

North Dakota Board of Nursing Meeting Minutes – May 18, 2017

Call to Order:	May 18, 2017 at 8:30 a.m. – NDBON Board Conference Room – 919 S 7 th Street, Suite 504, Bismarck, ND																										
Roll Call:	<p>Nine members present as follows:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Jane Christianson, RN Member, President</td> <td style="width: 33%;">Mary Beth Johnson, RN Member</td> <td style="width: 33%;"></td> </tr> <tr> <td>Michael Hammer, RN Member, Vice-President</td> <td>Jamie Hammer, RN Member</td> <td></td> </tr> <tr> <td>Paula Schmalz, APRN Member, Treasurer</td> <td>Janelle Holth, RN Member</td> <td></td> </tr> <tr> <td>Bonny Mayer, LPN Member</td> <td>Wendi Johnston, LPN Member</td> <td></td> </tr> <tr> <td>Clara Sue Price, Public Member</td> <td></td> <td></td> </tr> </table> <p>Staff Present:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Stacey Pfenning, APRN, Executive Director</td> <td style="width: 33%;">Melissa Hanson, RN, Associate Director for Discipline</td> <td style="width: 33%;"></td> </tr> <tr> <td>Tammy Buchholz, RN, Associate Director for Education</td> <td>Patricia Hill, RN, Assistant Director for Practice & Discipline</td> <td></td> </tr> <tr> <td>Julie Schwan, Administrative Services Coordinator</td> <td></td> <td></td> </tr> </table>			Jane Christianson, RN Member, President	Mary Beth Johnson, RN Member		Michael Hammer, RN Member, Vice-President	Jamie Hammer, RN Member		Paula Schmalz, APRN Member, Treasurer	Janelle Holth, RN Member		Bonny Mayer, LPN Member	Wendi Johnston, LPN Member		Clara Sue Price, Public Member			Stacey Pfenning, APRN, Executive Director	Melissa Hanson, RN, Associate Director for Discipline		Tammy Buchholz, RN, Associate Director for Education	Patricia Hill, RN, Assistant Director for Practice & Discipline		Julie Schwan, Administrative Services Coordinator		
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Other individuals were present as indicated on the Board Meeting Attendance Roster.																											
AGENDA	DISCUSSION & ACTION																										
1.1 Consent Agenda	<p><i>Discussion:</i> The consent agenda was reviewed with no items identified for discussion. Pfenning encouraged the members to review the NCSBN CORE aggregate data and NCSBN annual report.</p> <p><i>Motion:</i> Holth, seconded by Schmalz to: ADOPT THE CONSENT AGENDA AS PRESENTED.</p> <p><i>Roll call vote:</i> Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Price, yes; Schmalz, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>																										
1.2 Agenda	<p><i>Discussion:</i> The agenda was reviewed. No additions were identified.</p> <p><i>Motion:</i> Johnson, seconded by Schmalz to: APPROVE THE AGENDA AS DISTRIBUTED.</p> <p><i>Roll call vote:</i> Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Price, yes; Schmalz, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>																										
1.3 Public Forum 9:00 a.m.	<p>Erin Jean Gannon-Little was present to address the board regarding the lack of undergraduate student clinical rotations in the operating room. She noted that her facility has clinical space and opportunities in the OR and ER. She recommended nursing education programs consider including OR and ER rotations to allow for nursing student exposure to these settings.</p>																										
2.1 March 18, 2017 Meeting Minutes & Public Notice	<p><i>Discussion:</i> The minutes of the March 18, 2017 meeting were reviewed. Staff noted a correction to the motion for 5.2-5 United Tribes Technical College. The motion reads that the school has "full approval" from the board and should read "conditional approval". The following is the corrected motion: <u>APPROVE THE UNITED TRIBES TECHNICAL COLLEGE, ASSOCIATE DEGREE APPLIED SCIENCE PRACTICAL NURSE PROGRAM REQUEST FOR CHANGE TO MISSION STATEMENT AS A MAJOR PROGRAMMATIC CHANGE AS THE PROGRAM HAS FULL <u>CONDITIONAL</u> APPROVAL FROM THE ND BOARD OF NURSING AND THE PROGRAMMATIC CHANGE IS IN COMPLIANCE WITH NDAC 54-03.2-06-02. PROGRAMMATIC CHANGES.</u></p> <p><i>Motion:</i> Johnson, seconded by M. Hammer to: APPROVE THE MINUTES OF THE MARCH 18, 2017 MEETING AS AMENDED WITH MOTION FOR AGENDA ITEM 5.2-5 CORRECTED TO READ THAT THE PROGRAM HAS CONDITIONAL APPROVAL INSTEAD OF FULL APPROVAL.</p> <p><i>Roll call vote:</i> Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Price, yes; Schmalz, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>																										
3.1 Financial Statements	<p>The financial statements through April 30, 2017 were reviewed. Income is at 89% and expenses at 85% of budgeted. A comparison of this fiscal year to last fiscal year was reviewed. Legal Counsel Other budget category is at 156% of budget to date with increased costs for contested disciplinary cases and emergency suspensions.</p>																										

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3.2 Legal Counsel Proposal	<p><i>Discussion:</i> Brian Bergeson, SAAG, was present for this agenda item. The finance committee reviewed a proposal from Bergeson for an increase in retainer and hourly fee, and a revision of which costs are included in the retainer. The board currently pays a monthly retainer fee of \$3000 which includes ordinary items, and is billed \$140 per hour for contested cases and other extraordinary items which includes disciplinary cases with attorneys involved, emergency suspensions, cease and desists, legal opinions, and rule and law review. The board reviewed past 5-year analysis of the number of contested cases, the average number of hours per year (in retainer and outside of retainer), and total legal counsel costs. Bergeson indicated one of the issues driving costs is the increase in number of issued emergency suspensions and cease and desist notices, which are all billed at the hourly rate. The board is also noting more contested cases in which the licensee retains an attorney, at which time, hourly rate is applied. The board discussed with Bergeson whether staff can work with attorney or if communication must be attorney to attorney. Bergeson indicated there is nothing in law that prohibits staff from working with attorneys in cases. Bergeson described the discounted fees being charged to the board as compared to his private practice and has offered an option to simplify billings by having all hours be billed under an increased retainer arrangement with hourly initiated after a set number of hours in a month. The directors have been reviewing and revising the compliance processes to reflect current national and state trends. Pfenning and Hanson completed NCSBN's Investigator Training over the past FY which will contribute to the revision process for compliance division. The board discussed a desire to revisit the legal counsel statistics and analysis in 6 months after implementation of new compliance processes. A recommendation for legal counsel retainer arrangement will be discussed with the Finance Committee recommendations under Agenda section 9.2.</p>
4.1.1 Request for Reinstatement – Kimberly (Kochel) Johnson, R34515 & L12480	<p><i>Discussion:</i> Kimberly Johnson, RN & LPN was present to request reinstatement of her suspended RN license. Ms. Johnson 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 her Order of Emergency Suspension issued September 2014 and Surrender of License in January 2015. All materials for reinstatement were received in by March of 2017. The board discussed a letter of explanation from Ms. Johnson related to omissions of prescribed medications on her request for reinstatement. The Compliance Advisory Council has no recommendation on her reinstatement. Board members discussed Ms. Johnson's progress and future plans in nursing.</p> <p><i>Motion:</i> M. Johnson, seconded by Schmalz to: GRANT KIMBERLY JOHNSON'S REQUEST FOR REINSTATEMENT OF HER SUSPENDED RN & LPN LICENSE TO ENCUMBERED STATUS FOR TWO YEARS WITH THE TERMS AND CONDITIONS OF THE ENCUMBRANCE AS ESTABLISHED BY THE BOARD AND SET OUT IN THE BOARD ORDER.</p> <p><i>Roll call vote:</i> Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Price, yes; Schmalz, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
4.1.2 Request for Reinstatement – Amanda (Blake) Erickson, L11010	<p><i>Discussion:</i> Amanda Erickson, LPN was present to request reinstatement of her suspended LPN license. Ms. Erickson 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 compliance panel recommendation to reinstate her license to encumbered status for two years. The board reviewed her history summary and discussed her employment plans. Ms. Erickson also had an omission of prescribed medication on her request for reinstatement, and board members recommended the form be clarified and offered options.</p> <p><i>Motion:</i> Holth, seconded by Mayer to: GRANT AMANDA ERICKSON'S REQUEST FOR REINSTATEMENT OF HER SUSPENDED LPN LICENSE TO ENCUMBERED STATUS FOR TWO YEARS WITH THE TERMS AND CONDITIONS OF THE ENCUMBRANCE AS ESTABLISHED BY THE BOARD AND SET OUT IN THE BOARD ORDER.</p> <p><i>Roll call vote:</i> Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Price, yes; Schmalz, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
4.1.3 Request for Reinstatement – Audra Willis, R37611	<p><i>Discussion:</i> Audra Willis, RN was present to request reinstatement of her suspended RN license. Ms. Willis 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 compliance panel recommendation to reinstate her license to encumbered status for two years. The board reviewed history summary and discussed employment plans.</p> <p><i>Motion:</i> M. Hammer, seconded by Johnston to: GRANT AUDRA WILLIS'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 SET OUT IN THE BOARD ORDER.</p> <p><i>Roll call vote:</i> Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Price, yes; Schmalz, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>

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4.2.1 Request for Reissuance – Janet Maxson, APRN R16251	<p><i>Discussion:</i> Janet Maxson, APRN, is requesting reissuance of her APRN license with prescriptive authority from encumbered status to full licensure status. The board reviewed the current order and staff reported she has complied with the terms and conditions of the Stipulation for Settlement dated May 19, 2016.</p> <p><i>Motion:</i> Johnson, seconded by Schmalz to: GRANT JANET MAXSON'S REQUEST FOR REISSUANCE OF HER APRN LICENSE WITH PRESCRIPTIVE AUTHORITY TO UNRESTRICTED PRACTICE AND FULL LICENSURE STATUS AS SHE HAS COMPLIED WITH THE TERMS AND CONDITIONS OF THE STIPULATION FOR SETTLEMENT DATED MAY 19, 2016.</p> <p><i>Roll call vote:</i> Christianson, recuse; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Price, recuse; Schmalz, yes. 7 yes, 0 no, 2 recuse, 0 absent. Motion carried.</p>								
4.3.1 Request for Reconsideration – Jacqueline Binstock, R28568	<p><i>Discussion:</i> Jacqueline Binstock, RN, was issued an Order for Reinstatement of License dated 5/19/2016. The order for reinstatement requires "A licensee must complete a Board approved refresher course, which includes both a theory component and a clinical component, within one year from the date of this Order." Ms. Binstock is requesting a time extension for completion of the refresher course.</p> <p><i>Motion:</i> M. Hammer, seconded by Johnston to: GRANT JACQUELINE BINSTOCK'S REQUEST FOR A SIX MONTH EXTENSION FOR REFRESHER COURSE COMPLETION.</p> <p><i>Roll call vote:</i> Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Price, yes; Schmalz, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>								
4.3.2 Request for Reconsideration – Scott Bezold, L12901	<p><i>Discussion:</i> Scott Bezold, LPN, was issued an Order for Reinstatement of License dated 7/21/2016. The order for reinstatement requires "A licensee must complete a Board approved refresher course, which includes both a theory component and a clinical component, within one year from the date of this Order." Mr. Bezold is requesting a time extension for completion of the refresher course.</p> <p><i>Motion:</i> M. Hammer, seconded by Price to: GRANT SCOTT BEZOLD'S REQUEST FOR A SIX MONTH EXTENSION FOR REFRESHER COURSE COMPLETION.</p> <p><i>Roll call vote:</i> Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Price, yes; Schmalz, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>								
4.3.3 Request for Reconsideration – Carmen Doney, R31521	<p><i>Discussion:</i> Carmen Doney, RN, was issued an Order for Reinstatement of License dated 5/19/2016. The order for reinstatement requires "A licensee must complete a Board approved refresher course, which includes both a theory component and a clinical component, within one year from the date of this Order." Ms. Doney is requesting a time extension for completion of the refresher course.</p> <p><i>Motion:</i> Holth, seconded by Schmalz to: GRANT CARMEN DONEY'S REQUEST FOR A SIX MONTH EXTENSION FOR REFRESHER COURSE COMPLETION.</p> <p><i>Roll call vote:</i> Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Price, yes; Schmalz, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>								
4.5.1 Surrender	<p><i>Discussion:</i> One individual has signed and submitted a surrender, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the surrender.</p> <p><i>Motion:</i> Holth, seconded by M. Hammer to: APPROVE AND ACCEPT THE TERMS OF THE PROPOSED SURRENDER AS A FINAL ORDER OF THE BOARD FOR THE FOLLOWING:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;">Name</th> <th style="text-align: center;">Lic/Reg #</th> <th style="text-align: center;">City, State</th> <th style="text-align: center;">Penalty Fee</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Hoag, Patricia</td> <td style="text-align: center;">L7546</td> <td style="text-align: center;">Hunter, ND</td> <td style="text-align: center;">\$200</td> </tr> </tbody> </table> <p><i>Roll call vote:</i> Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Price, yes; Schmalz, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>	Name	Lic/Reg #	City, State	Penalty Fee	Hoag, Patricia	L7546	Hunter, ND	\$200
Name	Lic/Reg #	City, State	Penalty Fee						
Hoag, Patricia	L7546	Hunter, ND	\$200						
4.6.1 Stipulation for Settlement – Charity Gray, L15626	<p><i>Discussion:</i> A Stipulation for Settlement was received from Charity Gray, 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)(7)(8).</p> <p><i>Motion:</i> Holth, seconded by Mayer to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR CHARITY GRAY, LPN AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ ISSUE A REPRIMAND; ◆ ASSESS A \$500 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Christianson, yes; J. Hammer, yes; M. Hammer, recuse; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Price, yes; Schmalz, yes. 8 yes, 0 no, 1 recuse, 0 absent. Motion carried.</p>								

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AGENDA	DISCUSSION & ACTION
4.6.2 Stipulation for Settlement – Andrea Schultz, LPN Applicant	<p><i>Discussion:</i> A Stipulation for Settlement was received from Andrea Schultz, LPN 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 violation of NDCC 43-12.1-14 (4).</p> <p><i>Motion:</i> Holth, seconded by Schmalz to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR ANDREA SCHULTZ, LPN APPLICANT AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ ISSUE A REPRIMAND; ◆ ASSESS A \$500 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Price, yes; Schmalz, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
4.6.3 Stipulation for Settlement – Lisa Severson, L9818	<p><i>Discussion:</i> A Stipulation for Settlement was received from Lisa Severson, 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 (4)(5)(6)(8)(10).</p> <p><i>Motion:</i> Johnson, seconded by M. Hammer to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR LISA SEVERSON, LPN AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ ISSUE A REPRIMAND; ◆ ASSESS A \$1000 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, recuse; Mayer, yes; Price, yes; Schmalz, yes. 8 yes, 0 no, 1 recuse, 0 absent. Motion carried.</p>
4.6.4 Stipulation for Settlement – Jean Wilson, APRN R41062	<p><i>Discussion:</i> A Stipulation for Settlement was received from Jean Wilson, APRN, 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> Holth, seconded by Price to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR JEAN WILSON, APRN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ ISSUE A REPRIMAND; ◆ ASSESS AN \$1200 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, no; Johnston, yes; Mayer, yes; Price, yes; Schmalz, yes. 8 yes, 1 no, 0 absent. Motion carried.</p>
Discussion on Telehealth regulation	<p>The previous case involved violation of telehealth regulations in another state. The board discussed the fact that there are limited telehealth regulations in ND Century Code. The following suggestions were made:</p> <ul style="list-style-type: none"> • Add to a future agenda of the Tri-Regulatory meeting • Review guidelines for VA system, which has been at the forefront of using telehealth. • Monitor telehealth regulation in ND
4.6.5 Stipulation for Settlement – DeAnn Schaefer, R31206 & L10265 (inactive)	<p><i>Discussion:</i> A Stipulation for Settlement was received from DeAnn Schaefer, 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 (5)(6).</p> <p><i>Motion:</i> M. Hammer, seconded by Price to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR DEANN SCHAEFER, RN & LPN 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> Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Price, yes; Schmalz, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>

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4.6.6 Stipulation for Settlement – Morgan Brilz, R37594	<p><i>Discussion:</i> A Stipulation for Settlement was received from Morgan Brilz, 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 (8).</p> <p><i>Motion:</i> Johnson, seconded by Schmalz to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR MORGAN BRILZ, 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> Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Price, yes; Schmalz, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
4.6.7 Stipulation for Settlement – Jodie Baumann, L15008	<p><i>Discussion:</i> A Stipulation for Settlement was received from Jodie Baumann, 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 (5)(6)(7).</p> <p><i>Motion:</i> Holth, seconded by Mayer to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR JODIE BAUMANN, LPN AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ ISSUE A REPRIMAND; ◆ ASSESS A \$500 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Price, yes; Schmalz, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
4.6.8 Stipulation for Settlement – Tchernavia Johnson, R43528	<p><i>Discussion:</i> A Stipulation for Settlement was received from Tchernavia Johnson, 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).</p> <p><i>Motion:</i> Johnson, seconded by M. Hammer to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR TCHERNAVIA JOHNSON, RN AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ SUSPEND THE LICENSE FOR ONE YEAR; ◆ ASSESS A \$1400 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Price, yes; Schmalz, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
4.9.1 Laura Smith, APRN R43507, Fargo, ND)	<p>ORDER OF EMERGENCY SUSPENSION issued to Laura Smith, APRN Fargo, ND on April 28, 2017. Board issued Order Denying Application to Sukanlaya Hughes on January 21, 2016. Received notification from the AZ Board of Nursing that Sukanlaya Hughes had applied for licensure in AZ and multiple other states under the name of Laura Smith, and that she had been licensed in ND under that name. Evidence indicates Sukanlaya Hughes & Laura Smith are the same person. Respondent's license is SUSPENDED for 5 years or until retracted, modified or superseded by final disciplinary action of the Board or upon agreement between Respondent and the Board.</p>
4.9.2 Pamela Irvine, UAP 107398	<p>NOTICE OF SUSPENSION issued to Pamela Irvine, UAP, Bismarck, ND on March 31, 2017. Ms. Irvine practiced as an unlicensed assistive person from July 5, 2016 through October 18, 2016 without a current registration. The Board imposed an administrative fee in the amount of \$200 to be paid within ten days. Requirements of registration have not been met. Registration is automatically SUSPENDED until the Board receives satisfactory evidence of successful completion of the requirements for registration.</p>
4.9.3 Amanda Perry, APRN, R41616	<p>CEASE AND DESIST ORDER issued to Amanda Perry, APRN, Cooperstown, ND on May 12, 2017. PVR received from Cooperstown Medical Center, Cooperstown, ND related to allegations of exhibiting impaired behavior when responding as the on-call provide for ER. Notice of Complaint was unable to be served by Sheriff because she has apparently moved and has not updated address information with the Board.</p>

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AGENDA	DISCUSSION & ACTION
<p>5.1-1 Survey Compliance Report – Sitting Bull College, ASPN Program</p>	<p><i>Discussion:</i> Dr. D'Arlyn Bauer, Director of Division of Nursing of Sitting Bull College, was present for this agenda item. At their November 2015 meeting, as a result of an on-site survey the board found Sitting Bull College Associate Degree Practical Nurse Program in Substantial Compliance with NDAC 54-03.2 and granted Full approval to the program until November 2020. Sitting Bull College was required to submit a compliance report related to NDAC 54-02.2-02-06 Financial Support with the 2015-2016 Education Annual Report. In November 2016 the Board found the compliance report partially met the standard and required a compliance report by May 2017. Surveyors identified the need for additional personnel in the fall 2015 onsite program survey, and to date the program continues to operate with same number of faculty present at that time. The vulnerability of the program due to limited human resources has reached a critical point due to the planned retirement of both current faculty members. It is imperative that the program and College take immediate steps to recruit and secure faculty and staff positions for fall 2017 identified in the succession plan or jeopardize the continuation and sustainability of the program. If individuals are not secured for identified positions to be filled beginning fall 2017, the program will need to consider whether to enroll students in the fall of 2018 with the pending retirement of the current faculty and nurse administrator.</p> <p><i>Motion:</i> Holth, seconded by M. Hammer that: I MOVE THAT THE BOARD:</p> <ol style="list-style-type: none"> 1. FIND THE COMPLIANCE REPORT SUBMITTED BY THE SITTING BULL COLLEGE ASSOCIATE DEGREE PRACTICAL NURSE PROGRAM NURSE ADMINISTRATOR ADDRESSING THE DEFICIENCY OF PARTIAL COMPLIANCE WITH <u>54-03.2-02-06 FINANCIAL SUPPORT</u>.. PARTIALLY MEETS THE STANDARD; AND 2. FIND THE SITTING BULL COLLEGE ASSOCIATE DEGREE PRACTICAL NURSE PROGRAM IN SUBSTANTIAL COMPLIANCE WITH <u>ND ADMINISTRATIVE CODE 54-03.2</u>; AND 3. CONTINUE FULL APPROVAL OF THE SITTING BULL COLLEGE ASSOCIATE DEGREE PRACTICAL NURSE PROGRAM UNTIL NOVEMBER 2020 AS GRANTED NOVEMBER 19, 2015 AND REQUIRE AN ONSITE SURVEY IN 2020. 4. REQUIRE THE SITTING BULL COLLEGE ASSOCIATE DEGREE PRACTICAL NURSE PROGRAM NURSE ADMINISTRATOR TO SUBMIT A COMPLIANCE REPORT BY JULY 10, 2017 TO ADDRESS THE ISSUE OF PARTIAL COMPLIANCE WITH NORTH DAKOTA ADMINISTRATIVE CODE 54-03.2 STANDARDS FOR NURSING EDUCATION PROGRAMS: <u>54-03.2-02-06. FINANCIAL SUPPORT</u>. <p><i>Roll call vote:</i> Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Price, yes; Schmalz, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
<p>5.1.2 Interim/Paper Survey – ND State University BSN, LPN to BSN & DNP Programs</p>	<p><i>Discussion:</i> An interim/paper survey was submitted by ND State University for their LPN to BSN, BSN, and DNP FNP Programs for continued approval. The Nursing Education Committee (NEC) reviewed the report in detail. Surveyors evaluated 22 standards of NDAC 54-03.2 that were applicable. Of the 22 standards, 17 were met, with one issue of non-compliance and four issues of partial compliance. It was noted that all areas of partial and non-compliance have been addressed since the time of the paper survey.</p> <p><i>Motion:</i> Nursing Education Committee: THE NURSING EDUCATION COMMITTEE RECOMMENDS THE BOARD:</p> <ol style="list-style-type: none"> 1. FIND THE NORTH DAKOTA STATE UNIVERSITY BACCALAUREATE AND DOCTORATE DEGREE NURSING EDUCATION PROGRAMS IN SUBSTANTIAL COMPLIANCE WITH ND ADMINISTRATIVE CODE 54-03.2. STANDARDS FOR NURSING EDUCATION PROGRAMS; AND 2. GRANT FULL APPROVAL OF THE NORTH DAKOTA STATE UNIVERSITY BACCALAUREATE AND DOCTORATE DEGREE NURSING EDUCATION PROGRAMS UNTIL MAY 2022 AND REQUIRE AN ONSITE SURVEY IN 2022. <p><i>Roll call vote:</i> Christianson, yes; J. Hammer, recuse; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Price, absent; Schmalz, yes. 7 yes, 0 no, 1 recuse, 1 absent. Motion carried.</p>

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5.1-3 On-Site Survey – United Tribes Technical College – AASPN Program	<p><i>Discussion:</i> Dr. Leander McDonald, President of United Tribes Technical College and Dr. Loretta Heuer, consultant were present for this agenda item. An on-site survey of the UTTC Associate of Applied Science in Practical Nursing was conducted on April 12, 2017. The NEC reviewed the survey report in detail. Twenty of the NDAC 54-03.2 were examined. There were five issues of non-compliance identified NDAC 54-03-2 and three issues of partial compliance. Many of the issues relate to lack of qualified faculty. The board discussed concerns related to difficulty in tribal colleges to hire and retain faculty. Dr. McDonald discussed possible shared resources among tribal colleges.</p> <p><i>Motion:</i> Nursing Education Committee: THE NURSING EDUCATION COMMITTEE RECOMMENDS THE BOARD:</p> <ol style="list-style-type: none"> 1. FIND THE UNITED TRIBES TECHNICAL COLLEGE NURSING EDUCATION PROGRAM TO BE IN PARTIAL COMPLIANCE WITH ND ADMINISTRATIVE CODE 54-03.2 STANDARDS FOR NURSING EDUCATION PROGRAMS; AND; 2. CONTINUE CONDITIONAL APPROVAL STATUS OF THE UNITED TRIBES TECHNICAL COLLEGE ASSOCIATE DEGREE PRACTICAL NURSE PROGRAM UNTIL JULY 2017, AT WHICH TIME THE ND BOARD OF NURSING WILL DETERMINE WHETHER STATED DEFICIENCIES HAVE BEEN SUFFICIENTLY CORRECTED AND DETERMINE COURSE OF ACTION; AND 3. REQUIRE THE UNITED TRIBES TECHNICAL COLLEGE ASSOCIATE DEGREE PRACTICAL NURSE PROGRAM NURSE ADMINISTRATOR TO SUBMIT A COMPLIANCE REPORT BY JULY 10, 2017 TO ADDRESS THE ISSUES OF NON-COMPLIANCE WITH NORTH DAKOTA ADMINISTRATIVE CODE 54-03.2 STANDARDS FOR NURSING EDUCATION PROGRAMS INCLUDING: <u>54-03.2-02-06. FINANCIAL SUPPORT. 54-03.2-04-01. FACULTY RESPONSIBILITIES. 54-03.2-04-03. PRACTICAL OR ASSOCIATE DEGREE NURSE EDUCATION PROGRAM FACULTY QUALIFICATIONS. 54-03.2-04-08. EMPLOYMENT OF ACADEMICALLY UNQUALIFIED FACULTY. 54-03.2-07-01.1. PERFORMANCE OF GRADUATES ON LICENSING EXAMINATION.</u> <p><i>Roll call vote:</i> Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Price, yes; Schmalz, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
5.2-1 Programmatic Change Request– ND State College of Science AASPN Program – Addition of Site	<p><i>Discussion:</i> The NEC reviewed a programmatic change request from ND State College of Science Department of Nursing, Associate of Applied Science Practical Nurse Program for an addition of an AASPN Program outreach site in Fargo, ND. The program would be 2 ½ year in length to begin spring 2018 and completion in December 2019. NDSCS has had eight outreach classes in the Fargo-Moorhead area in the past seventeen years.</p> <p><i>Motion:</i> Nursing Education Committee: THE NURSING EDUCATION COMMITTEE RECOMMENDS THE BOARD APPROVE THE NORTH DAKOTA STATE COLLEGE OF SCIENCE, DEPARTMENT OF NURSING REQUEST FOR THE ADDITION OF AN ASSOCIATE OF APPLIED SCIENCE PRACTICE NURSE PROGRAM SITE IN FARGO, ND AS A MAJOR PROGRAMMATIC CHANGE AS THE PROGRAM HAS FULL APPROVAL FROM THE ND BOARD OF NURSING AND THE PROGRAMMATIC CHANGE IS IN COMPLIANCE WITH NDAC 54-03.2-06-02. PROGRAMMATIC CHANGES.</p> <p><i>Roll call vote:</i> Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Price, yes; Schmalz, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
5.2-2 Programmatic Change Request – ND State University School of Nursing LPN to BSN Program Curriculum Change	<p><i>Discussion:</i> The NEC reviewed a programmatic change request from ND State University School of Nursing, LPN to BSN program for deleting two 2 credit courses and incorporate one 3 credit course. The change will go into effective Fall of 2017. The change is in response to feedback received from LPN to BSN Students through course evaluations, course orientation sessions, and student advising.</p> <p><i>Motion:</i> Nursing Education Committee: THE NURSING EDUCATION COMMITTEE RECOMMENDS THE BOARD APPROVE THE NORTH DAKOTA STATE UNIVERSITY, SCHOOL OF NURSING, LPN TO BSN PROGRAM REQUEST FOR CURRICULUM MAJOR PROGRAMMATIC CHANGE AS THE PROGRAM HAS FULL APPROVAL FROM THE ND BOARD OF NURSING AND THE PROGRAMMATIC CHANGE IS IN COMPLIANCE WITH NDAC 54-03.2-06-02. PROGRAMMATIC CHANGES.</p> <p><i>Roll call vote:</i> Christianson, yes; J. Hammer, yes; M. Hammer, recuse; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Price, yes; Schmalz, yes. 8 yes, 0 no, 1 recuse, 0 absent. Motion carried.</p>
5.2-3 Programmatic Change Notification - ND State University School of Nursing, Change in Program Administration	<p>The board received notification from ND State University College of Health Professions, School of Nursing that Wendy Kopp, MSN, RN-BC was appointed as the Bismarck site BSN Program Interim Director effective January 1, 2017 upon the retirement of former Chair Dr. Karen Latham. The Chair position has been changed for Bismarck site to the director level. Fargo site chair position has been changed from Associate Dean and Chair to Associate Dean.</p>
5.2-4 Programmatic Change Notification – Minot State University, BSN program – ACEN Accreditation Update	<p>The board received notification from Minot State University, Department of Nursing, BSN Program that they received notification from Accreditation Commission for Education in Nursing (ACEN) granting continued accreditation of the program and removal of conditions as the program is in compliance with all accreditation standards and criteria reviewed. The next onsite accreditation review will be Spring 2022.</p>
5.2-5 Programmatic Change Notification - DNP, LRSC, AD Program, Mayville Site, Change in Delivery Format	<p>The board received notification from Dakota Nursing Program Lake Region State College Associate Degree Registered Nurse Program of a change in delivery method of the program at their Mayville site. IVN will be utilized for eight of the sixteen students to transmit didactic content on two days of the week to begin August 2017 and continue as needed. The change is to better serve students in these areas and decrease amount of travel for classes.</p>

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5.2-6 United Tribes Technical College AASPN program Request to Utilize Faculty Development Program	<p><i>Discussion:</i> The United Tribes Technical College AASPN Program is requesting to utilize the NDBON Faculty Development Program. (FDP) Nursing Education programs may utilize the program if they meet requirements outlined in NDAC and maintain full approval by the board. The UTTC AASPN Program was placed on conditional approval status November 2016, preventing them from continuing to utilize the FDP. In November 2016 NDBON surveyors noted that it was critical that qualified instructional and support personnel be secured. In April 2017 surveyors directed that UTTC administration immediately move toward securing clerical support and faculty since personnel deficits leave the program with inadequate resources to support current and projected student enrollment numbers. Efforts to advertise for open DON positions has become aggressive, however no additional faculty or staff have been secured. The request is for a twelve-month period with reevaluation and report to the NDBON regarding the programs staffing situation and the efforts to secure personnel at the end of that time. The board reviewed the following rationale for the request:</p> <ul style="list-style-type: none"> • Numerous barriers exist in the recruitment of qualified faculty including current state and national faculty shortages. Being able to utilize the NDBON FDP would expand the faculty applicant pool from which the program could recruit, which is critical given the limited number of qualified faculty available. • Many positive changes have been made by the program since November 2016 and current efforts to be creative in securing staffing have resulted in securing two applicants with other potential applicants interested <p><i>Motion:</i> Holth, seconded by Schmalz to:</p> <p>MOVE THE BOARD</p> <ul style="list-style-type: none"> • APPROVE THE UNITED TRIBES TECHNICAL COLLEGE, DEPARTMENT OF NURSING, ASSOCIATE OF APPLIED SCIENCE PRACTICAL NURSE PROGRAM REQUEST TO UTILIZE THE NDAC 54-03.2-04-08.1 FACULTY DEVELOPMENTAL PROGRAM FOR THE 2017-2018 ACADEMIC YEAR THROUGH USE OF NDAC 54-03.2-04-08 EMPLOYMENT OF ACADEMICALLY UNQUALIFIED FACULTY; 3. OTHER CIRCUMSTANCES AS APPROVED BY THE BOARD AS THE PROGRAM HAS CONDITIONAL APPROVAL FROM THE ND BOARD OF NURSING; AND <p>REQUIRE THE UTTC AASPN PROGRAM NURSE ADMINISTRATOR TO SUBMIT A REPORT DETAILING PROGRESS MADE IN HIRING QUALIFIED FACULTY AND PROVIDE CURRENT EDUCATION, MENTORSHIP AND POSITION INFORMATION FOR FACULTY HIRED WHO ARE ENROLLED IN THE FACULTY DEVELOPMENTAL PROGRAM BY MAY 1, 2018.</p> <p><i>Roll call vote:</i> Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Price, yes; Schmalz, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
5.4-1 Scheduled DOE Accreditation	The Department of Education has scheduled the site visit for continued accreditation of the ND Board of Nursing. DOE Surveyors will accompany board staff on the Rasmussen College A-BSN Program Site visit and will attend a future board meeting.
7.1.1 Revised NDDoH Standing Orders for Chlamydia & Gonorrhea	The board reviewed the revised Standing Orders for Treatment of Chlamydia and Standing Orders for Treatment of Gonorrhea from the ND Dept of Health – Family Planning Program which includes referral to healthcare provider for positive signs and symptoms. The orders were approved by Dr. Joan Connell, ND Dept of Health Field Medical Officer.
7.1-2 Example Practice Questions	The board reviewed examples of practice questions received in the board office. Staff are developing policy and procedure for practice questions and question whether the board is comfortable with staff referring to rules and using the laws and practice framework. The board discussed that many practice questions should be addressed at the facility level and facilities should have strong policy and procedure in place to address practice in their facility.
7.2-1 New Pharmacy & APRN collaborative agreement	<p><i>Discussion:</i> The board reviewed a new Practitioner and Pharmacy collaborative agreement between Spirit Lake Health Center in Fort Totten and ND Pharmacists, physicians and APRNs for Ani-coagulation, Asthma Education and Tobacco Cessation. Staff will include a running table in the consent agenda for future meetings.</p> <p><i>Motion:</i> M. Hammer, seconded by Holth to:</p> <p>APPROVE THE NEW PHARMACY AND APRN COLLABORATIVE AGREEMENT FOR SPIRIT LAKE HEALTH CENTER IN FORT TOTTON AS SUBMITTED AND RATIFY THE UPDATED PHARMACY AND APRN COLLABORATIVE AGREEMENTS TABLE AS LISTED.</p> <p><i>Roll call vote:</i> Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Price, absent; Schmalz, yes. 8 yes, 0 no, 1 absent. Motion carried.</p>
7.4-1 65 th Legislative Session Debriefing	The board discussed the legislative session and the adoption of the enhanced Nursing Licensure Compact and the APRN Licensure compact. Twenty states have adopted the eNLC with 26 states required to take effect. Nines states have pending legislation. The APRN compact needs ten states to enact before implementation will occur and 3 states have enacted to date. The board also reviewed and article “FTC Sets Its Sights on Occupational Licensing”.
9.1 Nursing Education Committee	Met May 17, 2017. Discussed with Agenda Items 5.0
9.2 Finance Committee	The Finance Committee met April 28, 2017 to develop a proposed 2017-2018 budget. The FC minutes were reviewed. The board reviewed a reserve fund overview which indicates the board reserve fund balance after deferred revenue continues to decline. The last audit showed a deficit net fund balance for the general operating account. Finance Committee members have expressed a desire to have a \$150,000 earned reserve fund balance. EideBailly auditors indicated last year, that should there be a negative net fund balance position, the board would need to have a plan documented to address the issue. To address this issue, the committee discussed no longer allowing for a deficit budget in order to overcome the negative fund balance. Of the board’s income, approximately 25% is currently reserved for NEL and ND Center for Nursing (NDCFN). The NEL program is funded with \$10 of each renewal/reactivation fee (in administrative rule), and NDCFN received \$30 of each renewal/reactivation and endorsement fee since 2012 and was allotted \$28 in 2016-2017 to maintain necessary funding for Board operations.
9.2-1 Minutes & Reserve Fund Overview	

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9.2-2 Proposed Income	The FC reviewed the proposed budgeted income line by line and rationale for each item. The committee reviewed past five-year income history and current year and previous year income. The committee discussed the increased workload for directors with the numerous education program surveys and increase in numbers of cases and contested cases of discipline this past year.
9.2-2.1 Compliance Fee	<p><i>Discussion:</i> As part of restructuring the disciplinary process, the Compliance Advisory Council proposes changes to the compliance fee schedule. The committee reviewed a proposal for a fixed penalty fee schedule per violation instead of the current range of \$300 - \$800 per violation. It was noted that although the board will never be compensated for cost or time spent on disciplinary matters, the fee schedule will allow for more consistent and objective assessing of fees.</p> <p>The following fees have been added or revised:</p> <ul style="list-style-type: none"> • Board Order Non-Compliance fee is currently \$100 per letter of concern. The proposed fee increases the 2nd and 3rd fee to \$150 and \$200 respectively. • Fees for each violation have been revised to reflect violation based on licensure level and level of sanction. • Fees have been added to emergency suspensions and revocations. <p><i>Motion:</i> Finance Committee: THE FINANCE COMMITTEE RECOMMENDS THE BOARD ADOPT THE NEW PROPOSED COMPLIANCE FEE SCHEDULE FOR VIOLATIONS OF THE ND NURSE PRACTICE ACT EFFECTIVE JULY 1, 2017.</p> <p><i>Roll call vote:</i> Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Price, absent; Schmalz, yes. 8 yes, 0 no, 1 absent. Motion carried.</p>
9.2-2.2 CE Presentation Fee	<p><i>Discussion:</i> The board reviewed the \$100 CE Presentation fee that is assessed to a facility or organization for presentations by NDBON directors. Mileage is assessed for presentations requiring travel. The courses are approved for CE at no additional fee. The committee discussed options to revise the fees to address the time commitment and cost to the Board. After discussion, the committee decided to recommend increasing the fee to \$300 per presentation and reimbursement of mileage and hotel.</p> <p><i>Motion:</i> Finance Committee: THE FINANCE COMMITTEE RECOMMENDS THE BOARD INCREASE THE CE PRESENTATION FEE TO \$300 PER PRESENTATION PLUS MILEAGE AND HOTEL REIMBURSEMENT EFFECTIVE JULY 1, 2017.</p> <p><i>Roll call vote:</i> Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Price, absent; Schmalz, yes. 8 yes, 0 no, 1 absent. Motion carried.</p>
9.2-2.3 CE Approval Fee	<p><i>Discussion:</i> The Continuing Education Approval fee schedule was increased last year, and staff indicate the fee is still not reflective of time spent for review, which varies from a course approval fee of \$35 for 1 CE course to \$195 for a 13 CE course. The committee discussed implementing a \$100 application fee for all CE Approval applications which would include one CE, and additional contact hours at \$20 per contact hour. Currently courses are approved for one offering, and can apply for reoccurring approval for an additional \$25. It is recommended with the new fee schedule that all courses receive approval for a period of one year. The committee discussed at length whether approval of CE fell within the board's mission and role. The possibility of the ND Center for Nursing assuming the CE Approval process was discussed. It is recommended that the FC meet mid-year to discuss budget concerns.</p> <p><i>Motion:</i> Finance Committee: THE FINANCE COMMITTEE RECOMMENDS THE BOARD ADOPT THE NEW PROPOSED CE APPROVAL STRUCTURE TO INSTITUTE AN APPLICATION FEE OF \$100 WHICH INCLUDES ONE CE AND AN ADDITIONAL \$20 PER CE THERAFTER WITH A ONE YEAR APPROVAL PERIOD EFFECTIVE JULY 1, 2017.</p> <p><i>Roll call vote:</i> Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Price, absent; Schmalz, yes. 8 yes, 0 no, 1 absent. Motion carried.</p>
9.2-2.4 Out of State Program Approval Fee	<p><i>Discussion:</i> The committee reviewed the current out of state program recognition fee, which is the process used by programs from out of state for approval to have students obtain clinical experience in ND facilities. There are typically 35 to 40 programs applying for the out of state program recognition per year. The current fee is \$300 for an academic year approval, and the committee discussed increasing that fee to better reflect workload. A per student fee was discussed, but it was decided that would increase workload for staff. The committee chose to increase the fee for RN programs to \$400 and for graduate programs to \$600.</p> <p><i>Motion:</i> Finance Committee: THE FINANCE COMMITTEE RECOMMENDS THE BOARD APPROVE AN INCREASE OF THE OUT OF STATE PROGRAM FEES PER ACADEMIC YEAR EFFECTIVE JULY 1, 2017 AS FOLLOWS:</p> <p style="text-align: center;">\$300 FOR PN PROGRAMS \$400 FOR RN PROGRAMS \$600 FOR GRADUATE PROGRAMS.</p> <p><i>Roll call vote:</i> Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Price, absent; Schmalz, yes. 8 yes, 0 no, 1 absent. Motion carried.</p>

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AGENDA	DISCUSSION & ACTION
9.2-3 Proposed Expenses	The FC reviewed the proposed budgeted expenses line by line with rationale for each item. The committee reviewed past five-year expense history and current year and previous year expenses.
9.2-3.1 Office Lease	<p><i>Discussion:</i> The current lease on office space is up 6/30/2017. There was a provision for continuation of the lease for an additional two years with a .50 increase per square foot for the next two years. Pfenning has been researching office space options throughout the community to address security issues and conference room space issues. One location was found with an option to share a conference room which would meet all our needs, but the office space would need to be built out at a cost to the board. A discussion with the landlord revealed that the space beside the current conference room could be used by the board and built to our specifications with no construction costs. The additional rent for square footage would begin upon occupation of the space, which could occur by the January Board meeting. The committee agreed that security and space issues need to be addressed and discussed the options related to either moving or expanding current office space. The committee recommends expansion of current office space.</p> <p><i>Motion:</i> Finance Committee: THE FINANCE COMMITTEE RECOMMENDS THE BOARD APPROVE PROCEEDING WITH TWO YEAR LEASE FOR OFFICE SPACE AND BUDGET FOR ADDITIONAL SPACE FOR CONFERENCE ROOM FOR THE LAST SIX MONTHS OF THE FISCAL YEAR.</p> <p><i>Roll call vote:</i> Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Price, absent; Schmalz, yes. 8 yes, 0 no, 1 absent. Motion carried.</p>
9.2-3-2 Albertson Proposal	<p><i>Discussion:</i> The board discussed a proposal/request by Albertson Consulting, the board's database provider, to update the on-line applications for security reasons. The board was requested to do the upgrade last year, and chose not to due to budget issues. Staff requested updates from ORBS related to timeline and the date is now 2019 for possible migration. Staff and NCSBN IT strongly recommend the board proceed with the upgrade for security purposes. Pfenning did negotiate a lower price than initially proposed.</p> <p><i>Motion:</i> Finance Committee: THE FINANCE COMMITTEE RECOMMENDS THE BOARD APPROVE THE UPGRADE OF ONLINE APPLICATIONS FOR SECURITY REASONS AS PROPOSED.</p> <p><i>Roll call vote:</i> Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Price, absent; Schmalz, yes. 8 yes, 0 no, 1 absent. Motion carried.</p>
9.2-3.3 Legal Counsel & Retainer Fee	<p><i>Discussion:</i> The FC had discussed the options for retainer and hourly costs and requested a negotiated option. After discussion at staff level concern was expressed at the lack of ability to control costs with the proposed arrangement. Bergeson had met with the board earlier and proposed alternative options for retainer and hourly costs. It was agreed all costs would be billed under a retainer with hourly costs charged for hours above the agreed upon retainer hours. The board reviewed a proposed chart of numerous options.</p> <p><i>Motion:</i> Schmalz, seconded by M. Hammer that: IN PLACE OF THE FINANCE COMMITTEE RECOMMENDATION RELATED TO LEGAL COUNSEL, THE BOARD APPROVE THE FOLLOWING ARRANGEMENT FOR LEGAL COUNSEL FOR THE 2017-2018 FISCAL YEAR EFFECTIVE JULY 1, 2017: RETAINER AMOUNT OF \$4000 PER MONTH TO INCLUDE 24 HOURS AND HOURLY CHARGE OF \$180 OF HOURS OVER 24 PER MONTH.</p> <p><i>Roll call vote:</i> Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Price, absent; Schmalz, yes. 8 yes, 0 no, 1 absent. Motion carried.</p>
9.2-3.4 Salary Adjustment	<p><i>Discussion:</i> The committee noted that state employees are not receiving a cost of living increase this year; however, due to extraordinary workload within the board office and desire to keep qualified staff, the committee agreed to increase the salary category by 1.5% to be allocated among staff at the discretion of the Executive Director.</p> <p><i>Motion:</i> Finance Committee: THE FINANCE COMMITTEE RECOMMENDS THE BOARD APPROVE A 1.5% INCREASE FOR SALARY CATEGORY.</p> <p><i>Roll call vote:</i> Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Price, absent; Schmalz, yes. 8 yes, 0 no, 1 absent. Motion carried.</p>
9.2-3.5 Center for Nursing Fees	<p><i>Discussion:</i> Due to overall budget for FY 17-18, the committee recommends the amount given to the ND Center for Nursing be reduced from \$28 to \$25 per renewal and endorsement fee in order to fund necessary Board operations and avoid further deficit budgeting as recommended by auditors. The committee members requested review of the ND Center for Nursing budget at the May board meeting. Patricia Moulton, Executive Director for the ND Center for Nursing was present to address the board and reviewed the reviewed strategic plan and goals. She reviewed the progress of building the Center for Nursing during the past five years, and other revenue sources including fundraising, grants, and sponsorships. The board discussed adding an option for donations to the renewal forms. The proposed budget for CFN was reviewed. The board discussed the option of allocating a fixed amount of funds rather based on fee income. The board opted to continue to monitor and evaluate funding contributions to the CFN.</p> <p><i>Motion:</i> Finance Committee: THE FINANCE COMMITTEE RECOMMENDS THE FEE ALLOTTED TO THE ND CENTER FOR NURSING BE \$25 PER RENEWAL AND ENDORSEMENT FEE FOR FISCAL YEAR 2017-2018.</p> <p><i>Roll call vote:</i> Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Price, absent; Schmalz, yes. 8 yes, 0 no, 1 absent. Motion carried.</p>

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9.2-3.6 Laptop Replacements	<p><i>Discussion:</i> The Board laptops are becoming obsolete and IT has had difficulty securing required updates. Last year the board approved replacing board member laptops with tablets and discussed the need to update staff laptops; however, due to budget constraints, staff laptops were postponed to FY 17-18. The board reviewed a proposal for a cost of \$5594 for five laptops and warranty.</p> <p><i>Motion:</i> The Finance Committee: THE FINANCE COMMITTEE RECOMMENDS THE BOARD APPROVE PURCHASE OF REPLACEMENT LAPTOPS FOR STAFF AT A COST OF \$5594.</p> <p><i>Roll call vote:</i> Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Price, absent; Schmalz, yes. 8 yes, 0 no, 1 absent. Motion carried.</p>
9.2-3.7 2017-2018 Proposed Budget	<p><i>Discussion:</i> The committee reviewed and discussed the proposed budget with the reduction in Center for Nursing.</p> <p><i>Motion:</i> Finance Committee: THE FINANCE COMMITTEE RECOMMENDS THE BOARD APPROVE THE PROPOSED 2017-2018 BUDGET OF \$1,499,165 PROJECTED INCOME AND \$1,481,290 PROJECTED EXPENSES WHICH INCLUDES \$83,000 DESIGNATED FOR NURSING EDUCATION LOAN AND \$231,250 DESIGNATED FOR ND CENTER FOR NURSING.</p> <p><i>Roll call vote:</i> Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Price, absent; Schmalz, yes. 8 yes, 0 no, 1 absent. Motion carried.</p>
9.3 Executive Committee	Will meet in May to review Executive Director evaluation.
9.4-1 Prescription Drug Monitoring Committee	No meeting.
9.4-2.1 ND Center for Nursing Board of Directors Meeting	No meeting
9.4-2.2 Legislative Day Planning Committee	Completed. Buchholz, Hill & Schmalz.
9.4-2.3 NDCFN Conference Planning	Hanson attended.
9.5-3 Reducing Pharmaceutical Narcotics in our Community	No meeting.
9.9-4 ND Tri-Regulator Collaborative	ND Board of Medicine, ND Board of Pharmacy, and ND Board of Nursing. Last meeting November 2016. Next meeting June 2017.
9.5-5 Envision 2030 Health Care Advisory Committee	Pfenning is representing the board on this advisory committee.
9.4-6 Governor's Nursing Shortage Planning Team	Pfenning is representing the board.
10.1 Staff Reports	None
12.1 Staff Presentations	<p>May 4 – Safe Nursing Practice 1; Essentia Fargo</p> <p>May 11- Current and Emerging Trends in Nursing Practice Regulation; Sanford Health, Bismarck.</p> <p>May 23 – Safe Nursing Practice 2; Essentia, Fargo</p>

North Dakota Board of Nursing Meeting Minutes – May 18, 2017

CONSENT AGENDA:

8.1 NCSBN
8.1-1 New NCSBN 101 on-line – free with 4.8 CE provided
8.1-2 NCSBN Annual Report and CORE Aggregate Report
8.2 Office Management
8.3 Nursing Practice
8.3-1 Pharmacy/APRN collaborative agreement table
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 – 1 st Quarter 2017
8.6-2 NCLEX-PN Quarterly Reports – 1 st Quarter 2017
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 Spring 2017
8.8-4 Survey Schedule Updates Summer 2017

The meeting recessed from 12:20 p.m. to 1:15 p.m. and adjourned at 3:30 p.m. on May 18, 2017.



Stacey Pfenning, DNP, APRN, RN
Executive Director
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