

## North Dakota Board of Nursing Meeting Minutes – November 19, 2015

Call to Order:	November 19, 2015 at 8:30 a.m. – NDBON Board Conference Room – 919 S 7 <sup>th</sup> Street, Suite 504, Bismarck ND
Roll Call:	Six members present as follows: Daniel Rustvang, RN, President Jane Christianson, RN, Vice President Michael Hammer, RN Paula Schmalz, APRN Mary Beth Johnson, RN Wendi Johnston, LPN Absent: Clara Sue Price, Public Member, Treasurer, Janelle Holth, RN, Bonny Mayer, LPN 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	ACTION
Welcome New LPN Board Member	Board members welcomed newly appointed member Wendi Johnston, LPN of Kathryn, ND. Ms. Johnston has been appointed by the Governor to fill the unexpired term of Diane Gravely through June 30, 2016.
1.1 Consent Agenda	<i>Discussion:</i> The board reviewed the consent agenda. No items were identified for discussion. <i>Motion:</i> Christianson, seconded by Schmalz to: <b>ADOPT THE CONSENT AGENDA AS PRESENTED.</b> <i>Roll call vote:</i> Christianson, yes; Hammer, yes; Holth, absent; Johnson, yes; Johnston, yes; Mayer, absent; Price, absent; Rustvang, yes; Schmalz, yes. 6 yes, 0 no, 3 absent. Motion carried.
1.2 Agenda	<i>Discussion:</i> The agenda was reviewed. One addition was requested 11.6 Committee Assignments to add Wendi Johnston to board committees. <i>Motion:</i> Christianson, seconded by Johnson to: <b>APPROVE AGENDA AS AMENDED WITH THE ADDITION OF AGENDA ITEM 11.6 COMMITTEE ASSIGNMENTS.</b> <i>Roll call vote:</i> Christianson, yes; Hammer, yes; Holth, absent; Johnson, yes; Johnston, yes; Mayer, absent; Price, absent; Rustvang, yes; Schmalz, yes. 6 yes, 0 no, 3 absent. Motion carried.
1.3 Public Forum 11:00 a.m.	No one was present to address the board during the public forum.
1.3-3 Open record/meeting presentation Sandra DePountis - 8:45 a.m.	Sandra DePountis from the Attorney General's Office gave a presentation to the board on open records and open meetings. Board members were reminded to never hit "Reply All" to any e-mails and that any time a quorum of board members are present discussing business it is considered an open meeting and needs to be noticed.
2.1 September 10, 2015 Meeting Minutes & Public Notice	<i>Discussion:</i> The minutes of the September 10, 2015 meeting were reviewed. No corrections were identified. <i>Motion:</i> Johnson, seconded by Schmalz to: <b>APPROVE THE MINUTES OF THE SEPTEMBER 10, 2015 MEETING AS DISTRIBUTED.</b> <i>Roll call vote:</i> Christianson, yes; Hammer, yes; Holth, absent; Johnson, yes; Johnston, yes; Mayer, absent; Price, absent; Rustvang, yes; Schmalz, yes. 6 yes, 0 no, 3 absent. Motion carried.
3.1 Financial Statements	The financial statements through October 31, 2015 were reviewed. Income is at 25% and expenses at 30% of budgeted. Board members discussed the Workshop/Conference category being over 100%. The board reviewed categories that were significantly below or above budget. A comparison from last fiscal year to this fiscal year to date was reviewed with no issues identified.
3.2 2014-2015 Audit Report 10:30 a.m. Rachel Woodby, CPA, Eide Bailly	<i>Discussion:</i> Rachel Woodby, CPA from EideBailly was present to review the 2014-2015 Final Audit Report with the board. The board has adopted the provisions of GASB 68 & GASB 71 related to Financial Reporting for Pensions, which requires employer to show net share of NDBON pension liability. Ms. Woodby indicated that the board's net position decreased this past year, which was due to one-time budgeted expenditures. Highlights of the report were reviewed. There is one significant deficiency that is noted each year as the board does not prepare its own financial statements and has chosen EideBailly to prepare the statements. <i>Motion:</i> Schmalz, seconded by Christianson to: <b>ACCEPT THE 2014-2015 AUIT REPORT PRESENTED BY EIDE BAILLY.</b> <i>Roll call vote:</i> Christianson, yes; Hammer, yes; Holth, absent; Johnson, yes; Johnston, yes; Mayer, absent; Price, absent; Rustvang, yes; Schmalz, yes. 6 yes, 0 no, 3 absent. Motion carried.

**North Dakota Board of Nursing  
Meeting Minutes – November 19, 2015**

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4.1 Surrender	<p><i>Discussion:</i> Three individuals have signed and submitted surrenders, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the surrenders.</p> <p><i>Motion:</i> Schmalz, seconded by Johnson to: <b>APPROVE AND ACCEPT THE TERMS OF THE PROPOSED SURRENDERS AS A FINAL ORDER OF THE BOARD FOR THE FOLLOWING INDIVIDUALS:</b></p> <table border="1" style="margin-left: 40px;"> <thead> <tr> <th>Name</th> <th>Lic/Reg #</th> <th>City, State</th> <th>Penalty Fee</th> </tr> </thead> <tbody> <tr> <td>Steffens, Karen</td> <td>R10907</td> <td>Fargo, ND</td> <td>\$200</td> </tr> <tr> <td>Wegner, Susan</td> <td>R21890</td> <td>Bismarck, ND</td> <td>\$200</td> </tr> <tr> <td>Beyer, Janis</td> <td>R38755</td> <td>Duluth, MN</td> <td>\$200</td> </tr> </tbody> </table> <p><i>Roll call vote:</i> Christianson, yes; Hammer, yes; Holth, absent; Johnson, yes; Johnston, yes; Mayer, absent; Price, absent; Rustvang, yes; Schmalz, yes. 6 yes, 0 no, 3 absent. Motion carried.</p>	Name	Lic/Reg #	City, State	Penalty Fee	Steffens, Karen	R10907	Fargo, ND	\$200	Wegner, Susan	R21890	Bismarck, ND	\$200	Beyer, Janis	R38755	Duluth, MN	\$200
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Steffens, Karen	R10907	Fargo, ND	\$200														
Wegner, Susan	R21890	Bismarck, ND	\$200														
Beyer, Janis	R38755	Duluth, MN	\$200														
4.2.1 Stipulation for Settlement – Tamara Bogo, R19790	<p><i>Discussion:</i> A Stipulation for Settlement was received from Tamara Bogo, 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 (2).</p> <p><i>Motion:</i> Johnson, seconded by Hammer to: <b>ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR TAMARA BOGO, RN AND ENTER ITS ORDER TO:</b></p> <ul style="list-style-type: none"> <li>◆ ENCUMBER THE LICENSE FOR THREE YEARS UPON MEETING LICENSURE REQUIREMENTS;</li> <li>◆ ASSESS COSTS &amp; DISBURSEMENTS; AND</li> <li>◆ OTHER TERMS AS SET OUT IN BOARD ORDER.</li> </ul> <p><i>Roll call vote:</i> Christianson, yes; Hammer, yes; Holth, absent; Johnson, yes; Johnston, yes; Mayer, absent; Price, absent; Rustvang, yes; Schmalz, yes. 6 yes, 0 no, 3 absent. Motion carried.</p>																
4.2.2 Stipulation for Settlement – Lisa Neumiller, R31745 RN, APRN	<p><i>Discussion:</i> A Stipulation for Settlement was received from Lisa Neumiller, RN, APRN, 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)(17).</p> <p><i>Motion:</i> Christianson, seconded by Johnston to: <b>ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR LISA NEUMILLER, RN, APRN, AND ENTER ITS ORDER TO:</b></p> <ul style="list-style-type: none"> <li>◆ ENCUMBER THE PRESCRIPTIVE AUTHORITY FOR ONE YEAR;</li> <li>◆ ASSESS A \$1000 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND</li> <li>◆ OTHER TERMS AS SET OUT IN BOARD ORDER.</li> </ul> <p><i>Roll call vote:</i> Christianson, yes; Hammer, yes; Holth, absent; Johnson, yes; Johnston, yes; Mayer, absent; Price, absent; Rustvang, yes; Schmalz, yes. 6 yes, 0 no, 3 absent. Motion carried.</p>																
4.2.3 Stipulation for Settlement – David Krentz, R29070	<p><i>Discussion:</i> A Stipulation for Settlement was received from David Krentz, 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) and NDAC 54-02-07-01.1 (5)(6)(7).</p> <p><i>Motion:</i> Schmalz, seconded by Johnson to: <b>ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR DAVID KRENTZ, RN AND ENTER ITS ORDER TO:</b></p> <ul style="list-style-type: none"> <li>◆ ENCUMBER THE LICENSE FOR EIGHTEEN MONTHS;</li> <li>◆ ASSESS A \$300 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND</li> <li>◆ OTHER TERMS AS SET OUT IN BOARD ORDER.</li> </ul> <p><i>Roll call vote:</i> Christianson, yes; Hammer, yes; Holth, absent; Johnson, yes; Johnston, yes; Mayer, absent; Price, absent; Rustvang, yes; Schmalz, yes. 6 yes, 0 no, 3 absent. Motion carried.</p>																
4.2.4 Stipulation for Settlement – Amber Keeble, L13867	<p><i>Discussion:</i> A Stipulation for Settlement was received from Amber Keeble, 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 (9) &amp; NDAC 54-02-07-01.1 (8)(18) and NDAC 54-02-05-08 (3).</p> <p><i>Motion:</i> Schmalz, seconded by Christianson to: <b>ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR AMBER KEEBLE, LPN, BUT ALLOW MS KEEBLE TO SUBMIT PROOF OF COMPLETION OF HER 12 CE WITHIN 60 DAYS FROM THE EFFECTIVE DATE OF THIS BOARD ORDER, AND ENTER ITS ORDER TO:</b></p> <ul style="list-style-type: none"> <li>◆ ISSUE A REPRIMAND;</li> <li>◆ ASSESS A \$500 PENALTY FEE PLUS COSTS &amp; DISBURSEMENTS; AND</li> <li>◆ OTHER TERMS AS SET OUT IN BOARD ORDER.</li> </ul> <p><i>Roll call vote:</i> Christianson, yes; Hammer, yes; Holth, absent; Johnson, yes; Johnston, yes; Mayer, absent; Price, absent; Rustvang, yes; Schmalz, yes. 6 yes, 0 no, 3 absent. Motion carried.</p>																

**North Dakota Board of Nursing  
Meeting Minutes – November 19, 2015**

AGENDA	ACTION
4.2.5 Stipulation for Settlement – Debra Miller, L11025	<p><i>Discussion:</i> A Stipulation for Settlement was received from Debra Miller, 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) &amp; NDAC 54-02-07-01.1 (5)(6)(7).</p> <p><i>Motion:</i> Johnson, seconded by Schmalz to:  <b>ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR DEBRA MILLER, LPN, AND ENTER ITS ORDER TO:</b></p> <ul style="list-style-type: none"> <li>◆ <b>ENCUMBER THE LICENSE FOR ONE YEAR;</b></li> <li>◆ <b>ASSESS A \$300 PENALTY FEE PLUS COSTS &amp; DISBURSEMENTS; AND</b></li> <li>◆ <b>OTHER TERMS AS SET OUT IN BOARD ORDER.</b></li> </ul> <p><i>Roll call vote:</i> Christianson, yes; Hammer, yes; Holth, absent; Johnson, yes; Johnston, yes; Mayer, absent; Price, absent; Rustvang, yes; Schmalz, yes. 6 yes, 0 no, 3 absent. Motion carried.</p>
4.2.6 Stipulation for Settlement – Megan Scott, IA PTP RN 120315 & RN Endorsement Applicant	<p><i>Discussion:</i> A Stipulation for Settlement was received from Megan Scott, IA PTP RN &amp; RN Endorsement Applicant, 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 violations of NDCC 43-12.1-14 (3)(5) and NDAC 54-02-07-01.1 (5)(6)(7).</p> <p><i>Motion:</i> Christianson, seconded by Schmalz to:  <b>ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR MEGAN SCOTT, RN ENDORSEMENT APPLICANT, AND ENTER ITS ORDER TO:</b></p> <ul style="list-style-type: none"> <li>◆ <b>ENCUMBER THE LICENSE FOR TWO YEARS UPON MEETING LICENSURE REQUIREMENTS;</b></li> <li>◆ <b>ASSESS A 600 PENALTY FEE PLUS COSTS &amp; DISBURSMENTS; AND</b></li> <li>◆ <b>OTHER TERMS AS SET OUT IN BOARD ORDER.</b></li> </ul> <p><i>Roll call vote:</i> Christianson, yes; Hammer, yes; Holth, absent; Johnson, yes; Johnston, yes; Mayer, absent; Price, absent; Rustvang, yes; Schmalz, yes. 6 yes, 0 no, 3 absent. Motion carried.</p>
4.4.1 Default Hearing – Dwight Lembke, R32317 & L11194 (inactive)	<p><i>Discussion:</i> Brian Bergeson, SAAG, was present for a default hearing for Dwight Lembke, RN &amp; LPN. A complaint was filed against Dwight Lembke for violation of NDCC 43-12.1-14 (3)(5) &amp; NDAC 54-02-07-01.1 (2)(5)(6)(8). Bergeson explained that the respondent had initially contacted the board indicating the allegations were not true, but failed to respond or appear to answer or participate in the investigation. Respondent was not present for the hearing and was not represented by counsel. The Board was presented with the procedural background of the case, including the date of service of complaint and lack of any answer or response by the Respondent. Board staff provided testimony supporting the factual allegations of the complaint. The disciplinary review panel presented the board with recommendations of disciplinary sanctions. The Board reviewed and discussed the facts and conclusions of law applicable to the case.</p> <p><i>Motion:</i> Johnson, seconded by Christianson to:  <b>MOVE THAT THE BOARD FIND:</b></p> <ul style="list-style-type: none"> <li>◆ <b>THAT THE RESPONDENT HAS DEFAULTED,</b></li> <li>◆ <b>THAT THE FACTS IN THE CASE AGAINST DWIGHT LEMBKE, RN &amp; LPN HAVE BEEN PROVEN BY A PREPONDERANCE OF THE EVIDENCE;</b></li> <li>◆ <b>THAT THE ALLEGATIONS OF THE COMPLAINT DULY REFLECT VIOLATIONS OF NDCC 43-12.1-14 (3)(5) AND NDAC 54-02-07-01.1 (2)(5)(6)(8); AND THAT THE BOARD ENTER IT'S ORDER TO:</b> <ul style="list-style-type: none"> <li>◆ <b>SUSPEND THE LICENSES FOR TWO YEARS;</b></li> <li>◆ <b>ASSESS A \$1600 PENALTY PLUS COSTS &amp; DISBURSEMENTS;</b></li> <li>◆ <b>OTHER TERMS AS PROPOSED AT THE HEARING BY THE DISCIPLINARY REVIEW PANEL.</b></li> </ul> </li> </ul> <p><i>Roll call vote:</i> Christianson, yes; Hammer, yes; Holth, absent; Johnson, yes; Johnston, yes; Mayer, absent; Price, absent; Rustvang, yes; Schmalz, yes. 6 yes, 0 no, 3 absent. Motion carried.</p>
4.5.1 Amanda Cordova, L12488 9:45 a.m.	<p><i>Discussion:</i> Amanda Cordova, LPN was present for this agenda item to request reinstatement of her suspended LPN license. Ms. Cordova signed a statement in which she 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 current order and discussed the Disciplinary Review Panel recommendation for reinstatement to encumbered status for eighteen months.</p> <p><i>Motion:</i> Schmalz, seconded by Christianson to:  <b>GRANT AMANDA CORDOVA'S REQUEST FOR REINSTATEMENT OF HER SUSPENDED LPN LICENSE TO ENCUMBERED STATUS FOR EIGHTEEN MONTHS WITH THE TERMS AND CONDITIONS OF THE ENCUMBRANCE AS ESTABLISHED BY THE BOARD AND AS SET OUT IN THE BOARD ORDER.</b></p> <p><i>Roll call vote:</i> Christianson, yes; Hammer, yes; Holth, absent; Johnson, yes; Johnston, yes; Mayer, absent; Price, absent; Rustvang, yes; Schmalz, yes. 6 yes, 0 no, 3 absent. Motion carried.</p>

## North Dakota Board of Nursing Meeting Minutes – November 19, 2015

AGENDA	ACTION
4.5.2 Request for Reinstatement – Donna Steen, L11703 - 9:15 a.m.	<p><i>Discussion:</i> Donna Steen, LPN, was present for this agenda item to request reinstatement of her suspended LPN license. Ms. Steen signed a statement in which she 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 current order and discussed the Disciplinary Review Panel recommendation for reinstatement to encumbered status for three years.</p> <p><i>Motion:</i> Christianson, seconded by Schmalz to:  <b>GRANT DONNA STEEN'S REQUEST FOR REINSTATEMENT OF HER SUSPENDED LPN 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 UPON MEETING LICENSURE REQUIREMENTS.</b></p> <p><i>Roll call vote:</i> Christianson, yes; Hammer, yes; Holth, absent; Johnson, yes; Johnston, yes; Mayer, absent; Price, absent; Rustvang, yes; Schmalz, yes. 6 yes, 0 no, 3 absent. Motion carried.</p>
4.5.3 Request for Reinstatement – Jeanna Degelder, R28344 9:30 a.m.	<p><i>Discussion:</i> Jeanna Degelder, RN was present for this agenda item to request reinstatement of her suspended RN license. Ms. Degelder signed a statement in which she 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 current order and discussed the Disciplinary Review Panel recommendation for reinstatement to encumbered status for two years.</p> <p><i>Motion:</i> Christianson, seconded by Hammer to:  <b>GRANT JEANNA DEGELDER'S REQUEST FOR REINSTATEMENT OF HER SUSPENDED RN 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.</b></p> <p><i>Roll call vote:</i> Christianson, yes; Hammer, yes; Holth, absent; Johnson, yes; Johnston, yes; Mayer, absent; Price, absent; Rustvang, yes; Schmalz, yes. 6 yes, 0 no, 3 absent. Motion carried.</p>
4.6.1 Request for Reissuance - Breana Vettleson, L13717	<p><i>Discussion:</i> Breana Vettleson, LPN is requesting reissuance of her LPN license from encumbered status to full licensure status. The board reviewed the current order and discussed the disciplinary review panel recommendation to reissue her license to full licensure status. The terms and conditions of the board order dated September 25, 2014 have been completed as reported by staff.</p> <p><i>Motion:</i> Johnson, seconded by Schmalz to:  <b>GRANT BREANA VETTLESON'S REQUEST FOR REISSUANCE OF HER LPN LICENSE TO UNRESTRICTED AND FULL LICENSURE STATUS AS SHE HAS COMPLIED WITH THE TERMS AND CONDITIONS OF STIPULATION FOR SETTLEMENT DATED SEPTEMBER 25, 2014.</b></p> <p><i>Roll call vote:</i> Christianson, yes; Hammer, yes; Holth, absent; Johnson, yes; Johnston, yes; Mayer, absent; Price, absent; Rustvang, yes; Schmalz, yes. 6 yes, 0 no, 3 absent. Motion carried.</p>
4.6.2 Request for Reissuance – Carrie Miller, R32404	<p><i>Discussion:</i> Carrie Miller, RN is requesting reissuance of her RN license from encumbered status to full licensure status. The board reviewed the current order and discussed the disciplinary review panel recommendation to reissue her license to full licensure status. The terms and conditions of the board order dated September 25, 2014 have been completed as reported by staff.</p> <p><i>Motion:</i> Christianson, seconded by Schmalz to:  <b>GRANT CARRIE MILLER'S REQUEST FOR REISSUANCE OF HER RN LICENSE TO UNRESTRICTED AND FULL LICENSURE STATUS AS SHE HAS COMPLIED WITH THE TERMS AND CONDITIONS OF STIPULATION FOR SETTLEMENT DATED SEPTEMBER 25, 2014.</b></p> <p><i>Roll call vote:</i> Christianson, yes; Hammer, yes; Holth, absent; Johnson, yes; Johnston, yes; Mayer, absent; Price, absent; Rustvang, yes; Schmalz, yes. 6 yes, 0 no, 3 absent. Motion carried.</p>
4.7.1 Request for Reconsideration – Michael Laguesma, R41813	<p><i>Discussion:</i> Brian Bergeson, SAAG, was present for this agenda item. Michael Laguesma, RN, submitted a signed stipulation for settlement that was accepted at the September 10, 2015 meeting. As part of the stipulation, one of the violations cited is NDAC 54-02-07-01.1 (2) Cause or permit verbal, physical, emotional, or sexual abuse or harassment or intimidation to a client, client's family, or other health care provider. Mr. Laguesma is requesting the board remove that violation from his stipulation as he is unable to secure employment based on the inference to "physical or sexual abuse". Bergeson indicated the language of this violation is quite broad, but the facts of Mr. Laguesma's case did not indicate any physical or sexual abuse. DRP has discussed the issue and recommends that the board take out the words "physical...or sexual abuse". The board also could remove reference to that violation, but agreed with the DRP recommendations that the statement should be modified.</p> <p><i>Motion:</i> Johnson, seconded by Johnston to:  <b>RECONSIDER THE BOARD ORDER FOR MICHAEL LAGUESMA, RN DATED SEPTEMBER 10, 2015.</b></p> <p><i>Roll call vote:</i> Christianson, yes; Hammer, yes; Holth, absent; Johnson, yes; Johnston, yes; Mayer, absent; Price, absent; Rustvang, yes; Schmalz, yes. 6 yes, 0 no, 3 absent. Motion carried.</p> <p><i>Motion:</i> Johnson, seconded by Schmalz to:  <b>AMEND THE BOARD ORDER DATED SEPTEMBER 10, 2015 FOR MICHAEL LAGUESMA, RN, TO REVISE NDAC 54-02-07-01.1 (2) a. TO READ: "CAUSE OR PERMIT VERBAL OR EMOTIONAL HARRASSMENT OR INTIMIDATION TO A CLIENT, CLIENT'S FAMILY, OR OTHER HEALTH CARE PROVIDER".</b></p> <p><i>Roll call vote:</i> Christianson, yes; Hammer, yes; Holth, absent; Johnson, yes; Johnston, yes; Mayer, absent; Price, absent; Rustvang, yes; Schmalz, yes. 6 yes, 0 no, 3 absent. Motion carried.</p>

**North Dakota Board of Nursing  
Meeting Minutes – November 19, 2015**

AGENDA	ACTION
4.9.1 Harold Dupriest, R40956	<b>EMERGENCY SUSPENSION</b> issued to Harold Dupriest, R40956, Lake City, FL on September 22, 2015. PVR received from Trinity Health, Minot, ND related to allegations of numerous medical supplies and barcoded medications found in licensee's residence by law enforcement. Also reports of prior patient of the licensee's, a female with altered mental status, was residing with the licensee in his place of residence. Licensee was arrested and charged with two Class C felonies on 9/17/15 and terminated from employment. Respondent's license is <b>SUSPENDED</b> for 5 years or until retracted, modified or superseded by final disciplinary action of the Board or upon agreement between Respondent and the Board.
4.9.2 Karen Adkins, RN, PTP under NLC from CO	<b>CEASE AND DESIST ORDER</b> issued to Karen Adkins, RN, Englewood, CO, privilege to practice under CO compact license on November 12, 2015. PVR received from CO Board of Nursing through Cross Country Staffing, while on assignment at Vibra Hospital in Fargo, related to unacceptable behaviors during orientation. Contract assignment was terminated at the end of shift.
4.9.3 Mark McBride, L14317	<b>EMERGENCY SUSPENSION</b> issued to Mark McBride, LPN, Jamestown, ND on November 17, 2015. PVR received from Sanford Clinic in Jamestown, ND related to allegations of being arrested and charged in Stutsman County of Class C Felony for possession of obscene material (involving minors) on 10/29/15. Employed at facility from 9/23/13 through 11/3/2015. Respondent's license is <b>SUSPENDED</b> for 5 years or until retracted, modified or superseded by final disciplinary action of the Board or upon agreement between Respondent and the Board.
4.9.4 Kimberly Jagers, PN, PTP under NLC from SC	<b>CEASE AND DESIST ORDER</b> issued to Kimberly Jagers, PN, Columbia, SC, privilege to practice under SC compact license on November 17, 2015. PVR received from St. Luke's Care Center in Crosby, ND, related to termination for issues related to staff conflict and medication errors. No response received to contacts for answer to complaint.
5.1-1 Sitting Bull College AASPN Survey (NEC)	<p><i>Discussion:</i> Dr. D'Arlyn Bauer, Director of Nursing Program at Sitting Bull College was present for this agenda item. An onsite survey was conducted in October for continued approval of the Sitting Bull College ASPN program. The Nursing Education Committee (NEC) reviewed the survey report in detail. The board reviewed a summary of the site visit and key findings of the survey. Twenty of twenty-two administrative code standards were deemed met, and no issues of non-compliance were noted. There were two issues of partial compliance, NDAC 54-03-2-02-05 Nursing Education Program Evaluation and NDAC 54-03-2-02-06 Financial Support. The program has an evaluation plan in place but lacked certain outcome measures, and it was noted that the program administrator and faculty would benefit from clerical support. Dr. Bauer noted appreciation for the collaborative effort of surveyors during the survey process.</p> <p><i>Motion from the Nursing Education Committee:</i>  <b>THE NURSING EDUCATION COMMITTEE RECOMMENDS THE BOARD:</b></p> <ol style="list-style-type: none"> <li>1. <b>FIND SITTING BULL COLLEGE ASSOCIATE OF SCIENCE PRACTICAL NURSING PROGRAM IN SUBSTANTIAL COMPLIANCE WITH ND ADMINISTRATIVE CODE 54-03.2; AND</b></li> <li>2. <b>GRANT FULL APPROVAL OF THE SITTING BULL COLLEGE ASPN PROGRAM UNTIL NOVEMBER 2020.</b></li> <li>3. <b>REQUIRE THE SITTING BULL COLLEGE NURSING PROGRAM ADMINISTRATOR TO SUBMIT A COMPLIANCE REPORT WITH THE 2015-2016 ANNUAL EDUCATION REPORT TO ADDRESS ISSUES OF PARTIAL COMPLIANCE WITH NDAC 54-03.2-02-05 NURSING PROGRAM EVALUATION AND NDAC 54-03.2-02-06 FINANCIAL SUPPORT.</b></li> </ol> <p><i>Roll call vote:</i> Christianson, yes; Hammer, yes; Holth, absent; Johnson, yes; Johnston, yes; Mayer, absent; Price, absent; Rustvang, yes; Schmalz, yes. 6 yes, 0 no, 3 absent. Motion carried.</p>
5.1-2 University of ND BSN & Graduate Nursing Programs – Interim Paper Survey (NEC)	<p><i>Discussion:</i> The University of ND BSN &amp; Graduate Programs submitted a paper interim survey report for continued approval. Dr. Gayle Roux, Dean of the College of Nursing and Professional Disciplines (CNPD) was present at the NEC meeting and available via phone at the board meeting. The NEC reviewed the survey report in detail. The board reviewed a summary of the key findings from the paper/interim survey report. Twenty of twenty-two administrative code standards were deemed met, and no issues of non-compliance were noted. There were two issues of partial compliance, NDAC 54-03-2-03. Nursing education program organizational design and NDAC 54-02.2-04-04 Baccalaureate or master's degree education program faculty qualifications. The program organizational structure depicts the CNPD Dean and Associate Dean as Chief Administrators over three disciplines (nursing, social work, and nutrition/dietetic). The position description requires a degree in any of the three disciplines, which allows for a person without a nursing degree to be the nurse administrator. At the present time, two qualified nurses do hold those positions. Post Survey evidence indicates that the nurse administrator position descriptions had been revised and are going through the process of review and approval and implementation. UND currently has at least 85% of staff academically qualified and the program participates in the faculty development program. The term "unqualified" faculty was discussed and noted for future review.</p> <p><i>Motion from the Nursing Education Committee:</i>  <b>THE NURSING EDUCATION COMMITTEE RECOMMENDS THE BOARD:</b></p> <ol style="list-style-type: none"> <li>1. <b>FIND UNIVERSITY OF NORTH DAKOTA DEPARTMENT OF NURSING IN SUBSTANTIAL COMPLIANCE WITH ND ADMINISTRATIVE CODE 54-03.2; AND</b></li> <li>2. <b>GRANT FULL APPROVAL OF THE BACCALAUREATE AND GRADUATE NURSING PROGRAM UNTIL NOVEMBER 2020, AND REQUIRE AN ONSITE SURVEY IN 2020; AND</b></li> <li>3. <b>REQUIRE THE UNIVERSITY OF NORTH DAKOTA NURSE ADMINISTRATORS TO SUBMIT A COMPLIANCE REPORT RELATED TO 54-03.2-02-03. NURSING EDUCATION PROGRAM ORGANIZATIONAL DESIGN BY MAY 19, 2016 BOARD MEETING.</b></li> </ol> <p><i>Roll call vote:</i> Christianson, yes; Hammer, yes; Holth, absent; Johnson, yes; Johnston, yes; Mayer, absent; Price, absent; Rustvang, yes; Schmalz, yes. 6 yes, 0 no, 3 absent. Motion carried.</p>

## North Dakota Board of Nursing Meeting Minutes – November 19, 2015

AGENDA	ACTION												
5.2-1 Turtle Mountain Community College	<p><i>Discussion:</i> The program NCLEX pass rates are monitored each fiscal year for compliance with NDAC 54-03-2-07-01-1 Performance of Graduates on Licensing Examination. Turtle Mountain Community College is in non-compliance with this standard with two consecutive fiscal years with a pass rate below the required 80%. The board reviewed an overview and timeline of NCLEX Pass Rate deficiencies related to TMCC and note that the program has had on-going issues of non-compliance with this rule since FY 2012-2013.</p> <p><i>Motion:</i> Christianson, seconded by Schmalz to:  <b>CITE TURTLE MOUNTAIN COMMUNITY COLLEGE AASPN PROGRAM FOR VIOLATION OF NDAC 54-03.2-07-01.1 PERFORMANCE OF GRADUATES ON LICENSING EXAMINATION AND REQUIRE TMCC AASPN PROGRAM TO SUBMIT THE FOLLOWING:</b></p> <ul style="list-style-type: none"> <li>• <b>A PLAN TO THE BOARD BY JANUARY 15, 2016 IDENTIFYING CONTRIBUTING FACTORS TO PASS RATES BELOW THE STANDARD AND CORRECTION OF ANY IDENTIFIED DEFICIENCIES: AND</b></li> <li>• <b>A PERIODIC PROGRESS REPORT DETAILING THE IMPLEMENTED CHANGES AND EVALUATION OF RESULTS. FIRST PROGRESS REPORT MUST BE SUBMITTED WITH THE PRE-SURVEY REPORT FOR UPCOMING SCHEDULED SURVEY.</b></li> </ul> <p><i>Roll call vote:</i> Christianson, yes; Hammer, yes; Holth, absent; Johnson, yes; Johnston, yes; Mayer, absent; Price, absent; Rustvang, yes; Schmalz, yes. 6 yes, 0 no, 3 absent. Motion carried.</p>												
5.4-1 Nursing Education Program Survey Schedules – Staff Request	<p><i>Discussion:</i> The board reviewed the survey schedule for 2016 and staff indicated there are four surveys scheduled for Spring 2016 and two surveys scheduled for Fall 2016. Staff request extending approval for two programs to accommodate workload.</p> <p><i>Motion:</i> Christianson, seconded by Johnson to:  <b>APPROVE THE REQUEST TO EXTEND THE CURRENT NDSCS AASPN &amp; ASN PROGRAM APPROVAL FROM MARCH 2016 TO MAY 2016 AS THEY HAVE FULL APPROVAL ACCORDING TO NDAC 54-03.2-07-03.</b></p> <p><i>Roll call vote:</i> Christianson, yes; Hammer, yes; Holth, absent; Johnson, yes; Johnston, yes; Mayer, absent; Price, absent; Rustvang, yes; Schmalz, yes. 6 yes, 0 no, 3 absent. Motion carried.</p> <p><i>Motion:</i> Schmalz, seconded by Hammer to:  <b>APPROVE THE REQUEST TO EXTEND THE CURRENT UNIVERSITY OF MARY BSN &amp; MSN PROGRAM APPROVAL FROM MAY 2016 TO NOVEMBER 2016 AS THEY HAVE FULL APPROVAL ACCORDING TO NDAC 54-03.2-07-03.</b></p> <p><i>Roll call vote:</i> Christianson, yes; Hammer, yes; Holth, absent; Johnson, yes; Johnston, yes; Mayer, absent; Price, absent; Rustvang, yes; Schmalz, yes. 6 yes, 0 no, 3 absent. Motion carried.</p>												
5.42 NEL for Refresher Course	<p><i>Discussion:</i> Each July the Nursing Education Committee selects recipients for nursing education loan awards. If there are extra funds remaining the committee will recommend using that amount for Refresher Course Students. The past few years there has not been any amount allotted for Refresher Course students. This past year one applicant declined an award of \$3000 and NEC discussed using those funds for refresher course students. NEC also discussed whether an applicant under a board order could apply for funding, and by consensus the committee agreed that applications could be accepted and the committee would review the application and make recommendations to the board regarding funding.</p> <p><i>Motion from the Nursing Education Committee that:</i>  <b>THE BOARD ACCEPT APPLICATIONS FOR NEL FOR REFRESHER COURSE STUDENTS USING FUNDS FROM THE DECLINED AWARD FOR THE REMAINDER OF 2015-2016.</b></p> <p><i>Roll call vote:</i> Christianson, yes; Hammer, yes; Holth, absent; Johnson, yes; Johnston, yes; Mayer, absent; Price, absent; Rustvang, yes; Schmalz, yes. 6 yes, 0 no, 3 absent. Motion carried.</p>												
6.1 ORBS Update – Meeting 11/12	<p>Gail Rossman, Technology Specialist for the Board, presented information to the board on ORBS (Optimal Regulatory Board System). ORBS is a cloud based licensure database system that has been developed by NCSBN and is offered at no cost to boards of nursing. The program can be customized for each board. A business advisor is assigned to participating boards to assist with customization and updates. Currently there is a waiting list for boards with an approximate wait time of four years. Staff have requested ND to be added to the list. Board members requested that staff place NDBON on the ORBS list and facilitate process and provide updates to Board.</p>												
6.2 Ratification of Nursing Practice Hours	<p><i>Discussion:</i> Linda Gackle, R14279 has submitted a practice journal for care of an ill family member in order to receive practice hours for that care. Although a nurse is exempt from needing a license to care for a family member, the board allows licensed nurses who are not able to work because they are caring for ill family members to use a portion of that care as practice hours if they document the required nursing plans and submit them to the board for review.</p> <p><i>Motion:</i> Johnson, seconded by Schmalz to:  <b>BOARD RATIFY NURSING PRACTICE HOURS FOR CARE OF FAMILY MEMBERS FOR THE FOLLOWING:</b></p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>NAME</th> <th>LICENSE #</th> <th>2015 HOURS</th> <th>2014 HOURS</th> </tr> </thead> <tbody> <tr> <td>GACKLE, LINDA</td> <td>R14279</td> <td>135</td> <td>135</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> <p><i>Roll call vote:</i> Christianson, yes; Hammer, yes; Holth, absent; Johnson, yes; Johnston, yes; Mayer, absent; Price, absent; Rustvang, yes; Schmalz, yes. 6 yes, 0 no, 3 absent. Motion carried.</p>	NAME	LICENSE #	2015 HOURS	2014 HOURS	GACKLE, LINDA	R14279	135	135				
NAME	LICENSE #	2015 HOURS	2014 HOURS										
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## North Dakota Board of Nursing Meeting Minutes – November 19, 2015

AGENDA	ACTION
7.1-2 Update on Delegation of Medication administration and nursing tasks to Direct Support Professional	Staff have been meeting with Dept. of Human Services (DD Division) regarding medication administration and repackaging. The Board of Pharmacy, Board of Nursing and Dept. of Health put together guidelines on repackaging medications in settings where pharmacists are not available. The guidelines do not allow delegation of this task to an unlicensed person. The industry will continue to meet to come up with potential solutions to be considered by the Board.
7.3-1 Staff Training Completed October 27 & 28 NCSBN	Jim Puentes from NCSBN was at the board office on October 27 <sup>th</sup> and 28 <sup>th</sup> for a Nurse Licensure Compact staff training session. Staff indicate the presentation was very helpful.
7.4-1 Prescription Drug Monitoring Program Proposed Rules	<p><i>Discussion:</i> The board reviewed proposed administrative rules changes to the NDAC 54-05-03.1 Advanced Practice Registered Nurses as a result of HB 1149 which requires professional licensing board that licenses individuals authorized to prescribe or dispense controlled substances for human consumption to implement rules that require those licensed individuals to utilize the prescription drug monitoring program. Board staff have been working with the Board of Pharmacy and Board of Medicine in preparing proposed rules. The board reviewed a proposed timeline for adoption. The ND Center for Nursing and representatives from the advanced practice groups have provided input to the proposed rules.</p> <p><i>Motion:</i> Christianson, seconded by Johnston to:  <b>INITIALLY ADOPT THE PROPOSED RULE REVISION TO NDAC TITLE 54 SECTION 54-05-03.1 ADVANCED PRACTICE REGISTERED NURSES RELATED TO THE PRESCRIPTION DRUG MONITORING PROGRAM FOR PUBLIC HEARING SCHEDULED FOR JANAUARY 21, 2016 AT 1:00 P.M.</b></p> <p><i>Roll call vote:</i> Christianson, yes; Hammer, yes; Holth, absent; Johnson, yes; Johnston, yes; Mayer, absent; Price, absent; Rustvang, yes; Schmalz, yes. 6 yes, 0 no, 3 absent. Motion carried.</p>
7.4-2 Legislative Bills Affecting State Agencies	None
7.4-2-1 ND Board of Medicine public hearing of proposed rules	The ND Board of Medicine conducted a public hearing of proposed administrative rules regarding telemedicine, special licenses and administrative licenses for October 12, 2015. A link to the proposed rules was provided to board members.
7.4-2-3 Addition of Advanced Practice Nurses to Involuntary Commitment	A link to the proceedings related to the addition of Advance Practice Registered Nurses to Involuntary Commitment was provided to the board.
7.4-3 Legislative Committee – legislative updates & tracking teams through CFN	A link to the ND Center for Nursing Legislative Page was provided to the board.
7.4-4 AG Letter Opinion 2015 L-07	The board reviewed and discussed an Attorney General Opinion related to whether an occupational board can hire a lobbyist with public funds. The opinion concludes that a state agency or political subdivision generally may not use public funds to hire a lobbyists. The board of nursing typically hires a legislative monitor to track bills related to nursing but does not lobby on their behalf. The contract indicates the purpose of the agreement is strictly for monitoring.
9.1 Program Monitoring Committee	No meeting
9.2 Nursing Education Committee	Met November 18, 2015 and was discussed with Agenda Item 5.
9.3 Finance Committee	No meeting
9.4 Executive Committee	No meeting
9.5 Nurse Practice Committee	No meeting
9.6 Technology Committee	No meeting
9.7-1 Prescription Drug Monitoring Program Committee (Board Rep)	Next meeting scheduled for December 17, 2015.
9.7-2 ND Center for Nursing	Board of Directors meeting October 26, 2015 in Bismarck.
9.7-3 Community Paramedic Subcommittee	No meeting
10.1 Staff Reports	None
11.1 Board Governance & Board Member Role	Journal of Nursing Regulation published an article on the Prescription Drug Monitoring Program co-authored by NDBON Executive Director.
11.2 Dakota Nurse Connection	New board members Mary Beth Johnson and Michael Hammer are highlighted in current issue.
11.3 Board Meeting Evaluation	Board members asked to complete.
11.4 March Board Meeting Date	<p><i>Discussion:</i> The NCSBN Mid-Year Meeting is scheduled for March 15<sup>th</sup> &amp; 16<sup>th</sup> and staff had requested board members consider a different date for the March meeting. A meeting scheduler was distributed and all board members agreed March 10<sup>th</sup> was a good alternative.</p> <p><i>Motion:</i> Schmalz, seconded by Christianson to:  <b>MOVE THE MARCH MEETING DATE FROM MARCH 17<sup>TH</sup> TO MARCH 10<sup>TH</sup> 2016 DUE TO A CONFLICT WITH NCSBN MIDYEAR MEETING DATES.</b></p> <p><i>Roll call vote:</i> Christianson, yes; Hammer, yes; Holth, absent; Johnson, yes; Johnston, yes; Mayer, absent; Price, absent; Rustvang, yes; Schmalz, yes. 6 yes, 0 no, 3 absent. Motion carried.</p>

## North Dakota Board of Nursing Meeting Minutes – November 19, 2015

AGENDA	ACTION
11.5 January Board meeting	The January board meeting will be web streamed for students of nursing programs. The link will be provided on the board web site.
11.6 Committee Assignments	<p><i>Discussion:</i> Diane Gravely had been assigned to the Program Monitoring Committee and the Nurse Practice Committee. Wendi Johnston agreed to assume those committee assignments.</p> <p><i>Motion:</i> Christianson, seconded by Johnson to:  <b>REPLACE DIANE GRAVELY WITH WENDI JOHNSTON, LPN ON THE NURSE PRACTICE COMMITTEE AND THE PROGRAM MONITORING COMMITTEE.</b></p> <p><i>Roll call vote:</i> Christianson, yes; Hammer, yes; Holth, absent; Johnson, yes; Johnston, yes; Mayer, absent; Price, absent; Rustvang, yes; Schmalz, yes. 6 yes, 0 no, 3 absent. Motion carried.</p>
Notification of Death of Former Board member and Executive Director	Agnes Will, MSN, RN was a member of the board of nursing from 1959-1969 and was Executive Director from 1978 to 1984. Mrs Will passed away on November 11, 2015 at the age of 96. A plant was sent from the Board members and staff and two staff members attended the funeral.

### CONSENT AGENDA:

8.1 NCSBN
8.2 Office Management
8.3 Nursing Practice
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
8.6-2 NCLEX-PN Quarterly Reports
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

### UPCOMING MEETINGS & REPORT OF MEETINGS ATTENDED:

12.1-1 NCSBN Annual Meeting
<b>12.2 NCSBN Knowledge Networks &amp; Conferences/meetings:</b>
12.2-1 President Networking Call – October 19
12.2-2 Education Knowledge Network – Sept 2; Oct 7; Nov 9; Dec 3; Jan 7; Feb 4; Mar 9; Apr 7
12.2-3 Discipline Knowledge Network – Oct 15; Oct 22; Dec 10
12.2-4 APRN Knowledge Network – Sept 24;
12.2-5 Practice Knowledge Network – Sept 10; Nov 5
12.2-6 EO Leadership Council – Oct 19; Dec 14; Feb 22; Apr 18
12.2-7 NLCA Meeting – held August 18 <sup>th</sup> – Chicago
12.2-8 EO & President's Meetings – held August 20 <sup>th</sup> , Chicago; next EO Summit June 21-22, 2016
12.2-9 Annual Meeting – Held August 19-21, 2015, Chicago; next meeting August 17-19, 2016, Chicago
12.2-10 MidYear Meeting – held March 16-18, 2015, Chicago; next meeting March 15-16, 2016, Baltimore MD
12.2-11 NCSBN Executive Officers Leadership Seminar – held June 2015 – San Francisco, CA
12.2-12 IT Operation Conference – September 16 Teleconference; May 24, 2016 Chicago
12.2-13 NCLEX Conference – September 21 – full conference - September 12, 2016 – Philadelphia PA



## North Dakota Board of Nursing Meeting Minutes – November 19, 2015

12.2-14	TERCAP – Nov 19 teleconference
12.2-15	Discipline Case Management Conference – June 6-8, 2016 Norfolk VA
12.2-16	APRN Roundtable – April 5, 2016
12.2-17	Leadership and Public Policy Conference – October 27-29, 2015 – Westlake Village, CA
12.2-18	NCSBN Annual Institute of Regulatory Excellence Conference – Jan 26-28, Long Beach, CA
12.2-19	New EO Orientation – May 9, 2016 – Chicago
12.2-20	NCSBN APN Education Committee – Pfenning member –November 29-30, 2015 Upcoming Meetings – January 7-8, 2016; March 25, 2016
12.2-21	NCSBN 40 <sup>th</sup> Anniversary Celebration – Pfenning member – December 11, 2015
12.2-22	NCSBN LSC – Jane Christianson - member
<b>12.3 STATE MEETINGS</b>	
12.3-1	North Dakota Organization of Nurse Executives – TBA
12.3-2	North Dakota Nurses Association – November 6-7, 2015 – Bismarck
12.3-3	North Dakota Rural & Public Health Conference – June 3-5, 2015; May 16-18, 2016 Grand Forks
12.3-4	North Dakota Hospital Association Annual Convention and Trade Show – October 6-8, 2015 - Fargo
12.3-5	North Dakota LTCA Fall Development Conference– September 15-18, 2015, Bismarck - Hammer attended and indicated CMS regulation and staffing requirements was a topic of discussion.
12.3-6	ND Health Care Reform Review Committee – September 29, 2015
12.3-7	Reducing Pharmaceutical Narcotics in our Community – held August 18, next TBA
12.3-8	ND Pilot Community Paramedic Stakeholder Meeting – TBA
12.3-9	NDDHS Developmental Disability HCBS – June 9; July 10;
12.3-10	CLEAR Leadership Program and Annual Conference
12.3-11	ND Interim Health Service Committee – August 19, 2015
12.3-12	ND Nurse Practitioner Association 7 <sup>th</sup> Annual Pharmacology Conference – September 24-25, 2015
<b>13.0 STAFF PRESENTATIONS</b>	
13.1	Social media presentation – May 6, 2016 – Fargo Symposium

The meeting recessed from 12:00 p.m. for lunch and reconvened at 12:50 p.m.

The meeting adjourned at 3:25 p.m. on November 19, 2015.

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Stacey Pfenning, DNP, APRN, RN  
Executive Director