

North Dakota Board of Nursing Meeting Minutes – September 28, 2017

Call to Order:	September 28, 2017 at 8:30 a.m. – NDBON Board Conference Room – 919 S 7 th Street, Suite 504, Bismarck, ND		
Roll Call:	Nine members present as follows:		
	Jane Christianson, RN Member, President	Jamie Hammer, RN Member, Treasurer	
	Michael Hammer, RN Member, Vice-President	Mary Beth Johnson, RN Member	
	Kevin Buettner, APRN Member	Bonny Mayer, LPN Member	
	Wendi Johnston, LPN Member	Tanya Spilovoy, Public Member (arrived at 9:00 a.m)	
	Janelle Holth, RN Member		
Staff Present:	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		
Absent:	Stacey Pfenning, APRN, Executive Director		
	Other individuals were present as indicated on the Board Meeting Attendance Roster.		

AGENDA	DISCUSSION & ACTION
Letter from Pfenning	Buchholz read a letter from Executive Director Stacey Pfenning, who is attending the Executive Committee and Rule-Making session for the eNLC and will not be present at this Board meeting. Buchholz will assist President Christianson with the meeting in Dr. Pfenning's absence.
1.1 Consent Agenda	<p><i>Discussion:</i> The consent agenda was reviewed with no items identified for discussion.</p> <p><i>Motion:</i> M. Hammer, seconded by Mayer to: ADOPT THE CONSENT AGENDA AS PRESENTED.</p> <p><i>Roll call vote:</i> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes, Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Spilovoy, absent. 8 yes, 0 no, 1 absent. Motion carried.</p>
1.2 Agenda	<p><i>Discussion:</i> The agenda was reviewed. No additions were identified.</p> <p><i>Motion:</i> J. Hammer, seconded by M. Hammer to: APPROVE THE AGENDA AS DISTRIBUTED.</p> <p><i>Roll call vote:</i> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes, Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Spilovoy, absent. 8 yes, 0 no, 1 absent. Motion carried.</p>
1.3 Public Forum 9:00 a.m.	No one was present to address the board for open forum.
2.1 July 20, 2017 Meeting Minutes & Public Notice	<p><i>Discussion:</i> The minutes of the July 20, 2017 meeting were reviewed. No changes or corrections were identified.</p> <p><i>Motion:</i> Johnson, seconded by M. Hammer to: APPROVE THE MINUTES OF THE JULY 20, 2017 MEETING AS DISTRIBUTED.</p> <p><i>Roll call vote:</i> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes, Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Spilovoy, absent. 8 yes, 0 no, 1 absent. Motion carried.</p>
3.1 Financial Statements	The financial statements through August 31, 2017 were reviewed. Income is at 6% and expenses at 14% of budgeted. The comparison from this year to last year was also reviewed with income 26% higher and expenses 7% higher than last year through August 31 st .
3.2 2016-2017 Fiscal Year End Reports	The 2016-2017 Fiscal Year End Financial Reports were reviewed. Staff explained that the three months of renewal are the only time that the board brings in more revenue than expenses. Adjustments for deferred revenue and accrued leave were discussed. Income after adjustments was at 97% of budgeted, and expenses after adjustments were at 99% of budgeted. A comparison between 15-16 FY and 16-17 FY showed a 1% decrease in revenues and a 2% decrease in expenses from the prior year. The auditors just completed field work for the 16-17 fiscal year and the final report will be brought to the board's November meeting.
3.3 August 23, 2017 Finance Committee Meeting	<p><i>Discussion:</i> At the beginning of August, the board office copy machine broke down and the part to fix the machine was quite expensive. The machine is over six years old and has been causing issues on and off for the past couple of years. Staff convened a finance committee meeting to decide on proceeding with fixing the machine or purchase of a new one. The funds would be taken from Reserve Funds as a fixed asset purchase. After review and discussion, the committee decided it was more cost effective to purchase a new machine. The board reviewed the minutes of the meeting, and the committee requests the board formally ratify their decision for the purchase.</p> <p><i>Motion:</i> J. Hammer, seconded by M. Hammer to: RATIFY THE DECISION OF THE FINANCE COMMITTEE TO PROCEED WITH PURCHASE OF THE KYOCERA COLOR TASKalfa 5052ci COPY MACHINE AS A FIXED ASSET FROM RESERVE FUNDS TO REPLACE THE CURRENT COPIER.</p> <p><i>Roll call vote:</i> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes, Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Spilovoy, absent. 8 yes, 0 no, 1 absent. Motion carried.</p>

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AGENDA	DISCUSSION & ACTION
4.1.1 Request for Reinstatement – Jacquelyn Seaver, L10402	<p><i>Discussion:</i> Jacquelyn Seaver, LPN was present to request reinstatement of her suspended LPN license. Ms. Seaver 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 CAC recommendation for reinstatement to encumbered status for two years. The board discussed progress and future employment plans with Ms. Seaver.</p> <p><i>Motion:</i> Holth, seconded by M. Hammer: THAT UPON MEETING LICENSURE REQUIREMENTS, THE BOARD GRANT JACQUELYN SEAVER'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> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes, Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Spilovoy, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
4.1.2 Request for Reinstatement – Cynthia Rauser, R21912	<p><i>Discussion:</i> Cynthia Rauser, RN was present to request reinstatement of her suspended RN license. Ms. Rauser 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 CAC recommendation for reinstatement to encumbered status for two years. The board discussed progress and future employment plans with Ms. Rauser.</p> <p><i>Motion:</i> Johnson, seconded by J. Hammer to: GRANT CYNTHIA RAUSER'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> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes, Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Spilovoy, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
4.1.3 Request for Reinstatement – Tamara (Butts) LaCoste, R34411	<p><i>Discussion:</i> Tamara (Butts) LaCoste, RN was present to request reinstatement of her suspended RN license. Ms. LaCoste 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 CAC recommendation to reinstate her license to encumbered status for two years. The board discussed progress and future employment plans with Ms. LaCoste.</p> <p><i>Motion:</i> Holth, seconded by M. Hammer to: GRANT TAMARA (BUTTS) LACOSTE'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> Buettner, yes; Christianson, yes; J. Hammer, recuse; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Spilovoy, yes. 8 yes, 0 no, 1 recuse, 0 absent. Motion carried.</p>
4.1.4 Request for Reinstatement – Robyn Berge, R38304 & L9540 (lapsed)	<p><i>Discussion:</i> Robyn Berge, RN & LPN (lapsed) was present to request reinstatement of her suspended RN & LPN license. Ms. Berge 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 CAC recommendation to reinstate her license to encumbered status for three years. The board discussed progress and future employment plans with Ms. Berge.</p> <p><i>Motion:</i> M. Hammer, seconded by J. Hammer to: GRANT ROBYN BERGE'S REQUEST FOR REINSTATEMENT OF HER SUSPENDED RN & LPN LICENSE TO ENCUMBERED STATUS FOR THREE 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> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes, Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Spilovoy, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
4.1.5 Request for Reinstatement – Kimberly Borowicz, R29961	<p><i>Discussion:</i> Kimberly Borowicz, RN was present via skype to request reinstatement of her suspended RN license. Ms. Borowicz 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 CAC recommendation to reinstate her license to encumbered status for two years. The board discussed progress and future employment plans with Ms. Borowicz.</p> <p><i>Motion:</i> Holth, seconded by M. Hammer: THAT UPON MEETING LICENSURE REQUIREMENTS, THE BOARD GRANT KIMBERLY BOROWICZ'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> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes, Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Spilovoy, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>

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4.2.1 Request for Reissuance – Maxine Score, L8150	<p><i>Discussion:</i> Maxine Score, LPN, is requesting reissuance of her LPN license 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 November 20, 2014.</p> <p><i>Motion:</i> Johnson, seconded by Mayer to: GRANT MAXINE SCORE'S REQUEST FOR REISSUANCE OF HER LPN LICENSE TO UNRESTRICTED PRACTICE AND FULL LICENSURE STATUS AS SHE HAS COMPLIED WITH THE TERMS AND CONDITIONS OF THE STIPULATION FOR SETTLEMENT DATED NOVEMBER 20, 2014.</p> <p><i>Roll call vote:</i> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Spilovoy, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>								
4.4.1 Default Hearing – Chasity Baker, L13005	<p><i>Discussion:</i> Brian Bergeson, SAAG, was present for a default hearing for Chasity Baker, LPN. Roll call was taken with all nine members present. A complaint was filed against Ms. Baker for violation of NDCC 43-12.1-14 (3)(5) and NDAC 54-02-07-01.1 (5)(6)(7). Bergeson explained the notice of complaint was served on Ms. Baker on June 28, 2017. Ms. Baker had 21 days to respond to the notice of complaint. She contacted the board office after receiving the complaint, but Melissa Hanson was not available. She was instructed to contact Melissa Hanson at another time, but she did not do so. Staff have repeatedly attempted to reach her by mail, phone, and e-mail since that time with no response. Notice of Hearing was sent on August 14, 2017 sent by mail and e-mail. Since respondent failed to participate in the process, a default hearing is being held to resolve the matter. Respondent was not present for the hearing and was not represented by counsel. Board staff provided testimony under oath that the investigation supported the factual allegations of the complaint that showed more than 40 instances (involving multiple residents) in which this nurse signed out narcotics from the narcotic count sheet but failed to document the administration of the narcotics in the resident's MAR resulting in missing narcotics. The compliance advisory council presented to the Board a recommendation of disciplinary sanctions. The board reviewed and discussed the facts and conclusions of the law applicable to the case.</p> <p><i>Motion:</i> Hammer, seconded by Johnson to: MOVE THAT THE BOARD FIND:</p> <ul style="list-style-type: none"> • THAT THE RESPONDENT HAS DEFAULTED; • THAT THE FACTS IN THE CASE AGAINST CHASITY BAKER, LPN, HAVE BEEN PROVEN BY A PREPONDERANCE OF THE EVIDENCE; • THAT THE ALLEGATIONS OF THE COMPLAINT DULY REFLECT VIOLATIONS OF NDCC 43-12-1-14 (3)(5) AND NDAC 54-02-07-01.1 (5)(6)(7); • AND • THAT THE BOARD ENTER ITS ORDER TO: <ul style="list-style-type: none"> ▪ SUSPEND THE LICENSE FOR A PERIOD OF TWO YEARS; ▪ ASSESS A \$1,000 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; ▪ OTHER TERMS AS SET OUT IN THE PROPOSED DEFAULT ORDER. <p><i>Roll call vote:</i> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Spilovoy, 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> M. Hammer, seconded by J. 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="width: 100%; border-collapse: collapse;"> <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;">White, Elizabeth</td> <td style="text-align: center;">R36998</td> <td style="text-align: center;">Lubbock TX</td> <td style="text-align: center;">\$600</td> </tr> </tbody> </table> <p><i>Roll call vote:</i> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Spilovoy, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>	Name	Lic/Reg #	City, State	Penalty Fee	White, Elizabeth	R36998	Lubbock TX	\$600
Name	Lic/Reg #	City, State	Penalty Fee						
White, Elizabeth	R36998	Lubbock TX	\$600						
4.6.1 Stipulation for Settlement – Tammy Pritchard, RN SC PTP R211887	<p><i>Discussion:</i> A Stipulation for Settlement was received from Tammy Pritchard, RN, SC PTP seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (3) and NDAC 54-02-07-01.1 (6)(7).</p> <p><i>Motion:</i> Johnson, seconded by Johnston to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR TAMMY PRITCHARD, RN SC PTP AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ ISSUE A REPRIMAND AGAINST HER PRIVILEGE TO PRACTICE; ◆ ASSESS A \$600 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Spilovoy, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>								

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AGENDA	DISCUSSION & ACTION
4.6.2 Stipulation for Settlement – Jill Bello, RN Applicant (R45114)	<p><i>Discussion:</i> A Stipulation for Settlement was received from Jill Bello, RN 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) and NDAC 54-02-07-01-1 (7)(8).</p> <p><i>Motion:</i> Hammer, seconded by Mayer to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR JILL BELLO, RN APPLICANT 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> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes, Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Spilovoy, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
4.6.3 Stipulation for Settlement – Jessica Zelio, LPN Applicant	<p><i>Discussion:</i> A Stipulation for Settlement was received from Jessica Zelio, 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 (2)(4).</p> <p><i>Motion:</i> Johnson, seconded by M. Hammer to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR JESSICA ZELIO, LPN APPLICANT AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ ENCUMBER THE LICENSE FOR ONE YEAR; ◆ ASSESS A \$1000 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes, Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Spilovoy, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
4.6.4 Stipulation for Settlement – Brittany Kraft, L13870	<p><i>Discussion:</i> A Stipulation for Settlement was received from Brittany Kraft, LPN, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (3) and NDAC 54-02-07-01.1 (8)(12)(19).</p> <p><i>Motion:</i> Mayer, seconded by M. Hammer to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR BRITTANY KRAFT, LPN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ ISSUE A REPRIMAND; ◆ ASSESS AN \$500 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes, Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Spilovoy, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
4.6.5 Stipulation for Settlement – Teresa Werpy, R33446	<p><i>Discussion:</i> A Stipulation for Settlement was received from Teresa Werpy, 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 (6)(7).</p> <p><i>Motion:</i> M. Hammer, seconded by Buettner to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR TERESA WERPY, 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> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes, Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Spilovoy, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
4.6.6 Stipulation for Settlement – Itza Bunch, LPN Applicant (L16008)	<p><i>Discussion:</i> A Stipulation for Settlement was received from Itza Bunch, 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) and NDAC 54-02-07.01-1 (7)(8).</p> <p><i>Motion:</i> M. Hammer, seconded by Johnson to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR ITZA BUNCH, 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> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes, Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Spilovoy, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>

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AGENDA	DISCUSSION & ACTION
4.6.7 Stipulation for Settlement – Lynwood Whyte, VA PTP LPN PN 0002084300	<p><i>Discussion:</i> A Stipulation for Settlement was received from Lynwood Whyte, VA PTP 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 (5) and NDAC 54-02-07.01-1 (5)(6)(7). Denies certain allegations of the compliant.</p> <p><i>Motion:</i> M. Hammer, seconded by Mayer to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR LYNWOOD WHYTE, VA PTP LPN AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ ENCUMBER THE PRIVILEGE TO PRACTICE FOR ONE YEAR; ◆ ASSESS A \$500 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, recuse; Mayer, yes; Spilovoy, yes. 8 yes, 0 no, 1 recuse, 0 absent. Motion carried.</p>
4.6.8 Stipulation for Settlement – Paza Pringle, LPN Applicant (L15943)	<p><i>Discussion:</i> A Stipulation for Settlement was received from Paza Pringle, 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> Johnson, seconded by M. Hammer to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR PAZA PRINGLE, 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> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Spilovoy, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
4.6.9 Stipulation for Settlement – Tuongvi Vo, L15201 & RN Applicant	<p><i>Discussion:</i> A Stipulation for Settlement was received from Tuongvi Vo, LPN & RN 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) and NDAC 54-02-07.01-1 (7)(8).</p> <p><i>Motion:</i> Buettner, seconded by Johnston to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR TUONGVI VO, LPN AND RN APPLICANT 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> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Spilovoy, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
4.6.10 Stipulation for Settlement – Pamela Erickson, L8878	<p><i>Discussion:</i> A Stipulation for Settlement was received from Pamela Erickson, 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)(8).</p> <p><i>Motion:</i> M. Hammer, seconded by Buettner: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR ITZA BUNCH, 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> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Spilovoy, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
4.6.11 Stipulation for Settlement – Sam Krai, R42659	<p><i>Discussion:</i> A Stipulation for Settlement was received from Sam Krai, 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)(9).</p> <p><i>Motion:</i> M. Hammer, seconded by Buettner: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR SAM KRAI, RN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ ENCUMBER THE LICENSE FOR ONE YEAR; ◆ ASSESS A \$1,200 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Spilovoy, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>

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AGENDA	DISCUSSION & ACTION
4.6.12 Stipulation for Settlement – Tabetha Buechler, L12086	<p><i>Discussion:</i> Mary Beth Johnson left the room for this agenda item. A Stipulation for Settlement was received from Tabetha Buechler, 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 (12)(19).</p> <p><i>Motion:</i> M. Hammer, seconded by Buettner: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR TABETHA BUECHLER, 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> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, absent; Johnston, yes; Mayer, yes; Spilovoy, yes. 8 yes, 0 no, 1 absent. Motion carried.</p>
4.6.13 Stipulation for Settlement – Egwim Emmanuel, TX PTP R799803	<p><i>Discussion:</i> A Stipulation for Settlement was received from Egwim Emmanuel, TX PTP 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 (6)(7).</p> <p><i>Motion:</i> M. Hammer, seconded by Mayer to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR EGWIM EMMANUEL TX PTP RN AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ ISSUE A REPRIMAND ON PRIVILEGE TO PRACTICE; ◆ ASSESS A \$600 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Buettner, yes; Christianson, yes; J. Hammer, recuse; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Spilovoy, yes. 8 yes, 0 no, 1 recuse, 0 absent. Motion carried.</p>
4.6.14 Stipulation for Settlement – Jody Dalen, R33557 & L9359 (lapsed)	<p><i>Discussion:</i> A Stipulation for Settlement was received from Jody Dalen, RN & LPN (inactive) 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 (5) and NDAC 54-02-07.01-1 (19).</p> <p><i>Motion:</i> M. Hammer, seconded by Johnson to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR JODY DALEN, 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> Buettner, yes; Christianson, yes; J. Hammer, recuse; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes; Mayer, recuse; Spilovoy, yes. 7 yes, 0 no, 2 recuse, 0 absent. Motion carried.</p>
4.9.1 Brandon Goodman TN PTP RN208918	<p>CEASE AND DESIST ORDER issued to Brandon Goodman, TN PTP RN, Lexington, TN on August 11, 2017. PVR rec'd 8/9/17 from Sanford Medical Center, Fargo, ND. [working as a travel RN through FocusOne Solutions]. Allegations and credible evidence r/t suspected diversion of narcotics. Also demonstrated charting practices re: narcotics that are against Sanford policy. Sanford requested a drug and alcohol screen and Mr. Goodman refused. Terminated from his contract with Sanford.</p>
4.9.2 Sandra Peterson, L13513	<p>ORDER OF EMERGENCY SUSPENSION issued to Sandra Peterson, LPN, East Grand Forks, MN on August 14, 2017. PVR received May 4, 2017 from a former patient with allegations related to an inappropriate sexual relationship as an employee. Terminated from employment for inappropriate conduct with a client within two years of client's discharge. 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>
4.9.3 Sierra Lebeau, L15208	<p>CEASE AND DESIST ORDER issued to Sierra Lebeau, LPN, Bismarck ND on August 23, 2017. Ms. Lebeau renewed LPN License on December 31, 2016 and represented in application that continuing education requirements for licensure renewal were completed. Selected for audit and completed 12 CE in 2017 but failed to pay \$600 penalty fee associated with the late completion of the required continuing education.</p>
4.9.4 Tamera Bogo, R19790	<p>NOTICE OF INACTIVATION issued to Tamera Bogo, RN, Beulah, ND, on August 22, 2017. Board Order dated 11/19/2017 and Amended Board Order dated 9/29/16 required completion of a Board approved refresher course. Ms. Bogo has failed to complete the refresher course by March 31, 2017 as amended. License shall now remain inactive.</p>
4.9.5 Molly Norris, R31586	<p>ORDER OF EMERGENCY SUSPENSION issued to Molly Norris, RN, Minot, ND on August 25, 2017. PVR received August 17, 2017 from Trinity Health in Minot regarding allegations of diversion of medication. Respondent was terminated from her position on August 17, 2017 for falsification of documentation, failure to follow policy and procedure, and working while impaired. 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>
4.9.6 Amanda Erickson, L11010	<p>NOTICE OF SUSPENSION issued to Amanda Erickson, LPN, Jamestown, ND on September 21, 2017. License became encumbered by Order of Reinstatement of License, dated May 18, 2017. Informed Board office of inability to obtain employment in a nursing position. States that due to financial hardship she is unable to afford maintaining her encumbered license- monitoring fee and random drug screening costs. Notice of Suspension is intended to be non-disciplinary and is for an indefinite period of time.</p>

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AGENDA	DISCUSSION & ACTION
4.9.7 Kimberly Johnson, R34515 & L12480 (lapsed)	NOTICE OF SUSPENSION issued to Kimberly Johnson, RN & LPN, Minot, ND on September 22, 2017. License became encumbered by Order of Reinstatement of License, dated May 18, 2017. Informed Board office of inability to obtain employment in a nursing position. States that due to financial hardship she is unable to afford maintaining her encumbered license- monitoring fee and random drug screening costs. Notice of Suspension is for an indefinite period of time.
4.10.1 Selection of New Drug Testing Company	<p><i>Discussion:</i> Rocky Mountain Monitoring Company has been the board's drug testing company for encumbered licensees for many years, and has informed the board they will be retiring and will no longer provide drug testing services. Board staff have been researching and interviewing other drug testing companies to find a replacement. One company, Drug and Alcohol Testing Network, LLC, Bismarck, ND met the necessary requirements for the board, and owner Brian Moritz and Drug & Alcohol testing coordinator Shelly Kuntz were present to address the board. Moritz indicated that the Medical Review Officer is located in LA, which mitigates any possible conflict of interest. The board discussed levels of testing for marijuana, and it was noted that since it is illegal at the federal level, presence of marijuana would be considered a positive test, no matter what the state law is. The board discussed different types of testing, locations of collections, and the number of drugs screened for in the tests. The company has been working with Rocky Mountain Monitoring to offer similar services to the board and ensure a smooth transition.</p> <p><i>Motion:</i> M. Hammer, seconded by Johnson to: APPROVE DRUG AND ALCOHOL TESTING NETWORK, LLC, BISMARCK, ND FOR DRUG TESTING ENCUMBERED LICENSEES DURING THEIR PROBATIONARY PERIOD WITH THE BOARD.</p> <p><i>Roll call vote:</i> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes, Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Spilovoy, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
4.10.2 Revisions to Drug Testing Policy	<p><i>Discussion:</i> The board reviewed proposed revisions to the "Drug Testing Policy". The revisions reflect changes related to the transition to the new drug testing company, updating the fee schedule for Letter of Concerns, and required disclosures of use of any substance which could alter a drug screen.</p> <p><i>Motion:</i> Buettner, seconded by M. Hammer to: APPROVE THE PROPOSED REVISIONS TO THE "DRUG TESTING POLICY".</p> <p><i>Roll call vote:</i> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes, Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Spilovoy, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
5.4-1 Update regarding the status of the NDBON survey for continued DOE Accreditation Recognition	Buchholz provided an update to the board regarding the petition for continued recognition of the ND Board of Nursing by the Department of Education. The initial report will be available soon, and the board will have 30 days to respond to initial report. Due to federal budget cuts, the December meeting of DOE has been rescheduled, and it is anticipated the Board's petition would be discussed at their February meeting.
7.1-1 Ketamine and RN Scope of Practice Advisory Panel (Hill & Buchholz)	The board reviewed minutes of the August 31 st meeting of the Ketamine Advisory Panel Workgroup. The Panel is composed of three APRNs and three RNs and board of nursing staff. The panel is reviewing the role of the RN in the monitoring of ketamine and is also reviewing current practice statements related to this topic. The panel plans to bring an evidence based interpretive statement to the board for consideration after research of discussion of this topic.
7.3-1 Rule Making in process for implementation of eNLC – 1/19/2018	The board reviewed a summary of the progress of the eNLC implementation. On July 20 th , the 26 th state enacted the eNLC and the implementation date will be January 19, 2018. The current NLC will no longer exist on that date for state implementing eNLC. To date, four states WI, CO, NM & RI will remain in the prior compact. The board reviewed a list of meetings held in preparation for implementation.
7.3-2 Pfenning – ND NLC Compact Administrator; elected to Executive Committee & Rule Making Committee	<p><i>Discussion:</i> Stacey Pfenning, Executive Director, was elected as a member at large to the eNLC Executive Committee. She was also appointed to serve on the Rule Making Committee. Pfenning is currently attending a Rule Making Committee meeting and has asked the board's discussion and consideration of this election and appointment.</p> <p><i>Motion:</i> M. Hammer, seconded by Holth that: THE BOARD SUPPORTS THE ELECTION OF STACEY PFENNING TO THE NCSBN ENLC COMPACT ADMINISTRATOR EXECUTIVE COMMITTEE AS A DIRECTOR AT LARGE THROUGH SEPTEMBER 30, 2019, AND MEMBERSHIP ON THE ENLC ADMINISTRATIVE RULES COMMITTEE.</p> <p><i>Roll call vote:</i> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes, Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Spilovoy, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
7.4-1 ND Medical Imaging and Radiation Therapy Board (8:50 appt)	Shirley Porter, President of the ND Medial Imaging and Radiation Therapy Board of Examiners (NDMIRTB) was present to address the board. The NDMIRTB was established during the 2015 legislative session, and is in the process of holding a public hearing for rules related to performing medical imaging and radiation therapy. In July 2017, Pfenning attended a meeting with the Executive Director and Dr. Connie Kalanek (assisting with rules) to discuss ND Nurses performing bone densitometry medical imaging. The proposed rules will require continuing education, a certification, and licensure through NDMIRTB for continued performance of this testing. In August 2017, a survey was sent to facilities to determine the number of LPNs and RNs conducting bone densitometry in ND. Preliminary findings were 3 LPNs (and 3 CNAs) . Two of the LPNs were in rural facilities and one was in a research facility. The proposed rules were available for board member review.
7.4-2 ND Board of Medicine Public Notice – Telehealth Rules	The board reviewed progress of the ND Board of Medicine of proposed rule revisions related to telehealth and Prescription Drug Monitoring Program (PDMP). A public hearing was held September 27, 2017, and the timeline was reviewed.
8.1-3 FARB ND Powerpoint	The PowerPoint presentation from the ND FARB meeting held Monday July 17, 2017 was included under consent agenda for review by board members who were unable to attend the meeting.

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AGENDA	DISCUSSION & ACTION
9.1 Nursing Education Committee	Met July 12, 2017
9.2 Finance Committee	Met August 23, 2017. Discussed with Agenda Item 3.3
9.3 Executive Committee	Met May 19, 2017.
9.4-1 Prescription Drug Monitoring Committee	No meeting
9.4-2.1 ND Center for Nursing Board of Directors -- Pfenning	<p><i>Discussion:</i> Stacey Pfenning, Executive Director was president elect of the ND Center for Nursing Board of Directors. The current president stepped down before her term expired, and Pfenning was appointed President of the ND Center for Nursing effective October 1st for a two year term.</p> <p><i>Motion:</i> M. Hammer, seconded by J. Hammer that: THE BOARD APPROVE THE APPOINTMENT OF STACEY PFENNING TO PRESIDENT OF THE BOARD OF DIRECTORS FOR THE ND CENTER FOR NURSING THROUGH OCTOBER 2019.</p> <p><i>Roll call vote:</i> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes; Mayer, yes; Spilovoy, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
9.4-2.2 NDCFN Conference Planning	Hanson attended.
9.4-3 Reducing Pharmaceutical Narcotics in our Community	No meeting.
9.9-4 ND Tri-Regulator Collaborative	No meeting.
9.5-5 Envision 2030 Health Care Advisory Committee	Pfenning is representing the board on this advisory committee. No meeting.
9.4-6 Governor's Nursing Shortage Planning Team	The board reviewed the Draft Action Plan developed by the Governor's Nursing Workforce Shortage Planning Team. Michelle Kommer, Labor Commissioner, Interim Executive Director, Job Service ND and Patricia Moulton, Executive Director for the ND Center for Nursing were available to present the Planning Team's findings and recommendations, and request feedback from board members and the nursing community. The presentation is currently being shared with stakeholders throughout the state.
9.4-7 Senator Heitkamp – Health Care Advisory Group – Buettner attended	Dr. Kevin Buettner, APRN Board Member submitted a summary of the Health Care Advisory Group Meeting with Senator Heidi Heitkamp at the UND School of Medicine & Health Sciences he attended on August 16, 2017 on behalf of the board.
9.4-8 ND Telehealth Domain Workgroup – Pfenning attended	The agenda and minutes of the August 21, 2017 meeting of the ND Health Information Technology Telehealth Domain Workgroup was shared with the board. Pfenning attended the meeting on behalf of the board.
9.4-9 Governor's State of Emergency: Opioid and Prescribers	A meeting the Executive Director's from the ND Board of Pharmacy, ND Board of Nursing, ND Board of Dental Examiners and ND Board of Medicine was convened by State Health Officer Mylynn Tufte related to the declaration and implementation of Emergency Executive Orders related to the opioid crisis in ND. Proposed strategies were presented and reviewed.
ND Center for Nursing and CE Review and Approval	The ND Center for Nursing is reviewing the possibility of taking over review and approval of Contact Hour courses from the ND Board of Nursing in order to provide additional revenue for the ND Center for Nursing. The board discussed that this was a discussion when Education Director staff workload was heavy with program surveys. The board discussed the current revenue from this process, and indicated by consensus they were not supportive of losing this revenue at the present time.

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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 – none
8.6-2 NCLEX-PN Quarterly Reports – none
8.6-3 CE Audit for 2017 Licensure Renewal
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 Programs and Students - Fall 2017 Updates
8.8-3 Faculty Development Program – Fall updates due October 2 nd
8.8-4 Survey Schedule – none scheduled for remainder of 2017

The meeting recessed from 12:00 p.m. to 12:30 p.m. and adjourned at 3:10 p.m. on September 28, 2017.



Stacey Pfenning, DNP, APRN, RN
Executive Director
Draft 10/02/2017