalty Fee	Anderson, Merry	UAP 106815	Minot, ND	Reprimand	\$200	Buboltz, Ann	RN Endorsement App	Redwood Falls, MN	Reprimand	\$200	Miller, Cassandra	RN Endorsement App	Wahpeton, ND	Reprimand	\$1000	Parker-Sundquist, Charla	LPN Endorsement App	Grand Forks, ND	Reprimand	\$200
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4.3 Voluntary Surrender	<p><i>Discussion:</i> One individual has submitted a voluntary surrender, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Voluntary Surrender.</p> <p><i>Motion:</i> C. Christianson, seconded by Frank to:</p> <p>ACCEPT THE TERMS OF THE PROPOSED VOLUNTARY SURRENDER AS A FINAL ORDER OF THE BOARD FOR THE FOLLOWING INDIVIDUAL:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">NAME</th> <th style="text-align: left;">Lic/Reg #</th> <th style="text-align: left;">City, State</th> <th style="text-align: left;">Sanction</th> <th style="text-align: left;">Penalty Fee</th> </tr> </thead> <tbody> <tr> <td>Gamble, Tracy</td> <td>R37524</td> <td>Minot, ND</td> <td>Reprimand</td> <td>\$200</td> </tr> </tbody> </table> <p><i>Roll call vote:</i> C. Christianson, yes; J. Christianson, yes; Frank, yes; Holth, recuse; Mayer, yes; Price, yes; Rustvang, yes; Schmalz, recuse; Traynor, yes. 7 yes, 0 no, 2 recuse, 0 absent. Motion carried.</p>	NAME	Lic/Reg #	City, State	Sanction	Penalty Fee	Gamble, Tracy	R37524	Minot, ND	Reprimand	\$200															
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4.4.1 Stipulation for Settlement – Kelly Cofer, R32728 & L11293 (inactive)	<p><i>Discussion:</i> A Stipulation for Settlement was received from Kelly Cofer, RN and 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)(6) and NDAC 54-02-07-01.1 (5)(6)(8)(9)(12).</p> <p><i>Motion:</i> Rustvang, seconded by Frank to:</p> <p>ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR KELLY COFER, RN & LPN AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ SUSPEND THE LICENSE FOR THREE YEARS; ◆ ASSESS A \$1500 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> C. Christianson, yes; J. Christianson, yes; Frank, yes; Holth, yes; Mayer, yes; Price, yes; Rustvang, yes; Schmalz, yes; Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>																									
4.4.2 Stipulation for Settlement – Stacie Wattendorf, L13524	<p><i>Discussion:</i> A Stipulation for Settlement was received from Stacie Wattendorf, 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 (2)(3)(4)(5)(6) and NDAC 54-02-07-01.1 (5)(6)(7)(8)(9).</p> <p><i>Motion:</i> Rustvang, seconded by Mayer to:</p> <p>ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR STACIE WATTENDORF, LPN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ SUSPEND THE LICENSE FOR THREE YEARS; ◆ ASSESS A \$1600 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER. 																									

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4.4.2 Stipulation for Settlement – Stacie Wattendorf, L13524 (continued)	<i>Roll call vote:</i> C. Christianson, yes; J. Christianson, yes; Frank, yes; Holth, recuse; Mayer, yes; Price, yes; Rustvang, yes; Schmalz, recuse; Traynor, yes. 7 yes, 0 no, 2 recuse, 0 absent. Motion carried.
4.4.3 Stipulation for Settlement – Amanda Dockter, L13872	<p><i>Discussion:</i> A Stipulation for Settlement was received from Amanda Dockter, 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)(8).</p> <p><i>Motion:</i> Frank, seconded by Price to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR AMANDA DOCKTER, LPN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ ISSUE A REPRIMAND; ◆ ASSESS A \$900 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN THE BOARD ORDER. <p><i>Roll call vote:</i> C. Christianson, yes; J. Christianson, yes; Frank, yes; Holth, recuse; Mayer, yes; Price, yes; Rustvang, yes; Schmalz, recuse; Traynor, yes. 7 yes, 0 no, 2 recuse, 0 absent. Motion carried.</p>
4.4.4 Stipulation for Settlement – Ashley Steffl, R38746	<p><i>Discussion:</i> A Stipulation for Settlement was received from Ashley Steffl, 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 (19).</p> <p><i>Motion:</i> Rustvang, seconded by Mayer to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR ASHLEY STEFFL, RN AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ ENCUMBER THE LICENSE FOR EIGHTEEN MONTHS; ◆ ASSESS A \$600 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> C. Christianson, yes; J. Christianson, yes; Frank, yes; Holth, recuse; Mayer, yes; Price, yes; Rustvang, yes; Schmalz, recuse; Traynor, yes. 7 yes, 0 no, 2 recuse, 0 absent. Motion carried.</p>
4.4.5 Stipulation for Settlement – James Jaffe, R39137	<p><i>Discussion:</i> A Stipulation for Settlement was received from James Jaffe, 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> Rustvang, seconded by Holth to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR JAMES JAFFE, RN AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ ISSUE A REPRIMAND; ◆ ASSESS A \$600 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> C. Christianson, yes; J. Christianson, yes; Frank, yes; Holth, yes; Mayer, yes; Price, yes; Rustvang, yes; Schmalz, yes; Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
4.7.1 Request for Reinstatement – Melissa Piatz, R34041	<p><i>Discussion:</i> Melissa Piatz, RN was present for this agenda item and requested reinstatement of her suspended RN license. Traynor read a statement that indicated Ms. Piatz has requested the board remain in open session during this agenda item and agrees to discuss confidential medical issues with the board in open session. The board reviewed and discussed the Disciplinary Review Panel recommendation to encumber the license for five years.</p> <p><i>Motion:</i> C. Christianson, seconded by Price to: GRANT MELISSA PIATZ'S REQUEST FOR REINSTATEMENT OF HER RN LICENSE TO ENCUMBERED STATUS FOR FIVE YEARS ACCORDING TO THE TERMS AND CONDITIONS OF HER BOARD ORDER.</p> <p><i>Roll call vote:</i> C. Christianson, yes; J. Christianson, yes; Frank, yes; Holth, recuse; Mayer, yes; Price, yes; Rustvang, yes; Schmalz, recuse; Traynor, yes. 7 yes, 0 no, 2 recuse, 0 absent. Motion carried.</p>
4.7.2 Request for Reinstatement – Carol Larsgaard, L12995	<p><i>Discussion:</i> Carol Larsgaard, LPN, has requested reinstatement of her encumbered LPN license to full licensure status. The board reviewed the disciplinary review panel recommendation to reinstate the license to full licensure status as she has completed the terms and conditions of her board order dated March 22, 2012.</p> <p><i>Motion:</i> Holth, seconded by Mayer to: GRANT CAROL LARSGAARD'S REQUEST FOR REINSTATEMENT OF HER LPN LICENSE TO UNRESTRICTED PRACTICE AND FULL LICENSURE STATUS AS SHE HAS COMPLIED WITH THE TERMS AND CONDITIONS OF HER BOARD ORDER DATED. MARCH 22, 2012.</p> <p><i>Roll call vote:</i> C. Christianson, yes; J. Christianson, yes; Frank, yes; Holth, yes; Mayer, yes; Price, yes; Rustvang, yes; Schmalz, yes; Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
4.11.1 Jeanna Degelder, R28344	NOTICE OF EMERGENCY SUSPENSION issued to Jeanna Degelder, RN, Horace, ND on August 29, 2013 for five years or until retracted, modified or superseded by final disciplinary action of the Board or upon agreement between Respondent and the Board.
4.11.2 Amber Stortroen, L12352	NOTICE OF SUSPENSION issued to Amber Stortroen, LPN, Minot, ND on September 6, 2013 for violations of terms and conditions of Stipulation for Settlement dated January 16, 2013. Respondent's license is automatically SUSPENDED until full payment of penalty fee is received by the Board.
4.11.3 Olufunlayo Onafowode, R38403	NOTICE OF EMERGENCY SUSPENSION issued to Olufunlayo Onafowode, RN, Bismarck, ND on September 16, 2013 for five years or until retracted, modified or superseded by final disciplinary action of the Board or upon agreement between Respondent and the Board.

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4.11.4 Kathleen Stiefel, R33593	NOTICE OF SUSPENSION issued to Kathleen Stiefel, RN, Beulah, ND on August 20, 2013 for violations of terms and conditions of Board Order dated July 14, 2011. Respondent's license is automatically SUSPENDED for a period of two (2) years.
5.2-1 UND Programmatic Changes; Leadership update; Program Title Update - 12:45 p.m.	<i>Discussion:</i> Representatives from UND present via phone conference for the 5.2-1 were Dr. Julie Anderson PhD, RN, Dr. Steven Light, Interim Dean for the College, Dr. Thomas DiLorenzo, Provost and Vice President for Academic Affairs. The board was recently notified of three changes that have taken place at the UND College of Nursing throughout the past year. Pfenning reviewed the first request for programmatic change from the UND College of Nursing and Professional Disciplines undergraduate baccalaureate nursing program to no longer require the Certified Nurse Assistant (CNA) Certificate for admission to the nursing program. The requirement was mostly duplicative to the College's existing course requirements and faculty found it was unnecessary. The proposed change was effective with the Fall 2013 semester.
	<i>Motion:</i> C. Christianson, seconded by Rustvang to: APPROVE THE UND COLLEGE OF NURSING AND PROFESSIONAL DISCIPLINES PROGRAM NOTIFICATION OF MAJOR PROGRAMMATIC CHANGES AS THE PROGRAM HAS FULL APPROVAL FROM THE ND BOARD OF NURSING AND THE PROGRAMMATIC CHANGES ARE IN COMPLIANCE WITH NDAC 54-03.2-06-02.
	<i>Roll call vote:</i> C. Christianson, yes; J. Christianson, yes; Frank, yes; Holth, yes; Mayer, yes; Price, yes; Rustvang, yes; Schmalz, yes; Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.
	<i>Discussion:</i> The UND College of Nursing officially changed the name to the College of Nursing and Professional Disciplines (CNPD) upon approval by the ND Board of Higher Education on November 15, 2012. This change reflects the combination of Nursing, Social Work, Nutrition and Dietetics into one College.
	<i>Motion:</i> Rustvang, seconded by Holth to: APPROVE THE NAME CHANGE OF THE COLLEGE OF NURSING TO COLLEGE OF NURSING AND PROFESSIONAL DISCIPLINES (CNPD) EFFECTIVE NOVEMBER 15, 2012 ACCORDING TO NDAC CHAPTER 54-03.2-02 ORGANIZATION AND ADMINISTRATION.
	<i>Roll call vote:</i> C. Christianson, yes; J. Christianson, yes; Frank, yes; Holth, yes; Mayer, yes; Price, yes; Rustvang, yes; Schmalz, yes; Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.
	<i>Discussion:</i> The third notification was a change in the chief nurse administrator position of the CNPD. Dean Denise Korniewicz, PhD, RN, FAAN is no longer in that position at the College effective July 31, 2013. Effective August 1, 2013, Dr. Steven Andrew Light assumed the role of Interim Dean for the College until December 31, 2014, and is responsible for the administrative operations of the College. Dr. Light does not meet the NDAC 54-03.2-03 Standards for Nursing Education Programs outlined for program administrator as he is not a licensed nurse and holds a degree in Political Science and Public Administration. UND provided Dr. Light's qualifications and expertise for the position. The College is asking for the board's approval for Dr. Light's interim position under 54-03.2-03-05 Employment of Academically Unqualified Administrator #2 Other circumstance as approved by the board. Representatives spoke to the board about the lack of reporting of the programmatic changes and indicated these oversights where under the prior administrator. Brian Bergeson, SAAG reviewed the request and indicated that the exception in NDAC 54-03.2-03 refers only to not meeting the educational requirements, and the other two required qualifications for program administrator for a current, unencumbered registered nurse license and two years of nursing experience would still not be met. Program representatives indicate that they are in the process to ensure at the Dean's office level that there is appropriate nursing representation.
	<i>Motion:</i> Rustvang, seconded by Holth that: THE BOARD CITE UND COLLEGE OF NURSING AND PROFESSIONAL DISCIPLINE FOR THE FOLLOWING VIOLATIONS OF THE NDAC: <ol style="list-style-type: none"> 1. IMPLEMENTATION OF PROGRAMMATIC CHANGE PRIOR TO APPROVAL (NDAC 54-03.2-06-02. PROGRAMMATIC CHANGES). 2. PROGRAM/SCHOOL NAME CHANGES WITHOUT PRIOR APPROVAL (NDAC CHAPTER 54-03.2-02 ORGANIZATION AND ADMINISTRATION). 3. EMPLOYMENT OF UNQUALIFIED ADMINISTRATOR (NDAC CHAPTER 54-03.2-03 BACCALAUREATE OR GRADUATE NURSE PROGRAM ADMINISTRATOR).
	<i>Roll call vote:</i> C. Christianson, yes; J. Christianson, yes; Frank, yes; Holth, yes; Mayer, yes; Price, yes; Rustvang, yes; Schmalz, yes; Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.
	<i>Discussion:</i> The board discussed a request of UND to address the non-compliant issue of Program Administrator prior to the November Board meeting.
<i>Motion:</i> Holth, seconded by C. Christianson to: REQUIRE A COMPLIANCE REPORT BY NOVEMBER 21, 2013 ADDRESSING THE NONCOMPLIANCE NDAC CHAPTER 54-03.2-03 BACCALAUREATE OR GRADUATE NURSE PROGRAM ADMINISTRATOR.	
<i>Roll call vote:</i> C. Christianson, yes; J. Christianson, yes; Frank, yes; Holth, yes; Mayer, yes; Price, yes; Rustvang, yes; Schmalz, yes; Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.	

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5.3-1 NDSCS Pharmacist Assisted Technician Self-Instructional Modules	<p><i>Discussion:</i> Lynden Ring, Assistant Regional Director, Badlands Human Service Center, Dickinson was present to address the board to request CE for portions of the Pharmacy Technician Program that is required of some nurses in human services centers. The curriculum was reviewed by staff and presented to the board for approval of CE for two courses: Pharmaceutical Calculations 102 and IV & Sterile Product Preparation 116. It was noted that submission of verification of certification as a Pharmacy Technician would provide the needed evidence of completion of these courses if audited.</p> <p><i>Motion:</i> Rustvang, seconded by C. Christianson to: APPROVE THE FOLLOWING COURSES AS ACCEPTABLE CONTINUING EDUCATION FOR 2014-2015 AND 2015-2016 RENEWAL CYCLES BASED ON THE SUBMISSION OF VERIFICATION OF CERTIFICATION AS A PHARMACY TECHNICIAN:</p> <ul style="list-style-type: none"> • PHARMACEUTICAL CALCULATIONS 102 – 3 CREDITS = 45 CONTACT HOURS • IV & STERILE PRODUCT PREPARATION 116 (INTRAVENOUS ADDITIVES AND ADMIXTURE) – 2 CREDITS = 30 CONTACT HOURS. <p><i>Roll call vote:</i> C. Christianson, yes; J. Christianson, yes; Frank, yes; Holth, yes; Mayer, yes; Price, yes; Rustvang, yes; Schmalz, yes; Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
5.4-1 Fall Member Board Review Participants	<p>Traynor and Pfenning had volunteered to review the NCLEX items for the scheduled Fall Board Member Review. Neither is eligible based on their positions and work with programs and students. Any board member or staff in a non-teaching position that is willing to volunteer should contact Kalanek by September 30, 2013.</p>
5.4-2 Department of Education Analysis Summary Draft	<p>On September 10, 2013 the board received notification from the U.S. Department of Education that they are recommending renewal of the ND Board of Nursing's recognition as a state agency for the approval of nursing education for a period of four years. There are currently only seven boards with DOE approval. USDOE Meeting is scheduled for December 13, 2013 in Washington, D.C. Board staff will be present.</p>
6.1 FBI Audit – Integrated Automated Fingerprint Identification System Audit September 10, 2013	<p>The board reviewed preliminary results of an FBI on-site audit of the criminal history record check process. No issues were identified and the board is in total compliance. The final report will take 6 to 9 months to issue. The ND Board of Nursing was also randomly audited in September of 2010.</p>
7.1.-1 SB2323 Mandatory Reporting Legislation	<p>An e-newsletter was sent to all licensees regarding Mandatory Reporting of Abuse and Neglect of a Vulnerable Adult. The contact agency is the ND Department of Human Services. The reporting is a result of SB 2323 that took effect August 1, 2013.</p>
7.1-2 Medication Management Workgroup Meeting & Discussion Points for Medication Management	<p><i>Discussion:</i> Kalanek, Hill & C. Christianson attended a Medication Management Workgroup Meeting on September 5, 2013. The purpose of the meeting was to determine if there can be more flexibility under existing laws and rules related to safe medication management when a resident is away from a facility, and to promote consistency in the guidance provided by regulatory authorities related to this issue. The Board reviewed four points identified for discussion. After discussion the board felt more feedback was necessary and agreed to refer the issue to the Nurse Practice Committee.</p> <p><i>Motion:</i> Rustvang, seconded by Schmalz to: REFER THE ISSUE OF MEDICATION MANAGEMENT IN RESIDENTIAL CARE CENTERS TO THE NURSE PRACTICE COMMITTEE FOR FURTHER EVALUATION AND REVIEW FOR RECOMMENDATIONS TO THE BOARD AT THEIR NOVEMBER MEETING.</p> <p><i>Roll call vote:</i> C. Christianson, yes; J. Christianson, yes; Frank, yes; Holth, yes; Mayer, yes; Price, yes; Rustvang, yes; Schmalz, yes; Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
7.1-3 ND Society of Radiologic Technologists – request from ND Dept of Health	<p><i>Discussion:</i> Brian Bergeson, SAAG was present for this agenda item. The ND Department of Health received a letter from the ND Society of Radiologic Technicians (NDSRT) requesting a five year waiver of NDAC 33-07-01.1-20 (1) (i) (2) which requires all entries in the medical record to be authenticated by the individual making the entry and further states that telephone and verbal orders may be used if they are given only to qualified "licensed" personnel. Radiologic Technicians do not have a state registry or license. The Dept of Health can waive enforcement of the rules as long as it does not adversely affect the health and safety of the patients and if compliance with the requirement would result in unreasonable hardship upon the hospital. The Department of Health is requesting feedback from a variety of stakeholders before making a decision. The Board reviewed a 2011 Attorney General opinion related to the matter which indicates a radiology technician must hold a state issued license or permit to record telephone or verbal orders. If the NDSRT would look to create their own board or certification it would require a legislative change, which would be at least two years away. The Board discussed the current practice and the five year waiver request. Some board members felt the five year time frame was too long, and some felt there needed to be some type of regulation of radiology technicians. Concern was expressed regarding possible hardships on facilities in rural areas should the waiver not be granted. It was requested that the ND Dept of Health be made aware that the motion did not have a unanimous vote.</p> <p><i>Motion:</i> Christianson, seconded by Frank to: BOARD SUBMIT A MEMO TO THE NORTH DAKOTA DEPARTMENT OF HEALTH, DR. T. DWELLE TO INCLUDE THE FOLLOWING:</p> <ul style="list-style-type: none"> • DUE TO THE LACK OF REGULATORY OVERSIGHT WHICH INCLUDES A STATE ISSUED LICENSE, THE NORTH DAKOTA BOARD OF NURSING WOULD NOT SUPPORT THE ISSUANCE OF A WAIVER BY THE DEPT OF HEALTH. <p><i>Roll call vote:</i> C. Christianson, recuse; J. Christianson, yes; Frank, yes; Holth, yes; Mayer, yes; Price, no; Rustvang, no; Schmalz, yes; Traynor, yes. 6 yes, 2 no, 1 recuse, 0 absent. Motion carried.</p>
7.3-1 Virtuwel NP Clinics	<p>The board reviewed information from virtuwel, which is a 24/7 online clinic that diagnoses and treats about 30 common health conditions. They currently operate in MN, WI, MI and are seeking to offer their services to ND residents. They will be licensing their APRNs and RNs in the state of ND. A link to a video on their website at www.virtuwel.com regarding their services was shared.</p>

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AGENDA	ACTION
7.4-1 Nurse Licensure Compact Meeting Minutes – July & August	The board reviewed implementation roster of progress for compact states to amend Model Rule for the nurse licensure compact regarding the 30 day time frame that a nurse can work on their compact license in the new primary state of residence. The proposal is to increase that time from 30 days to 90 days. This change will be offered in the upcoming proposed rule revision. The board also reviewed highlight of the July 1-2, 2013 NLCA Executive Committee Meeting and the August 13, 2013 NLCA Annual Meeting.
7.4-2 North Dakota Compacts	The board reviewed a letter from ANA regarding Licensure Jurisdiction for Cross-Border Nursing Practice, and a letter from the NLCA to ANA regarding a recent article in ANA's publication "ANA Issue Brief" entitled "Nurse licensure Portability" that contained incorrect and confusing statements or conclusions regarding the nurse licensure compact. The board also reviewed a list of North Dakota Compacts.
7.4-3 Nurse Licensure Compact & Nurse Licensure Compact Administrators Mission Statement	The board reviewed the mission statement for the Nurse Licensure Compact and the Nurse Licensure Compact Administrators. The mission of NLC states "The Nurse Licensure Compact advances public protection and access to care through the mutual recognition of one state-based license that is enforced locally and recognized nationally."
7.5-1 Administrative Rule Promulgation	The board reviewed progress on the revisions to the ND Administrative Code as a result of legislative changes. The board reviewed a potential timeline for reviewing rules at the November meeting to adopt for public hearing in January.
7.5-2 Legislative Bills Affecting State Agencies	None
7.5-3.1 Legislative Committees Health Services Committee – Community Paramedic Study	The board reviewed Senate Concurrent Resolution No. 4002 to Study the feasibility and desirability of community paramedics providing additional clinic and public health services. The board reviewed background on the study and a briefing paper from the American Nurses Association regarding the issue.
9.1 Program Monitoring Committee	None
9.2 Nursing Education Committee	None
9.3 Finance Committee	None
9.4 Executive Committee	May 16 th and July 18 th meeting minutes were distributed.
9.5 Nursing Practice Committee	None
9.6 Technology committee – August 29	The Board reviewed the minutes of the August 29, 2013 Technology Committee. The Committee had directed staff to utilize the survey monkey for completion of both a board member and staff survey.
9.7-1 Prescription Drug Monitoring Committee	The Prescription Drug Monitoring program met on July 25 th . Pfenning attended and reported on the outreach efforts of the program to increase prescribers. The effort has increased participation from 12.9% to 20.2%
9.7-2 North Dakota Center for Nursing – August 6, August 23	The board reviewed the ND Center for Nursing Strategic Plan Projects for 2013-2014, an agenda for the Leadership Team Annual Meeting held on August 23, 2013, and an agenda for the ND State Nursing Leadership Summit which will be held Friday October 4, 2013 in Fargo, ND.
10.1 Website & Renewal	Staff reported on the progress of the website revisions. Renewal for 2014-2015 will begin in October.
10.2 Meritorious Service Award Certificate	Constance Kalanek was awarded the 2013 Meritorious Service Award from the National Council of State Boards of Nursing at their annual convention. The board reviewed the certificate highlighting her accomplishments and commitment to nursing regulation.
10.3 Update on Administration of Medication in Schools	Staff indicated a number of questions have been coming into the board office from school nurses related to administration of medication in schools. Hill and Kalanek will be meeting with the ND School Board Association as they transition to have their staff trained in medication administration.
11.1-1 NCSBN Committee Meetings	The board discussed the request from NCSBN for membership on national committees and the process for submitting an application.
11.1-2 Board Member Review & Orientation	Brian Bergeson, SAAG, presented an annual overview of the disciplinary process for the board. He also discussed ex parte communication, recusal and abstain of an agenda item.
11.1-3 Organizational Chart	Rustvang reviewed the organizational chart with members.
11.1-4 Open Records Presentation 8:40 a.m. Sandra Voller AAG	Sandra Voller, Assistant Attorney General was present to discuss open records with the board. Ms. Voller stressed that anytime there is a quorum of the board, in this case five, that discusses public business is considered a meeting and must be noticed. Ms. Voller recommended business never be discussed at social events. She also explained the process of e-mail communication among members and when that would be considered a meeting. Voller recommends never hitting "Reply All" except to discuss times or attendance for scheduling meetings. She also reviewed the definition of exempt and confidential records and the requirements for convening an executive session.
11.1-5 Update Committee Appointments	<i>Discussion:</i> Jane Christianson has agreed to replace Deborah Smith on the designated committee assignments. <i>Motion:</i> Price, seconded by J. Christianson to: APPROVE THE REVISED 2013-2014 COMMITTEE APPOINTMENTS BY REPLACING DEBORAH SMITH WITH JANE CHRISTIANSON ON ALL COMMITTEE ASSIGNMENTS. <i>Roll call vote:</i> C. Christianson, yes; J. Christianson, yes; Frank, yes; Holth, yes; Mayer, yes; Price, yes; Rustvang, yes; Schmalz, yes; Traynor, yes. 9 yes, 0 no, 0 absent. Motion carried.

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11.2 Board Member attendance at state meetings	Board members were encouraged to sign up for state meetings throughout the upcoming year.
11.3 Dakota Nurse Connection – suggestions	Staff welcome any suggestions for articles for the Dakota Nurse Connection.
11.4 Board Meeting Evaluations – review form	The Board meeting evaluation will now be completed on Survey Monkey instead of the previous paper form that was being used.
11.5 NCSBN Regulatory Achievement Award Certificate	The board reviewed the 2013 NCSBN Regulatory Achievement Award Certificate for the ND Board of Nursing, outlining the accomplishments of the board.
11.6 One Hundred Year Anniversary Celebration	The 100 th Anniversary of the board will be in 2015, and plans will soon need to begin for a celebration.

CONSENT AGENDA:

8.1 NCSBN
8.1-1 2013 Annual Meeting
8.2 Office Management
8.2-1
8.3 Nursing Practice
8.3-1 Summary of practice calls
8.3-2 Prescriptive Authority Applications
8.4 Workplace Impairment Program Report
8.4-1 Statistics
8.5 Unlicensed Assistive Person/Medication Assistant
8.5-1 Testing Summary Report
8.5-2 NNAAP Testing
8.6 Licensure
8.6-1
8.6-2 NCLEX-RN
8.6-3 NCLEX-PN
8.7 Discipline
8.7-1 Discipline Statistics/Case Activity Report
8.7-2 NLC Case Log
8.7-3 MN Border State Recognition Case Log
8.7-4 Drug Screen Testing Policy
8.8 Legal Counsel
8.9 Education
8.9-1 Ratification of approval of continuing education for contact hours
8.9-2 Out-of-Students
8.9-3 Education Dialogue
8.9-4 Faculty Development program
8.9-5 NCLEX Goes Green

UPCOMING MEETINGS & REPORT OF MEETINGS ATTENDED:

12.1 National Council of State Boards of Nursing Annual Meeting, 35 th Anniversary August 14-16, 2013 – Providence RI. Traynor, Rustvang, Smith, Kalanek, Bitz and Pfenning attended. Highlights of the Annual meeting were reviewed by each attendee.
12.2 NCSBN Monthly Meetings by teleconference calls and onsite:
12.2-1 Policy Call
12.2-2 Education Knowledge Network September 2013
12.2-3 Discipline Knowledge Network – August 28, 2013

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12.2-4 EO Knowledge Network
12.2-5 NLCA Meeting –August 13; March 9.
12.2-6 Mid-Year Meeting, March 10-12.
12.2-7 NCSBN Executive Officers Leadership Seminar – June 24-25.
12.2-8 IT Conference
12.2-9 NCLEX Conference – September 9, 2013
12.2-10 APRN Practice Network – July 25; September 16 The meeting highlights were reviewed.
12.2-11 2013 NCSBN Long-Term Care Conference
12.2-12 Practice Knowledge Network – August 1: September 12
12.2-13 EO Forum – November 18-19
12.3 North Dakota Organization of Nurse Executives – NDHA Annual meeting, October 9.
12.4 North Dakota Nurses Association - October 3.
12.5 North Dakota Rural & Public Health Conference – June 18-20;
12.6 North Dakota Hospital Association Annual Convention and Trade Show – October 8-10;
12.7 North Dakota LTCA Professional Development Conference, December 11-13.
12.8 North Dakota State Health Council; August 13
12.9 ND Health Care Reform Review Committee – September 4
12.10 APRN consensus Implementation Strategy Group - August 28 attended by Kalanek
12.11 ND State Nursing Leadership Summit: Leading Change at Home – October 4

Staff Presentations:

13.1 Nurse Practices Act & Violations of NPA; Sanford College of Nursing, September 16, 2013

The meeting recessed at 11:45 a.m. and reconvened at 12:30 p.m. for lunch.

The meeting adjourned at 2:30 p.m. on September 19th, 2013.

Constance B. Kalanek, RN, PhD, FRE
Executive Director - Draft 09/26/2013