

North Dakota Board of Nursing Meeting Minutes – June 24, 2019

Call to Order: June 24, 2019 at 11:00 a.m. – NDBON Board Conference Room – 919 S 7th Street, Suite 504, Bismarck, ND

Roll Call: Six members present as follows:

Jane Christianson, RN Member, President	Mary Beth Johnson, RN Member
Michael Hammer, RN Member, Vice-President	Bonny Mayer, LPN Member
Kevin Buettner, APRN Member	Janelle Holth, RN Member

Via Web-Meeting: Two members present as follows: Jamie Hammer, RN Member, Treasurer , Wendi Johnston, LPN Member

Staff Present:

Stacey Pfenning, APRN, Executive Director	Melissa Hanson, RN, Associate Director for Compliance
Chris Becker, Accounting/Licensure Specialist	Tammy Buchholz, RN, Associate Director for Education
	Maureen Bentz, Associate Director for Practice

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

AGENDA ITEM	DISCUSSION & ACTION
<p>2.0 Approval of Minutes – April 25, 2019 Meeting</p>	<p><i>Discussion:</i> The minutes of the April 25, 2019 meeting were reviewed. Amended changes were identified and approved on Agenda Items 1.3, 5.4.2 and 5.4.3 Discussions</p> <p>AMEND ITEM 1.3 PUBLIC FORUM 9:00-9:15 AM DISCUSSION TO INCLUDE FULL NAME DESCRIPTIONS</p> <p>The following 3 Individuals addressed the Board for open forum and presented character testimony for Maxi Adams, RN, investigative case (item 5.4.2): Rod Jackson, Step Father, Phoenix AZ (SR Principal Advisor & Consultant Cyber Risk @ Infosys); Marc Mellmer, VP -JE Dunn Construction, Dickinson ND (involved in the startup operations with Again Skin); Mubashir Badar , MD, Sanford, Bismarck, ND (known Maxi Adams for 5 years and worked with her at Vibra</p> <p>AMEND ITEM 5.4-2 AND 5.4-3 INVESTIGATIVE CASE PRESENTATION WITHIN THE DISCUSSION TO INCLUDE AGREED UPON VIOLATIONS OF NDCC AND NDAC; AND STATEMENT BY LICENSEES THAT ILLEGAL PRACTICE HAS BEEN DISCONTINUED.</p> <p><u>5.4.2 Investigative Case Presentation- Maxi Adams RN R35121</u></p> <p><i>Discussion:</i> Brian Bergeson, SAAG, was present for an investigative case presentation concerning Maxi Adams, RN. Ms. Adams was present for the presentation and was represented by legal counsel. A potential violation report was previously filed against Ms. Adams asserting violations of the Nurse Practice Act. After investigation of the potential violation report, both parties were unable to agree on a mutual settlement. The facts in the case against Ms. Adams and the allegations of the complaint duly reflected violations of NDCC 43-12.1-14 (3), NDAC 54-02-07-01.1 (6) and NDAC 54-05-03.1-03.2(1c). Ms. Adams and the Compliance Advisory Council ("Council") agreed that the Board could determine whether the conduct warranted discipline. For purposes of the investigative case presentation and the Board's consideration, a Stipulation for Settlement and Letter of Concern that each reflected the NDCC and NDAC violations determined by the Council and formerly agreed upon by Ms. Adams and the Council were available for Board member review. Board staff, Mr. Bergeson, Ms. Adams, and Ms. Adams' legal counsel provided information and answered questions during the case presentation. Ms. Adams provided reassurance that the illegal practice has been discontinued and she is no longer working in aesthetics.</p> <p><u>5.4.3 Investigative Case Presentation Amy Shimek, APRN R30877</u></p> <p><i>Discussion:</i> Brian Bergeson, SAAG, was present for an investigative case presentation concerning Amy Shimek, APRN. Ms. Shimek was present for the presentation and was represented by legal counsel. A potential violation report was previously filed against Ms. Shimek asserting violations of the Nurse Practice Act. After investigation of the potential violation report, both parties were unable to agree on a mutual settlement. The facts in the case against Amy Shimek and the allegations of the complaint duly reflected violations of NDCC 43-12.1-14 (3), NDAC 54-02-07-01.1 (3)(6), 54-05-03.1-03.1(1)(2) and 54-05-03.1-03.2(1a)(1b)(1c)(1j). Ms. Shimek and the Compliance Advisory Council ("Council") agreed that the Board could determine whether the conduct warranted discipline. For purposes of the investigative case presentation and the Board's consideration, a Stipulation for Settlement and Letter of Concern that each reflected the NDCC and NDAC violations determined by the Council and formerly agreed upon by Ms. Shimek and the Council were available for Board member review. Board staff, Mr. Bergeson, Ms. Shimek, and Ms. Shimek's legal counsel provided information and answered questions during the case presentation. Ms. Shimek provided reassurance that the illegal practice has been discontinued and she is no longer working in aesthetics.</p> <p><i>Motion:</i> Buettner seconded by J. Holth to: MOVE THE BOARD APPROVE THE MINUTES OF THE APRIL 25, 2019 MEETING AS AMENDED.</p> <p><i>Roll Call Vote:</i> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes; Johnson, yes; Johnston, yes; Mayer, yes; Holth, yes; 8 yes. 0 no, Motion carried.</p>

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AGENDA ITEM	DISCUSSION & ACTION
3.0 Board Member Appointment, Terms and Composition	<i>Discussion:</i> Andrew Askew, NDBON SAAG, was present to provide an overview of Board Member appointments, terms, and composition; and provided legal guidance to the Board. The Board reviewed the Governor's May 15, 2019 appointment of Ms. Maxi Adams (R35121) of Grand Forks. The appointment replaced Michael Hammer, NDBON Vice President and RN member, who submitted for a 2 nd term, as his 1 st term is due to expire June 30, 2019. Concerns discussed included the following: 1) unanticipated loss of Board Vice President and succession plan; 2) loss of a representative of Long-Term Care and rural and critical access facilities in ND; 3) overrepresentation of one healthcare facility in Grand Forks; 4) April 25 th investigation case presentation. The Board reviewed letters from stakeholders expressing support for Board composition diversity and support of reappointment of Michael Hammer for a 2 nd term. The Board expressed appreciation for Michael's service and commitment for his term ending June 30, 2019.
	<i>Motion:</i> M. Johnson seconded by J. Hammer to: MOVE THE BOARD RECOMMEND THAT THE GOVERNOR WITHDRAW OR RESCIND THE APPOINTMENT OF REGISTERED NURSE LICENSE #R35121 PRIOR TO THE EFFECTIVE DATE OF JULY 1, 2019 PURSUANT TO NDCC 43-12.1-06.
	<i>Roll Call Vote:</i> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, recuse; Johnson, yes; Johnston, yes; Mayer, yes; Holth yes; 7 yes. 0 no, 1 recuse. Motion carried.
	<i>Motion:</i> M. Johnson seconded by Buettner to: MOVE THE BOARD REQUEST THE GOVERNOR'S RECONSIDERATION OF A RE-APPOINTMENT OF MICHAEL HAMMER RN MEMBER AND BOARD OF NURSING VICE PRESIDENT FOR A SECOND 4-YEAR TERM EFFECTIVE JULY 1, 2019.
	<i>Roll Call Vote:</i> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, recuse; Johnson, yes; Johnston, yes; Mayer, yes; Holth, yes; 7 yes. 0 no, 1 recuse. Motion carried.
4.0 Proceedings for Informal and Formal Resolution and Disposition	<i>Discussion:</i> Brian Bergeson, NDBON SAAG, provided overview and debriefing session related to the two investigative case presentations held April 25, 2019. Mr. Bergeson addressed questions and concerns of the Board. The Board reviewed the current Potential Violation Policy and Procedure. The Board provided direction to staff and SAAG to include expanded process for informal and formal proceedings.
	<i>Motion:</i> Buettner seconded by M. Hammer to: The Board directs staff and SAAG to revise the current Potential Violation Policy and Procedure to include detail related to informal and formal resolution and disposition by the board and address criteria for ALJ proceedings.
	<i>Roll Call Vote:</i> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes; Johnson, yes; Johnston, yes; Mayer, yes; Holth, yes; 8 yes. 0 no. Motion carried.
Adjourn Meeting	<i>Discussion:</i> Adjourn special meeting.
	<i>Motion:</i> M. Johnson seconded by Buettner to: Board Adjourned June 24, 2019 meeting.
	<i>Roll Call Vote:</i> Buettner, yes; Christianson, yes; J. Hammer, yes; M. Hammer, yes; Johnson, yes; Johnston, yes; Mayer, yes; Holth yes; 8 yes. 0 no. Motion carried.

The meeting recessed from 11:54 p.m. to 12:15 p.m. and adjourned at 1:15 p.m. on June 24, 2019.



Stacey Pfenning, DNP, APRN, FNP, FAANP
Executive Director
Approved by NDBON 07/18/2019