

## North Dakota Board of Nursing Meeting Minutes – November 16, 2017

Call to Order: November 16, 2017 at 8:40 a.m. – NDBON Board Conference Room – 919 S 7<sup>th</sup> Street, Suite 504, Bismarck, ND

Roll Call: Seven 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
Janelle Holth, RN Member (via phone)	

Absent: Wendi Johnston, LPN Member, Tanya Spilovoy, Public Member

Staff Present:

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

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

	DISCUSSION & ACTION
Education Session	Brian Bergeson, SAAG, presented an annual overview on the complaint resolution process used by the Board's Compliance Division and Compliance Advisory Council (CAC) including: Board office receipt of potential violation reports; investigation and analysis; CAC review of case evidence gathered during investigation; negotiation of settlements with respondents and legal counsel; final recommendation to the Board. The SAAG provided education on open meeting requirements and recusing and abstaining when voting. The board also discussed using Executive Sessions for reinstatements and the process for convening Executive Sessions. Discussed updated FBI requirements related to CHRC information use and reviewed current procedures pertaining to confidential and exempt information.
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: <b>ADOPT THE CONSENT AGENDA AS PRESENTED.</b></p> <p><i>Roll call vote:</i> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes, Holth, yes; Johnson, yes; Johnston, absent; Mayer, yes; Spilovoy, absent. 7 yes, 0 no, 2 absent. Motion carried.</p>
1.2 Agenda	<p><i>Discussion:</i> The agenda was reviewed. No additions were identified.</p> <p><i>Motion:</i> M. Hammer, seconded by J. Hammer to: <b>APPROVE THE AGENDA AS DISTRIBUTED.</b></p> <p><i>Roll call vote:</i> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes, Holth, yes; Johnson, yes; Johnston, absent; Mayer, yes; Spilovoy, absent. 7 yes, 0 no, 2 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 September 28, 2017 Meeting Minutes & Public Notice	<p><i>Discussion:</i> The minutes of the September 28, 2017 meeting were reviewed. No changes or corrections were identified.</p> <p><i>Motion:</i> Johnson, seconded by Mayer to: <b>APPROVE THE MINUTES OF THE SEPTEMBER 28, 2017 MEETING AS DISTRIBUTED.</b></p> <p><i>Roll call vote:</i> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes, Holth, yes; Johnson, yes; Johnston, absent; Mayer, yes; Spilovoy, absent. 7 yes, 0 no, 2 absent. Motion carried.</p>
3.1 Financial Statements	The financial statements through October 31, 2017 were reviewed. Income is at 25% and expenses at 30% of budgeted. The comparison from this year to last year was also reviewed with income 13% higher and expenses 5% higher than last year through October 31 <sup>st</sup> .
4.2.1 Request for Reissuance – Laura Ertelt, R33139 & L11637 (inactive)	<p><i>Discussion:</i> Laura Ertelt RN &amp; LPN (inactive) is requesting reissuance of her RN &amp; 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> M. Hammer, seconded by Mayer to: <b>GRANT LAURA ERTEL'S REQUEST FOR REISSUANCE OF HER RN &amp; 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.</b></p> <p><i>Roll call vote:</i> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes, Holth, yes; Johnson, yes; Johnston, absent; Mayer, yes; Spilovoy, absent. 7 yes, 0 no, 2 absent. Motion carried.</p>
4.3.1 Request for Reconsideration – Jacqueline Binstock, R28568	<i>Discussion:</i> Jacquelyn Binstock is enrolled in a refresher course to meet the requirements of her Order for Reinstatement dated 5/19/2016. She had requested an extension for refresher course completion that was granted by the board May 19, 2017, and she has indicated she will not be completed with the clinical component of the refresher course by November 19, 2017 due to clinical site scheduling. The CAC has reviewed the request and recommends approval of an additional six-month extension for completion of the course.

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	<p><i>Motion:</i> Johnson, seconded by Buettner:  <b>GRANT JACQUELINE BINSTOCK’S REQUEST FOR AN ADDITIONAL SIX-MONTH EXTENSION FOR REFRESHER COURSE COMPLETION</b></p> <p><i>Roll call vote:</i> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes, Holth, yes; Johnson, yes; Johnston, absent; Mayer, yes; Spilovoy, absent.          7 yes, 0 no, 2 absent. Motion carried.</p>
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AGENDA	DISCUSSION & ACTION																				
4.3.2 Request for Reconsideration – Carmen Doney, R31521	<p><i>Discussion:</i> Carmen Doney is enrolled in a refresher course to meet the requirements of her Order for Reinstatement dated 5/19/2016. She had requested an extension for refresher course completion that was granted by the board May 19, 2017, and she has indicated she will not be completed with the theory and clinical component of the refresher course by November 19, 2017. The CAC has reviewed the request and recommends approval of an additional six-month extension for completion of the course with a requirement to submit progress reports to the board every two weeks.</p> <p><i>Motion:</i> Johnson, seconded by M. Hammer to:  <b>GRANT CARMEN DONEY’S REQUEST FOR AN ADDITIONAL SIX-MONTH EXTENSION FOR REFRESHER COURSE COMPLETION AND REQUIRE A PROGRESS REPORT TO BE SUBMITTED TO BOARD’S DESIGNEE EVERY TWO WEEKS UNTIL COMPLETION OF THE COURSE.</b></p> <p><i>Roll call vote:</i> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes, Holth, yes; Johnson, yes; Johnston, absent; Mayer, yes; Spilovoy, absent.          7 yes, 0 no, 2 absent. Motion carried.</p>																				
4.3.3 Request for Reconsideration – Chantel (Lewis) Raines, R41865	<p><i>Discussion:</i> Chantel Raines is requesting an extension for completion of her board ordered refresher course dated 11/17/2016.</p> <p><i>Motion:</i> Buettner, seconded by Johnson to:  <b>GRANT CHANTEL RAINES’S REQUEST FOR A SIX-MONTH EXTENSION FOR REFRESHER COURSE COMPLETION.</b></p> <p><i>Roll call vote:</i> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, recuse, Holth, yes; Johnson, yes; Johnston, absent; Mayer, yes; Spilovoy, absent.          6 yes, 0 no, 1 recuse, 2 absent. Motion carried.</p>																				
4.5.1 Surrender	<p><i>Discussion:</i> Two individuals have signed and submitted surrenders, seeking the Board’s consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the surrenders.</p> <p><i>Motion:</i> M. Hammer, seconded by Johnston to:  <b>APPROVE AND ACCEPT THE TERMS OF THE PROPOSED SURRENDERS AS A FINAL ORDER OF THE BOARD FOR THE FOLLOWING:</b></p> <table border="1" style="width: 100%; border-collapse: collapse; margin: 5px 0;"> <thead> <tr> <th style="width: 30%;">Name</th> <th style="width: 20%;">Lic/Reg #</th> <th style="width: 20%;">City, State</th> <th style="width: 30%;">Penalty Fee</th> </tr> </thead> <tbody> <tr> <td>Wanzek, Eden</td> <td>R39319</td> <td>Fargo, ND</td> <td>\$600</td> </tr> <tr> <td>Lawrence, Shari</td> <td>R25262</td> <td>Bismarck, ND</td> <td>n/a</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, absent; Mayer, yes; Spilovoy, absent.          7 yes, 0 no, 2 absent. Motion carried.</p>	Name	Lic/Reg #	City, State	Penalty Fee	Wanzek, Eden	R39319	Fargo, ND	\$600	Lawrence, Shari	R25262	Bismarck, ND	n/a								
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4.6.1 Stipulation for Settlement – Applicants – Falsification of Application	<p><i>Discussion:</i> Falsification sanctions result from an applicant response to one or more of the regulatory questions not aligning with evidence required/reviewed during the application process. Three applicants have signed and submitted Stipulation for Settlements for falsification on application.</p> <p><i>Motion:</i> M. Hammer, seconded by J. Hammer to:  <b>ACCEPT THE STIPULATION FOR SETTLEMENT FOR FALSIFICATION OF AN APPLICATION FOR THE FOLLOWING:</b></p> <table border="1" style="width: 100%; border-collapse: collapse; margin: 5px 0;"> <thead> <tr> <th style="width: 15%;">Name</th> <th style="width: 15%;">Application</th> <th style="width: 30%;">Violation of NDCC</th> <th style="width: 15%;">Sanction</th> <th style="width: 25%;">Penalty Fee</th> </tr> </thead> <tbody> <tr> <td>Cantwell, Brad</td> <td>LPN Endorsement</td> <td>NDCC 43-12.1-14 (2) (4) NCAC 54-02-07-01.1 (7)(8)</td> <td>Reprimand</td> <td>\$500</td> </tr> <tr> <td>Zinnah, Rebecca</td> <td>LPN Endorsement</td> <td>NDCC 43-12.1-14 (4) NDAC 54-02-07-01.1 (7)(8)</td> <td>Reprimand</td> <td>\$500</td> </tr> <tr> <td>Whittaker, Sebrena</td> <td>RN Endorsement</td> <td>NDCC 43-12.1-14 (4) NDAC 54-02-07-01.1 (7)(8)</td> <td>Reprimand</td> <td>\$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, absent; Mayer, yes; Spilovoy, absent.          7 yes, 0 no, 2 absent. Motion carried.</p>	Name	Application	Violation of NDCC	Sanction	Penalty Fee	Cantwell, Brad	LPN Endorsement	NDCC 43-12.1-14 (2) (4) NCAC 54-02-07-01.1 (7)(8)	Reprimand	\$500	Zinnah, Rebecca	LPN Endorsement	NDCC 43-12.1-14 (4) NDAC 54-02-07-01.1 (7)(8)	Reprimand	\$500	Whittaker, Sebrena	RN Endorsement	NDCC 43-12.1-14 (4) NDAC 54-02-07-01.1 (7)(8)	Reprimand	\$600
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4.7.1 Stipulation for Settlement – Eva Mueller, R39321 & L12565 (lapsed)	<p><i>Discussion:</i> A Stipulation for Settlement was received from Eva Mueller, RN &amp; 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 (3)(4)(5)(6)(8)(10).</p> <p><i>Motion:</i> Johnson, seconded by M. Hammer to:  <b>ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR EVA MUELLER, RN &amp; LPN AND ENTER ITS ORDER TO:</b></p> <ul style="list-style-type: none"> <li>◆ ISSUE A REPRIMAND;</li> <li>◆ ASSESS A \$600 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND</li> <li>◆ OTHER TERMS AS SET OUT IN BOARD ORDER.</li> </ul> <p><i>Roll call vote:</i> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes, Holth, yes; Johnson, yes; Johnston, absent; Mayer, yes; Spilovoy, absent.          7 yes, 0 no, 2 absent. Motion carried.</p>																				

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AGENDA	DISCUSSION & ACTION
4.7.2 Stipulation for Settlement – Katie Fee, R40539	<p><i>Discussion:</i> A Stipulation for Settlement was received from Katie Fee, 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 (5) and NDAC 54-02-07-01.1 (8)(12).</p> <p><i>Motion:</i> M. Hammer, seconded by Buettner to:  <b>ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR KATIE FEE, RN AND ENTER ITS ORDER TO:</b></p> <ul style="list-style-type: none"> <li>◆ <b>SUSPEND THE LICENSE FOR TWO YEARS; HOWEVER, THE SUSPENSION SHALL BE STAYED FOR TWO YEARS DURING WHICH THE LICENSE SHALL BE ENCUMBERED FOR TWO YEARS UNDER THE TERMS SET OUT IN THE BOARD ORDER.</b></li> <li>◆ <b>ASSESS \$600 PENALTY PLUS COSTS AND DISBURSEMENTS; AND</b></li> <li>◆ <b>OTHER TERMS AS SET OUT IN BOARD ORDER.</b></li> </ul> <p><i>Roll call vote:</i> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes, Holth, yes; Johnson, yes; Johnston, absent; Mayer, yes; Spilovoy, absent. 7 yes, 0 no, 2 absent. Motion carried.</p>
4.7.3 Stipulation for Settlement – Vanessa Hernandez, R33228	<p><i>Discussion:</i> A Stipulation for Settlement was received from Vanessa Hernandez, 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 (5) and NDAC 54-02-07-01.1 (19).</p> <p><i>Motion:</i> M. Hammer, seconded by Johnson to:  <b>ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR VANESSA HERNANDEZ, RN, AND ENTER ITS ORDER TO:</b></p> <ul style="list-style-type: none"> <li>◆ <b>ISSUE A REPRIMAND;</b></li> <li>◆ <b>ASSESS AN \$600 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND</b></li> <li>◆ <b>OTHER TERMS AS SET OUT IN BOARD ORDER.</b></li> </ul> <p><i>Roll call vote:</i> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes, Holth, recuse; Johnson, yes; Johnston, absent; Mayer, yes; Spilovoy, absent. 6 yes, 0 no, 1 recuse, 2 absent. Motion carried.</p>
4.7.4 Stipulation for Settlement – Nancy Lee, R30459	<p><i>Discussion:</i> A Stipulation for Settlement was received from Nancy Lee, 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)(3)(5) and NDAC 54-02-07-01.1 (5)(6).</p> <p><i>Motion:</i> Johnson, seconded by J. Hammer to:  <b>ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR NANCY LEE, RN AND ENTER ITS ORDER TO:</b></p> <ul style="list-style-type: none"> <li>◆ <b>ENCUMBER THE LICENSE TO RUN CONCURRENT WITH THE DURATION OF THE MN PROBATION ORDER;</b></li> <li>◆ <b>ASSESS COSTS AND DISBURSEMENTS; AND</b></li> <li>◆ <b>OTHER TERMS AS SET OUT IN BOARD ORDER.</b></li> </ul> <p><i>Roll call vote:</i> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes, Holth, yes; Johnson, yes; Johnston, absent; Mayer, yes; Spilovoy, absent. 7 yes, 0 no, 2 absent. Motion carried.</p>
4.9.1 Jodie Baumann, L15008	<b>NOTICE OF SUSPENSION</b> issued to Jodie Baumann, LPN, Alexandria, MN on October 10, 2017 for violation of board order dated May 18, 2017 for failing to complete a course of study and failure to pay remaining balance of penalty fee. License is automatically suspended until fees are fully paid.
4.9.2 Heidi Foertsch, R31805 & L10985	<b>NOTICE OF EMERGENCY SUSPENSION</b> issued to Heidi Foertsch, RN & LPN, Wyndmere, ND, on October 5, 2017. Respondent's license is <b>SUSPENDED</b> for 5 years or until retracted, modified or superseded by final disciplinary action of the Board of upon agreement between Respondent and the Board.
4.9.3 Laura Brown, L1139	<b>NOTICE OF SUSPENSION</b> issued to Laura Brown, LPN on October 9, 2017 for failure to comply with board order dated January 19, 2017 paragraphs A(2), A(4), A(19) and A(22). License is suspended for an indefinite period of time.
4.10.1 Review of CAC Policy	<p><i>Discussion:</i> The <i>Compliance Advisory Council Policy &amp; Procedure</i> has been reviewed and updated for the board's review and approval. The revisions reflect the change in name from Disciplinary Review Panel to Compliance Advisory Council and the process and guidelines for review of cases and disposition by the council or proposed recommendations to the board.</p> <p><i>Motion:</i> Mayer, seconded by M. Hammer to:  <b>APPROVE THE COMPLIANCE ADVISORY COUNCIL (CAC) POLICY AND PROCEDURE AND CONTINUED DELEGATION OF THE FOLLOWING AUTHORITY TO THE CAC: 1) REVIEW CASE FACTS AND EVIDENCE PROVIDED BY THE PRIMARY CASE INVESTIGATOR; 2) DETERMINATION AS TO WHETHER A VIOLATION OF ND 43-12.1 NURSE PRACTICES ACT OCCURRED; 3) PROPOSE RECOMMENDATIONS TO THE BOARD RELATED TO DISCIPLINARY PROCEEDINGS; AND 4) RESOLVE AND DISPOSITION CASES THAT MEET SELECT CRITERIA.</b></p> <p><i>Roll call vote:</i> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes, Holth, yes; Johnson, yes; Johnston, absent; Mayer, yes; Spilovoy, absent. 7 yes, 0 no, 2 absent. Motion carried.</p>

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AGENDA	DISCUSSION & ACTION
5.1-1 Survey Reports – Rasmussen College A-BSN program Compliance Report	<p><i>Discussion:</i> Dr. Robert Muster, Director of the Rasmussen College Nursing Program of was present for this agenda item. Rasmussen College, School of Nursing, Baccalaureate Degree Nurse Education Programs submitted a compliance report as a required by the board at their July 2017 meeting to address two issues of partial compliance with NDAC 54-03.2-04-02 Faculty Policies and NDAC 54-03.2-05-01 Student Policies noted in the survey for Initial Approval of the program. The board also required a progress report detailing implementation of approved plans and NDBON recommendations addressed in the survey report by November 1, 2017 and March 1, 2018. Staff indicated as evidenced by the compliance report, the two issues of partial compliance are both met, and the progress report demonstrates alignment with approved plans for program implementation.</p> <p><i>Motion:</i> Johnson, seconded by M. Hammer to:</p> <p><b>MOVE THAT THE BOARD:</b></p> <ol style="list-style-type: none"> <li>1. <b>FIND THE COMPLIANCE REPORT SUBMITTED BY THE RASMUSSEN COLLEGE, SCHOOL OF NURSING, BACCALAUREATE DEGREE NURSING EDUCATION PROGRAM NURSE ADMINISTRATOR ADDRESSING THE ISSUES OF PARTIAL COMPLIANCE WITH NDAC 54-03.2 STANDARDS FOR NURSING EDUCATION PROGRAMS: FACULTY POLICIES. AND 54-03.2-05-01. STUDENT POLICIES. MEETS THE STANDARD; AND</b></li> <li>2. <b>FIND THE PROGRESS REPORT SUBMITTED BY THE RASMUSSEN COLLEGE, SCHOOL OF NURSING, BACCALAUREATE DEGREE NURSING EDUCATION PROGRAM NURSE ADMINISTRATOR DEMONSTRATES ALIGNMENT WITH APPROVED PLANS FOR PROGRAM IMPLEMENTATION PROPOSED WITH THE JUNE 2017 NDBON SURVEY; AND</b></li> <li>3. <b>FIND THE RASMUSSEN COLLEGE BACCALAUREATE DEGREE NURSING EDUCATION PROGRAM IN SUBSTANTIAL COMPLIANCE WITH NDAC 54-03.2. STANDARDS FOR NURSING EDUCATION PROGRAMS; AND</b></li> <li>4. <b>CONTINUE INITIAL APPROVAL OF THE RASMUSSEN COLLEGE BACCALAUREATE DEGREE NURSING EDUCATION PROGRAM UNTIL JULY 2018; AND REQUIRE AN ONSITE SURVEY IN JUNE 2018; AND</b></li> <li>5. <b>REQUIRE THE RASMUSSEN COLLEGE BACCALAUREATE DEGREE NURSING EDUCATION PROGRAM NURSE ADMINISTRATOR TO SUBMIT A PROGRESS REPORT DEMONSTRATING CONTINUED IMPLEMENTATION OF APPROVED PLANS TO THE BOARD OFFICE MARCH 1, 2018.</b></li> </ol> <p><i>Roll call vote:</i> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, absent; Mayer, yes; Spilovoy, absent. 7 yes, 0 no, 2 absent. Motion carried.</p>
5.2-1 Programmatic Change Request - NDSU BSN Program Curricular Change	<p><i>Discussion:</i> The North Dakota State University, College of Health Professions, SON, Baccalaureate Program submitted a programmatic change for the board's review and approval. The Nursing Education Committee (NEC) reviewed the proposal to decrease a 5 credit course NUR 352 to 4 credits and add a 1 credit clinical course NUR 382. The proposed revisions would take place January 2018 semester. The NEC reviewed the rationale for the changes.</p> <p><i>Motion from Nursing Education Committee:</i></p> <p><b>THE NURSING EDUCATION COMMITTEE RECOMMENDS THAT THE BOARD APPROVE THE NORTH DAKOTA STATE UNIVERSITY TRADITIONAL BACCALAUREATE 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 <u>NDAC 54-03.2-06-02. PROGRAMMATIC CHANGES.</u></b></p> <p><i>Roll call vote:</i> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, recuse, Holth, yes; Johnson, yes; Johnston, absent; Mayer, yes; Spilovoy, absent. 6 yes, 0 no, 1 recuse, 2 absent. Motion carried.</p>
5.2-1 Programmatic Change Notification - NDSU School of Nursing Change in Program Administration,	NDSU School of Nursing submitted notification of change in Program Administrator. Wendy Kopp, Associate Professor of Practice and Interim Director has been appointed as the Director of NDSU Nursing at Sanford Health.
5.2-2 Programmatic Change Notification – University of Mary Division of Nursing – Change in Delivery Format	The University of Mary, Division of Nursing, Traditional Baccalaureate Program submitted notification of a programmatic change for the board's review. The program will implement the addition of an accelerated second-degree BSN program. The program will be the same as the traditional on-campus BSN Program, compressed into a twelve-month time period. Program enrollment will be limited to 16 students, with 11 accepted to begin the program in January 2018.
5.4-1 Update regarding the NDBON Petition for Renewal DOE Recognition	The Petition for Renewal of DOE Recognition for the ND Board of Nursing is progressing, and the surveyor's report has been received with five areas identified for additional review and information. The board office has submitted or provided guidance for those items and is currently awaiting a response. The DOE will meet in February to review the board's approval status, and Buchholz and possibly Pfenning will attend the meeting.

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5.4-2 NEL Refresher Course Application	<p><i>Discussion:</i> An application for a Nursing Education Loan has been received from Jacquelyn Seaver for funding to assist with the cost of the refresher course. The NEC Committee reviewed the application and agreed to award \$500.00.</p> <p><i>Motion from Nursing Education Committee:</i>  <b>THE NURSING EDUCATION COMMITTEE RECOMMENDS THAT THE BOARD GRANT J.S. A NURSING EDUCATION LOAN IN THE AMOUNT OF \$500 PENDING ACCEPTANCE INTO A BOARD APPROVED LICENSED PRACTICAL NURSE REFRESHER COURSE, AND RECEIPT OF REQUIRED NURSING EDUCATION LOAN DOCUMENTATION ACCORDING TO NDAC 54-04.1 NURSING EDUCATION LOANS.</b></p> <p><i>Roll call vote:</i> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, absent; Mayer, yes; Spilovoy, absent. 7 yes, 0 no, 2 absent. Motion carried.</p>
7.1-1 Medi Spa Practice Inquiry	<p><i>Discussion:</i> Directors have recently received several correspondences related to the scope of practice for registered nurses (RN) working in Medi (medical) spas. Directors are in the process of reviewing a scope of practice decision-making framework which was formally completed and submitted to the board office by a concerned citizen. The board considered the following queries: level of training/certification of RNs performing the injections; use of protocols; the prescribing, dosing, ordering, and dispensing of the pharmaceuticals in the spas; the practitioner/prescriber supervision; oversight of the Medi Spa facilities in the state. Directors described discussions with several state Boards regarding public safety concerns related to RN's role in medical spas and aesthetic-related procedures and/or injections. Directors reported variations in rules and practice statements among states in respects to medical directors/prescriber supervision during the RN performance of these treatments. The board reviewed practice statements from SD Board of Nursing, as well as the board's current practice statement "Aesthetic Cosmetic and Dermatological Procedures by Licensed Nurses". The board instructed directors to add the discussion to the upcoming ND Tri-Regulator Council meeting, as this is may be a pharmacy and medical concern as well. The board requested directors further review the board's current practice statement. Directors to provide update to the Board in January.</p>
7.1-2 Practice Statement: Role of RN in Management/Obstetric Patients	<p><i>Discussion:</i> The board reviewed the current practice statement "Role of RN in the Management of Analgesia by Catheter Techniques for Obstetrical Patients" and it was indicated that this practice statement mirrors a statement made by the professional organization. Directors have suggested retiring the statement and refer to the national professional organization's statement. Board members recommended tabling the statement until January for review and possible combining two current statement "Role of RN in Management of Analgesic by Catheter Techniques for Non-Obstetrical Clients" &amp; "Role of RN in the Management of Analgesia by Catheter Techniques for Obstetrical Patients".</p>
7.2-1 Top Prescriber Report – PDMP	<p>As part of the Governor's meeting in September on the Opioid Epidemic, it was requested that the Prescription Drug Monitoring Program (PDMP) distribute a list of the top prescribers for each board. Names were redacted from the list, and it is suggested the lists be used as a tool to point out where the boards can improve in reducing the number of opioids prescribed. T</p>
7.2-2 Medication-Assisted Treatment from AANP, ASAM, AAPA	<p>In July 2016 the Comprehensive Addiction and Recovery Act (CARA) was signed into law. One major provision of CARA is the authorization of prescribing privileges to NPs and PAs for FDA approved opioid treatment medications containing buprenorphine, a Schedule III controlled substance. Under CARA, NPs and PAs must complete 24 hours of training to be eligible for a waiver to prescribe and must be supervised by or work in collaboration with a qualifying physician (defined under Federal law as a physician that is an addiction specialist or has taken the appropriate training), <i>if supervision or collaboration is required by state law</i>. ASAM collaborated with the AANP and the AAPA to help develop the curriculum and the training to meet this training requirement. It is discussed that NPs in family practice would not be presented with this issue but should be addressed through human service centers. The group's request that state boards distribute this information to NPs throughout the state.</p>
7.2-3 VA & APRN Ruling	<p>The board reviewed the final rule published in December 2016, in which the Dept. of Veterans Affairs (VA) authorized granting full practice authority to advanced practice registered nurses (APRN) when they are acting within the scope of their VA Employment as CNP, CNS, or CNM.</p>
7.2-4 NDANA Interpretive Statement for Dry Needling (1:00 p.m.)	<p><i>Discussion:</i> Buettner indicated he would recuse himself from voting on this agenda item. On behalf of the ND Association of Nurse Anesthetists (NDANA), Buettner and Paula Schmalz presented results of research on the topic of dry needling interventions and the role of the Certified Registered Nurse Anesthetist (CRNA). The purpose of the research was to address the following: 1) do existing graduate entry-level nurse anesthesia educational programs include the didactic content and practicum experiences necessary for safe practice utilizing dry needling as an intervention for chronic pain management? 2) for the CRNA that desires to utilize dry needling as an intervention for chronic pain management, what additional education (didactic and practicum) would be necessary? The board reviewed and discussed the research findings and approved "NDANA Interpretive Statement for Dry Needling by CRNAs in North Dakota".</p> <p><i>Motion:</i> Johnson, seconded by M. Hammer to:  <b>SUPPORT THE ND ASSOCIATION OF NURSE ANESTHETIST POSITION STATEMENT ON CRNA SCOPE OF PRACTICE AND DRY NEEDLING.</b></p> <p><i>Roll call vote:</i> Buettner, recuse; Christianson, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, absent; Mayer, yes; Spilovoy, absent. 6 yes, 0 no, 1 recuse, 2 absent. Motion carried.</p>
AGENDA	DISCUSSION & ACTION
7.3-1 Rule Making in process for implementation of eNLC – 1/19/2018	<p>Pfenning discussed the implementation progress of the eNLC Implementation on January 19, 2018 and the Rule Promulgation timeline. Board staff had input on a letter sent to all licensed nurses from NCSBN, and the letter for ND nurses was sent in the past weeks. The administrative rules have been prepared and are currently open for public comment. A 2<sup>nd</sup> phase of rulemaking is being drafted and will be ready by March 2018. Board staff are preparing for implementation.</p>

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7.4-1 Active Supervision Interim Study – Administrative Rules Committee – Recent Governor’s Office Survey	The ND Legislative Administrative Rules Committee (ARC) is reviewing and considering policy in response to the antitrust issues raised in <i>North Carolina Board of Dental Examiners v Federal Trade Commission</i> . Directors plan to attend open ARC meetings during the interim and provide information as needed. The ND Tri-Regulator Collaborative has the interim work by ARC on agenda to discuss in November.
9.1 Nursing Education Committee	Met November 15, 2017
9.1-1 NEC Reappointment of two external members for additional two-year term	<i>Discussion:</i> Two current external members on the Nursing Education Committee have agreed to serve an additional two-year term. <i>Motion:</i> Johnson, seconded by Buettner to: <b>APPROVE THE REAPPOINTMENT OF SARA BERGER AND JANET JOHNSON AS EXTERNAL MEMBERS FOR NURSING EDUCATION COMMITTEE FOR AN ADDITIONAL TWO-YEAR TERM THROUGH SEPTEMBER 2019.</b> <i>Roll call vote:</i> Buettner, recuse; Christianson, yes; J. Hammer, yes; M. Hammer, yes, Holth, yes; Johnson, yes; Johnston, absent; Mayer, yes; Spilovoy, absent. 6 yes, 0 no, 1 recuse, 2 absent. Motion carried.
9.2 Finance Committee	April 26, 2018
9.3 Executive Committee	May 17, 2018.
9.4-1 Prescription Drug Monitoring Committee	Christianson will attend meeting in December.
9.4-2.1 ND Center for Nursing Board of Directors – Regulation Day	<i>Discussion:</i> The ND Center for Nursing is planning a nurse regulation day in spring of 2018. Board Directors will offer the approved CE presentations throughout the conference for attendees. It is requested the board offer staff presentations at no cost to NDCFN. <i>Motion:</i> Johnson, seconded by Buettner to: <b>APPROVE PARTICIPATION OF NDBON DIRECTORS IN THE CFN NURSE REGULATION DAY TO BE SCHEDULED IN 2018 AND WAIVE \$300 CE PRESENTATION FEE.</b> <i>Roll call vote:</i> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes, Holth, yes; Johnson, yes; Johnston, absent; Mayer, yes; Spilovoy, absent. 7 yes, 0 no, 2 absent. Motion carried.
9.4-2.2 NDCFN Conference Planning 2018	Conference Planning Committee is working on 2018 regulation day.
9.4-2.3 NDCFN Nurses Day at Legislature	ND Center for Nursing is seeking committee members for 2019 Nurses Day at the Legislature.
9.4-3 Reducing Pharmaceutical Narcotics in our Community	October 2017 meeting.
9.4-4 ND Tri-Regulator Collaborative	<i>Discussion:</i> The board reviewed an update on collective efforts by ND Dept. of Health, ND Dept. of Human Services and regulatory boards to address the opioid epidemic in ND. The Tri-Regulator Collaborative (boards of medicine, pharmacy and nursing) will be meeting with plans to develop a position statement on pain management and opioid addiction. Board members support this effort. <i>Motion:</i> Johnson, seconded by J. Hammer that: <b>IN RESPONSE TO GOVERNOR BURGUM’S REQUEST FOR REGULATORY ACTION, I MOVE THAT THE BOARD DIRECTS THE EXECUTIVE DIRECTOR TO PARTICIPATE IN THE DEVELOPMENT OF A ND TRI-REGULATOR COLLABORATIVE JOINT STATEMENT ADDRESSING OPIOID STATE OF EMERGENCY TO BE PRESENTED TO THE BOARD FOR CONSIDERATION.</b> <i>Roll call vote:</i> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes, Holth, yes; Johnson, yes; Johnston, absent; Mayer, yes; Spilovoy, absent. 7 yes, 0 no, 2 absent. Motion carried.
9.4-5 Envision 2030 Health Care Advisory Committee	Envision 2030 is a Health Care Advisory committee through ND University System working to incorporate recommendations of the Governor’s Nursing Shortage.
9.4-6 Governor’s Nursing Shortage Planning Team	Presentations have been held throughout the state requesting feedback on the findings and recommendations of the Governor’s Nursing Shortage Planning Team. The group will begin working developing action plans to implement the recommendations.
9.4-7 Senator Heitkamp – Health Care Advisory Group – Buettner attended	Buettner indicated there have been no additional meetings.

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AGENDA	DISCUSSION & ACTION
9.4-8 ND Telehealth Domain Workgroup – Pfenning attended	No further meetings.
9.4-9 Governor's State of Emergency: Opioid and Prescribers	<p>Pfenning provided a summary of meetings regarding the Opioid State of Emergency and Regulatory Agencies meetings. Action Plan discussions provided to the board include:</p> <ul style="list-style-type: none"> <li>• ND Tri-Regulatory Collaborative to develop joint position statement related to opioid prescribing for licensed prescribers in ND – November 28.</li> <li>• ND Medical Association resolution</li> <li>• ND Board of Dental Examiners and Dental Association resolution</li> <li>• Prescription Drug Monitoring list of top prescribers to boards</li> <li>• Education theme</li> </ul>
10.1 Staff Reports	<ul style="list-style-type: none"> <li>• Board administrative staff are preparing for Administrative Services Coord. upcoming retirement with review and redesigning of job descriptions.</li> <li>• Staff are reviewing the possible use of IVN for delivering the January board meeting to interested nursing programs throughout the state.</li> <li>• Dr. Stacey Pfenning received the 2018 AANP Advocate State Award for Excellence</li> <li>• Acknowledgement to Patricia Hill for picking up extra work while Hansen was on four-week leave.</li> <li>• Directors are in the planning stages of using consultants for investigations to assist with compliance division workload</li> </ul>
11.1 Email related to Kathleen Bartholomew presentation	The board discussed a presentation offered by Kathleen Bartholomew on creating health relationships/communications. The possibility of having her speak at the next board retreat was discussed, as well as the possibility of offering the presentation to the general public.
12.1 Staff Presentations	<p>NDHA Convention – NDONE October 4, 2017 – Emerging Trends in Nursing Regulation            Fargo VA – December 7, 2017 – Safe Nursing Practice 1: Scope &amp; Delegation</p>
12.2 Reports: NDNA	Saturday October 7, 2017 in Bismarck

### CONSENT AGENDA:

8.1 NCSBN
8.2 Office Management
8.3 Nursing Practice
8.3-1 Prescriber – Pharmacy Collaborative Agreements Ratification
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 – 3 <sup>rd</sup> Quarter 2017
8.6-2 NCLEX-PN Quarterly Reports – 3 <sup>rd</sup> 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 Programs and Students - Fall 2017 Updates
8.8-3 Faculty Development Program – Fall updates due October 2 <sup>nd</sup>

The meeting recessed from 12:10 p.m. to 1:00 p.m. and adjourned at 3:40 p.m. on November 16, 2017.



Stacey Pfenning, DNP, APRN, RN  
Executive Director

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