

North Dakota Board of Nursing Meeting Minutes – April 23, 2020

Call to Order: April 23, 2020 at 8:30 a.m. – NDBON Board Conference Room – Video Conference and 919 S 7th Street, Suite 504, Bismarck, ND
Roll Call: **Quorum declared with 7 members present (8 members present after 8:40 a.m.):**

Jane Christianson, RN Member, President
Michael Hammer, RN Member, Vice President
Kevin Buettner, APRN Member, Treasurer
Cheryl Froelich, Public Member

Julie Dragseth, LPN Member (08:40am arrival)
Mary Beth Johnson, RN Member
Janelle Holth, RN Member
Wendi Johnston, LPN Member

Absent: Jamie Hammer, RN Member

Staff Present:

Stacey Pfenning, APRN, Executive Director
Tammy Buchholz, RN, Associate Director for Education
Maureen Bentz, RN, Associate Director for Practice
SAAG: *Brian Bergeson and Nicholas Simonson available for select agenda items.*

Melissa Hanson, RN, Associate Director for Compliance
Michael Frovarp, Accounting/Licensure Specialist
Corrie Lund, RN, Compliance Investigator

Other individuals were present for all or portions of the meeting via webinar: Patricia Moulton, Tessa Johnson, Adam Johnston, Sherri Miller, BSC Nursing Students, Carla Gross, Deb Smith, Jeanna Degelder, Dawn Tweten, Amber Teal.

Agenda Item	Discussion	Motion	Roll Call Vote
1.1 Consent Agenda	The consent agenda was reviewed and discussed with no items identified for discussion.	Johnson motioned; Buettner seconded to: Adopt the consent agenda as presented.	Buettner, yes; Christianson, yes; Dragseth, absent; Froelich, yes; J. Hammer, absent; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 7 Yes, 0 No, 2 absent. Motion carried
1.2 Agenda	The agenda was reviewed with no amendments.	M. Hammer motioned; Johnston seconded to: Approve the agenda as distributed.	Buettner, yes; Christianson, yes; Dragseth, absent; Froelich, yes; J. Hammer, absent; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 7 Yes, 0 No, 2 absent. Motion carried
1.3 Public Forum 9:00am-9:15am	No public forum requests or presentations.		
2.1 Minutes-Special Meet March 23, 2020	The March 23, 2020 Special Meeting minutes were reviewed. No corrections identified.	K Buettner motioned; J Holth seconded to: Approve the minutes of the March 23, 2020 Special Meeting as distributed.	Buettner, yes; Christianson, yes; Dragseth, absent; Froelich, yes; J. Hammer, absent; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 7 Yes, 0 No, 2 absent. Motion carried
4.1 Financial Statements	Deferred to 9.0 Budget 2020-2021.		

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<p>5.1 Executive Session</p>	<p>Agenda item 5.1.1, 5.1.2, and 5.1.3 include personal health information which requires an executive session. The executive session began at 11:30 am and was attended by Board Members as indicated on roll call attendance, Board staff (Pfenning, Hanson, Bentz, and Frovarp), and the licensees (individually for an assigned time period during their respective agenda item discussion). Executive session was adjourned at 12:00 pm.</p>	<p>Dragseth motioned; M Hammer seconded to:</p> <p>Hold an Executive Session to consider the following according to the NDCC 44-04-18.1:</p> <ul style="list-style-type: none"> • Agenda item 5.1.1 Dawn Tweten • Agenda item 5.1.2 Jeanna Degelder • Agenda Item 5.1.3 Amber Teal 	<p>Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, absent; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 8 Yes, 0 No, 1 absent. Motion carried</p>
<p>5.1.1 Request for Reinstatement: Dawn Tweten, RN R23718</p>	<p>The board convened in open meeting to consider Dawn Tweten's request for reinstatement. The board then entered an Executive Session, according to NDCC Section 44-04-18.1, to discuss any closed, confidential, or exempt information. Ms. Tweten presented virtually. The Compliance Advisory Council (CAC) recommendation of reinstatement to a three-year encumbrance was reviewed. The board reconvened in open meeting for discussion and voting.</p>	<p>M Hammer motioned; Dragseth seconded to:</p> <p>Grant reinstatement of Dawn Tweten's RN license to encumbered status for three (3) years with terms and conditions of the encumbrance as established by the Board and as set out in the Board Order as she has fulfilled all the requirements for reinstatement.</p>	<p>Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, absent; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 8 Yes, 0 No, 1 absent. Motion carried</p>
<p>5.1.2 Request for Reinstatement: Jeanna Degelder, RN R28344</p>	<p>The board convened in open meeting to consider Jeanna Degelder's request for reinstatement. The board then entered an Executive Session, according to NDCC Section 44-04-18.1, to discuss any closed, confidential, or exempt information. Ms. Degelder presented virtually. The Compliance Advisory Council (CAC) recommendation of reinstatement to a two-year encumbrance was reviewed. The board reconvened in open meeting for discussion and voting.</p>	<p>Johnston motioned; M Hammer seconded to:</p> <p>Grant reinstatement of Jeanna Degelder's RN license to encumbered status for two (2) years with terms and conditions of the encumbrance as established by the Board and as set out in the Board Order as she has fulfilled all the requirements for reinstatement.</p>	<p>Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, absent; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 8 Yes, 0 No, 1 absent. Motion carried</p>
<p>5.1.3 Request for Reinstatement: Amber Teal, RN R44386</p>	<p>The board convened in open meeting to consider Amber Teal's request for reinstatement. The board then entered an Executive Session, according to NDCC Section 44-04-18.1, to discuss any closed, confidential, or exempt information. Ms. Teal presented virtually. The Compliance Advisory Council (CAC) recommendation of reinstatement to a two-year encumbrance was reviewed. The board reconvened in open meeting for discussion and voting.</p>	<p>M Hammer motioned; Johnson seconded to:</p> <p>Grant reinstatement of Amber Teal's RN license to encumbered status for two (2) years with terms and conditions of the encumbrance as established by the Board and as set out in the Board Order as she has fulfilled all the requirements for reinstatement.</p>	<p>Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, absent; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 8 Yes, 0 No, 1 absent. Motion carried</p>
<p>5.2.1</p>	<p>Kimberly Borowicz was issued an Order for Reissuance of License on March 20, 2020, in which</p>	<p>M Hammer motioned; Holth seconded to:</p>	<p>Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J.</p>

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<p>Request for Reissuance:</p> <p>Kimberly Borowicz, RN R29961</p>	<p>her RN License was reissued to full licensure status. The board reviewed the Order for Reinstatement of License dated September 28, 2018, Ms. Borowicz's compliance with this Order, and discussed the Compliance Advisory Council recommendation to reissue the license to unrestricted and full licensure status, as per report by board staff, she has completed the terms and conditions of the Order for Reinstatement of License dated September 28, 2018.</p>	<p>Ratify the Order for Reissuance of Kimberly Borowicz's RN license, dated March 20, 2020, to unrestricted practice and full licensure status, as she has complied with the terms and conditions of the Order for Reinstatement of License dated September 28, 2017.</p>	<p>Hammer, absent; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 8 Yes, 0 No, 1 absent. Motion carried</p>
<p>5.2.2 Request for Reissuance:</p> <p>Charlotte Reilly, LPN L15555</p>	<p>Charlotte Reilly was issued an Order for Reissuance of License on March 26, 2020, in which her LPN License was reissued to full licensure status. The board reviewed the Stipulation for Settlement dated April 25, 2019, Ms. Reilly's compliance with this stipulation, and discussed the Compliance Advisory Council recommendation to reissue the license to unrestricted and full licensure status, as per report by board staff, she has completed the terms and conditions of the Stipulation for Settlement dated April 25, 2019.</p>	<p>Holth motioned; Johnston seconded to:</p> <p>Ratify the Order for Reissuance of Charlotte Reilly's LPN license, dated March 26, 2020, to unrestricted practice and full licensure status, as she has complied with the terms and conditions of the Stipulation for Settlement dated April 25, 2019.</p>	<p>Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, absent; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 8 Yes, 0 No, 1 absent. Motion carried</p>
<p>5.5.1 Surrender:</p> <p>Katie Bussard, RN & LPN R43405 L13286 (lapsed)</p>	<p>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>Johnson motioned; M Hammer seconded to:</p> <p>Approve and accept the terms of the proposed surrender as a final order of the Board for Katie Bussard, R43405 & L13286 (lapsed), Fargo, ND, with a \$3200 penalty fee.</p>	<p>Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, absent; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 8 Yes, 0 No, 1 absent. Motion carried</p>
<p>5.6.1 Stipulation for Settlement-Falsification of Application:</p> <p>Kelly Maxwell, RN Endorsement Applicant</p>	<p>A Stipulation for Settlement was received from Kelly Maxwell, RN Endorsement Applicant, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (4) and NDAC 54-02-07-01.1 (7)(8).</p>	<p>M Hammer motioned; Johnston seconded to:</p> <p>Accept the terms of the proposed Stipulation for Settlement for Kelly Maxwell, RN Endorsement Applicant, and enter its order to:</p> <ul style="list-style-type: none"> • Issue a Reprimand; • Assess a \$600 penalty plus costs and disbursements; and • Other terms as set out in the Board order. 	<p>Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, absent; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 8 Yes, 0 No, 1 absent. Motion carried</p>
<p>5.7.1 Stipulation for Settlement:</p>	<p>A Stipulation for Settlement was received from Emily Goerndt, LPN, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for</p>	<p>Froelich motioned; Buettner seconded to:</p>	<p>Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, absent; M. Hammer,</p>

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Emily Goerndt, LPN L11646	Settlement for violation of NDCC 43-12.1-14 (3) and NDAC 54-02-07-01.1 (6)(8).	<p>Accept the terms of the proposed Stipulation for Settlement for Emily Goerndt, LPN, and enter its order to:</p> <ul style="list-style-type: none"> • Issue a Reprimand; • Assess a \$500 penalty plus costs and disbursements; and • Other terms as set out in the Board order. 	yes; Holth, yes; Johnson, yes; Johnston, yes. 8 Yes, 0 No, 1 absent. Motion carried
5.7.2 Stipulation for Settlement: Molly Hilzendeger, RN R39086	A Stipulation for Settlement was received from Molly Hizendeger, 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)(10).	<p>Johnson motioned; Dragseth seconded to:</p> <p>Accept the terms of the proposed Stipulation for Settlement for Molly Hizendeger, RN, and enter its order to:</p> <ul style="list-style-type: none"> • Issue an Indefinite Suspension; • Assess a \$1600 penalty plus costs and disbursements; and • Other terms as set out in the Board order. 	Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, absent; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 8 Yes, 0 No, 1 absent. Motion carried
5.7.3 Stipulation for Settlement: Jennifer Jandt, LPN L14248	A Stipulation for Settlement was received from Jennifer Jandt, 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)(10).	<p>Buettner motioned; Froelich seconded to:</p> <p>Accept the terms of the proposed Stipulation for Settlement for Jennifer Jandt, LPN, and enter its order to:</p> <ul style="list-style-type: none"> • Encumber her license for 18 months; • Assess a \$1000 penalty plus costs and disbursements; and • Other terms as set out in the Board order. 	Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, absent; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 8 Yes, 0 No, 1 absent. Motion carried
5.7.4 Stipulation for Settlement: Michelle Gordon, RN R25962	A Stipulation for Settlement was received from Michelle Gordon, RN, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (3) and NDAC 54-02-07-01.1 (5)(6)(7)(12).	<p>Johnston motioned; Holth seconded to:</p> <p>Accept the terms of the proposed Stipulation for Settlement for Michelle Gordon, RN, and enter its order to:</p> <ul style="list-style-type: none"> • Encumber the license for 1 year once cleared for duty and she agrees not to practice until proof of clearance is submitted to the Board; • Assess a \$600 penalty plus costs and disbursements; and • Other terms as set out in the Board order. 	Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, absent; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 8 Yes, 0 No, 1 absent. Motion carried

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<p>5.7.5 Stipulation for Settlement:</p> <p>Justin Winters, RN and LPN R44381 L14150</p>	<p>A Stipulation for Settlement was received from Justin Winters, RN and 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>Holth motioned; M Hammer seconded to:</p> <p>Accept the terms of the proposed Stipulation for Settlement for Justin Winters, RN and LPN, and enter its order to:</p> <ul style="list-style-type: none"> • Issue a Reprimand; • Assess a \$1200 penalty plus costs and disbursements; and • Other terms as set out in the Board order. 	<p>Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, absent; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 8 Yes, 0 No, 1 absent. Motion carried</p>
<p>5.7.6 Stipulation for Settlement:</p> <p>Ashley Volk, RN and LPN R43700 L15265</p>	<p>A Stipulation for Settlement was received from Ashley Volk, RN and 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>M Hammer motioned; Holth seconded to:</p> <p>Accept the terms of the proposed stipulation for settlement for Ashley Volk, RN and LPN, and enter its order to:</p> <ul style="list-style-type: none"> • Issue a Reprimand; • Assess \$1200 penalty plus costs and disbursements; and • Other terms as set out in Board order. 	<p>Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, absent; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, recused. 7 Yes, 0 No, 1 absent, 1 recused Motion carried</p>
<p>5.7.7 Stipulation for Settlement:</p> <p>Melissa Knecht-Savey, APRN, RN, and LPN R32949 L10893</p>	<p>A Stipulation for Settlement was received from Melissa Knecht-Savey, APRN, RN, and 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), NDAC 54-02-07-01.1 (6)(7)(8), and NDAC 54-05-3.1-10 (4)(7).</p>	<p>Buettner motioned; Dragseth seconded to:</p> <p>Accept the terms of the proposed stipulation for settlement for Melissa Knecht-Savey, APRN, RN, and LPN, and enter its order to:</p> <ul style="list-style-type: none"> • Issue a Reprimand- with monitoring of prescriptive authority for 1 year • Assess \$700 penalty plus costs and disbursements; and • Other terms as set out in Board order. 	<p>Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, absent; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 8 Yes, 0 No, 1 absent. Motion carried</p>
<p>5.9.1 Emergency Actions- No Board Action required:</p> <p>Amy Stepp, RN R44322</p>	<p>NOTICE OF SUSPENSION: issued on February 11, 2020 for failure to comply with board order dated April 5, 2018. License suspended for a period of two years.</p>		

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<p>5.9.2 Emergency Actions- No Board Action required:</p> <p>Courtney Schall, RN R40699</p>	<p>NOTICE OF SUSPENSION: issued on February 18, 2020 for failure to comply with board order dated October 25, 2018. License suspended for a period of two years.</p>		
<p>5.9.3 Emergency Actions- No Board Action required:</p> <p>Sarah Jasmer, RN R35894</p>	<p>ORDER OF EMERGENCY SUSPENSION: issued on February 20, 2020 Respondent's license is SUSPENDED for 5 years or until retracted, modified or superseded by final disciplinary action of the Board of upon agreement between Respondent and the Board.</p>		
<p>5.9.4 Emergency Actions- No Board Action required:</p> <p>Cynthia Rauser, RN R21912</p>	<p>NOTICE OF SUSPENSION: issued on March 23, 2020 for failure to comply with board order dated September 28, 2017. License suspended for a period of two years.</p>		
<p>5.9.5 Emergency Actions- No Board Action required:</p> <p>Stewart Abraham, PTP RN from AZ RN16440</p>	<p>CEASE AND DESIST ORDER: issued on March 17, 2020. Potential Violation Report received from North Dakota State Hospital, Jamestown, ND while Respondent was working as a travel RN. Allegations of making inappropriate physical contact with a female staff nurse in the medication room while counting medications. This violation is related to sexual intimidation of another health care provider</p>		
<p>5.9.6 Emergency Actions- No Board Action required:</p> <p>Margie Braudrick, LPN L6425</p>	<p>ORDER OF EMERGENCY SUSPENSION: issued on March 17, 2020. Respondent's license is SUSPENDED for 5 years or until retracted, modified or superseded by final disciplinary action of the Board of upon agreement between Respondent and the Board.</p>		
<p>5.11.1 Amendment to Order: Clifford Klimpel, RN and LPN</p> <p>R14284 L14284</p>	<p>On April 5, 2018, the Board approved a Stipulation for Settlement which suspended the Respondent's license until documentation of completion of treatment was provided. The Stipulation also provided provisions that upon submission of the documentation, the suspension would be stayed as long as the Respondent remained in compliance with</p>	<p>Buettner motioned; Holth seconded to:</p> <p>Ratify the Amendment to Order of Clifford Klimpel, RN and LPN, dated March 17, 2020, allowing for completion of refresher course.</p>	<p>Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, absent; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 8 Yes, 0 No, 1 absent. Motion carried</p>

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	the encumbrance terms and conditions of the order. Required documentation was submitted on March 13, 2020, however Respondent's license expired on Dec. 31, 2017. The Respondent has not obtained 400 hours of nursing practice in the prior 4 years, as is required for licensure, therefore, he will be required to complete a refresher course. The Amendment to Order was signed by the Executive Director on March 17, 2020.		
6.1 Program Survey Reports	None		
6.2 Program Compliance Reports	None		
6.3.1 Dakota Nursing Program Consortium, Dakota College at Bottineau, PN Program, Minot ND Site, Increase in Enrollment, Programmatic Change Request	Discussed programmatic change request from Dakota Nursing Program Consortium (DNPC), Dakota College at Bottineau, PN program, Minot ND site, increase in enrollment greater than 8 students or 25%.	Johnson motioned; Dragseth seconded to: Approve the request for an increase in enrollment for the Dakota Nursing Program Consortium, Dakota College at Bottineau, PN program, Minot ND site, from 24 to 40 students beginning Fall 2020, as the program has full approval and the change complies with NDAC 54-03.2-06-02. Programmatic Changes.	Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, absent; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 8 Yes, 0 No, 1 absent. Motion carried
6.3.2 North Dakota State College of Science, LPN to RN ASN Program: Overall Curriculum Design Revisions, Programmatic Change Request	Discussed programmatic change request from North Dakota State College of Science, LPN to RN ASN Program; overall curriculum design revisions, including a change in overall credit hours required for program completion. The changes align the program with the 2-year Associate of Applied Science RN program. Review of the two curriculums revealed courses offering redundant content. Courses are now consistent for both programs. No curricular content was deleted. Some courses shifted in sequence. Assessment data revealed a need to strengthen the complex care nursing concepts and maternal child curriculum. Thus, each had an additional credit hour added, resulting in a 2-credit hour increase in overall credit hours required for program completion. These	Johnson motioned; Dragseth seconded to: Approve the request for overall curriculum design revisions for the North Dakota State College of Science, LPN to RN ASN program, as the program has full approval and the change complies with NDAC 54-03.2-06-02. Programmatic Changes.	Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, absent; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 8 Yes, 0 No, 1 absent. Motion carried

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	changes will begin fall 2020 pending NDBON approval.		
6.4.1 Train ND North East of Lake Region State College, Survey for Continued Approval of LPN IV Therapy Course	Reviewed Train ND North East of Lake Region State College, Survey for Continued Approval of LPN IV Therapy Course.	Johnson motioned; Holth seconded to: <ol style="list-style-type: none"> 1. Find the TrainND North East of Lake Region State College, LPN Intravenous Therapy Course in full compliance with requirements for the LPN Intravenous Therapy Course according to NDBON Guidelines for Licensed Practical Nurse Intravenous Therapy Course, NDAC 54-05-01. Standards of Practice for Licensed Practical Nurses and NDAC 54-03.2 Standards for Nursing Education Programs; and 2. Grant continued full approval of the TrainND North East of Lake Region State College, LPN Intravenous Therapy Course until April 2024; and 3. Require a paper survey report be submitted in February 2024 for continued approval. 	Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, absent; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 8 Yes, 0 No, 1 absent. Motion carried
6.4.2 Staff Request for LPN and RN Refresher Course Survey Approval Extensions	Staff Requested LPN and RN Refresher Course Survey Approval Extensions: Minnesota State Community & Technical College, Moorhead MN Campus: RN Refresher Course – May 2020 to July 2020 PN Refresher Course – July 2020 to October 2020	Johnson motioned; Dragseth seconded to: <p>Approve the NDBON staff request for an extension of approval for the Minnesota State Community & Technical College, Moorhead, MN, RN Refresher Course through July 2020 and the LPN Refresher Course through October 2020 to accommodate the change to quarterly Board meetings as the courses have full approval and are in compliance with Board Guideline Requirements for Nurse Refresher Courses as set forth by ND Administrative Code Title 54, Article 54-02 Nurse Licensure,</p>	Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, absent; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 8 Yes, 0 No, 1 absent. Motion carried

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		Chapter 54-02-05 Relicensure, Section 54-02-05-05 Non-practicing Nurses.	
6.5.1 Nursing Education Annual Report	Reviewed and discussed the 2018-2019 Nursing Education Annual Report.	Johnson motioned; Holth seconded to: Accept the 2018-2019 fiscal year NDBON Nursing Education Annual Report.	Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, absent; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 8 Yes, 0 No, 1 absent. Motion carried
6.5.2 Staff Request for Education Program Survey Approval Extension	Staff requested an extension of the education program survey approval for Rasmussen College, SON, BSN program from July 2020 to October 2020. The onsite visit scheduled for May 2020 is delayed due to COVID 19 limitations.	Johnson motioned; Holth seconded to: Approve the NDBON staff request for an extension of continued initial approval through October 2020 and change to the onsite survey date for the Rasmussen College, School of Nursing, Baccalaureate Degree Program due to state emergency restrictions in place related to the COVID-19 pandemic as the program has continued initial approval and is in substantial compliance with ND Administrative Code 54-03.2. Standards for Nursing Education Programs.	Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, absent; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 8 Yes, 0 No, 1 absent. Motion carried
7.1.1 & 7.1.2 COVID 19 Exceptions and Emergency Limited License Policy and Procedures	Associate Director for Education updated the Board regarding status of NCLEX testing at the Pearson Professional Centers (PPC) located in Bismarck and Fargo. PPCs were abruptly closed March 17, 2020 due to safety concerns related to COVID-19 for employees and testing candidates. Updates have been provided by NCSBN in a timely fashion several times each week. PPCs began opening in phases and limited NCLEX testing resumed as of March 25 th , with the Fargo site opened March 30 th . However, due to safety concerns, staffing challenges prevented the Fargo site from remaining open. April 13 th notification was received indicating the ND PPCs were both slated to open that week. However, staff was unable to locate available test dates for ND PPCs in Pearson VUE database so contacted NCSBN for explanation. Staff were informed that due to staffing issues neither ND PPC was able to be opened. The update provided April 20 th had no ND	Buettner motioned; Johnston seconded to: Direct board staff to draft a letter to NSCBN and Pearson VUE jointly, along with other necessary parties as needed, to voice concern over the recent NCLEX testing center closures in ND and inquire regarding status of situation and possibility of additional testing sites independent of Pearson VUE to overcome delays in testing and barrier to licensure for nurse graduates.	Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, absent; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 8 Yes, 0 No, 1 absent. Motion carried

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	<p>PPCs listed as open. Response to staff inquiry was received from Phil Dickison, NCSBN COO indicating he was in discussions with Pearson VUE regarding activation of PPC workforce and opening all centers daily beginning May 1st. Staff reported receiving communications from program directors and students about limited availability of testing appointments, and students scheduling their exams at PPCs in SD, MT, and MN to ensure timely NCLEX testing following graduation. The Board discussed concern for nurse graduates traveling to other states to test during this time of quarantine restrictions. Although updates have been timely and communications responsive from NCSBN, the Board felt it may be necessary to craft a letter from the NDBON to send to NCSBN, Pearson VUE, and possibly Governor Burgum regarding the deep concern the Board has related to the licensure barrier created for nurse graduates with no PPCs open in ND.</p> <p>Following this agenda item, Buchholz emailed Dickison regarding the NDBON motion and identification that the situation in ND had moved from concerning to critical and required immediate resolution. A response was received from Dickison within minutes, reporting all PPCs would be opening as of May 1st and resume regular schedules and staffing. Social distancing and increased cleaning and precautions will be in place, and the NCLEX will remain the shortened version to ensure timely testing through the summer to accommodate increased numbers of graduates in the spring/summer months. Work is also being done to increase testing hours and days at each ND PPC to meet immediate and future demands. The Board was provided with these updates prior to meeting adjournment.</p>		
	<p>Discussed the two new COVID 19 state of emergency policies and procedures developed by staff and SAAG in accordance to N.D.C.C. 43.12-1; N.D.A.C. Title 54; and March 23 board motion 3.2, to address certain licensure barriers resulting from COVID 19. The policies include extensions of temporary permits while waiting for completion of Criminal History Record Checks and providing 90-</p>	<p>Johnston motioned; M. Hammer seconded to:</p> <p>Ratify the following COVID 19 policies and procedures: 1) State of Emergency Licensure Exceptions and 2) State of Emergency Limited License and Limited Registration for</p>	<p>Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, absent; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 8 Yes, 0 No, 1 absent. Motion carried</p>

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	<p>day Emergency Limited License for inactive nurses not meeting the reactivation requirements of 400 practice hours over past 4 years. The policies have been distributed via NDBON website and Dakota Nurse Connection; ND Center for Nursing website and social media; email correspondences to the following offices: AG, Governor, ND Dept of Health, ND Hospital Association, ND Nurses Association.</p>	License/Registration for RN, LPN, UAP.	
	<p>Further discussed the Emergency Limited License policy and respective forms. Reviewed a table of seven Emergency Limited Licenses issued since 3/31/2020.</p> <p>The 90-day Emergency Limited License requires the employer to verify completion of 120 hours of supervised nursing practice which aligns with the Refresher Course requirements for clinical experiences. The Board may accept the employer verification of 120 hours of supervised practice as proof of nursing competence per N.D.A.C. 54-02-05-05 (3b) allowing the nurse to qualify for reactivation.</p>	<p>Holth motioned; Dragseth seconded to:</p> <p>Accept the 120 hours of Emergency Limited License supervised clinical practice, verified by the employer, as meeting 54-02-05-05 (3,d) “other evidence the licensee wishes to submit which would provide proof of nursing competence” allowing the nonpracticing nurse to apply for reactivation.</p>	<p>Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, absent; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 8 Yes, 0 No, 1 absent. Motion carried</p>
7.1.3 NCSBN Policy Brief: Evaluating BON Discipline During COVID 19 Pandemic	<p>Discussed the NCSBN policy brief providing guidance to states and boards of nursing in determining whether nurses who have encumbered licenses can return to the workforce via waiving of the disciplinary action during the COVID 19 pandemic. Recommendations included: 1) possible waiving of discipline due to social issues (i.e. non-payment of student loans, child support, or taxes); and 2) examining requests case by case, keeping in mind legal consequences, public safety, and competency concerns. Reviewed a table of nine nurses under discipline requesting consideration. Considerations are currently reviewed by Compliance Advisory Council.</p>	<p>Johnson motioned; M. Hammer seconded to:</p> <p>Endorse the NCSBN Policy Brief titled Evaluating Board of Nursing Discipline During COVID 19 Pandemic.</p>	<p>Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, absent; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 8 Yes, 0 No, 1 absent. Motion carried</p>
8.1 Legislative/Rules/NLC	<p>Executive Director provided update on current rule promulgation related to nursing licensure fees and practice. Rules will be on the June 9 Administrative Rules Committee agenda.</p> <p>NLC-Currently 35 member states; 9 states have pending legislation, including Minnesota.</p>		
9.1 Financial Statements and	<p>Reviewed financial statements through March 2020 and reserve fund balances for FY 2019-2020.</p>	<p>Finance Committee motioned; Christianson seconded to:</p>	<p>Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J.</p>

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<p>Reserve Fund FY 2019-2020</p>	<p>Discussed the FC plan to replenish the reserve/earned fund to reach a goal balance of \$275,000 over the next 3 years, as the proposed fee increases aim to sustain operations over the next 5 years. Discussed a 7-year fund balance which illustrated a steady decrease in reserve/earned revenue on June 30th each year from 2013-2019 (see Appendix A) and a depletion requiring use of unearned revenue prior to start of renewal periods annually (see Appendix B). The earned June 30th fund balance went from \$429,582 in 2013 to \$138,149 in 2019. The earned September fund balance went from \$209,305 in 2013 to a negative \$129,743 in 2019. Discussion related to the noted steady decline included: 1) Funding of the ND Center for Nursing (CFN) project from 2012-2020 (approximately \$1.9 million dollars to date); 2) Increased number of states participating in the Nurse Licensure Compact from 24 to 35 between 2018-present reducing numbers of renewals and endorsements; and 3) Consequential increases in overall NDBON operation expenses in response to increased workload.</p> <p>Discussed implementation of proposed licensure/registration fee increases July 1, 2020, pending rule promulgation approval, which is a strategic response to the depletion of reserve/earned funds in 2018-2019.</p> <p>Rationale for the replenishing of reserve/earned revenue with the proposed fee increases included: 1) current uncertainties centered around the COVID 19 pandemic; 2) Minnesota and 8 other states with legislation pending to enter the NLC in the next 1-2 years which would further reduce renewal and endorsement income; 3) possibility of upcoming legislation providing for an Alternative to Discipline Program which would require use of licensure fees; and 4) need for available funds in the case of discipline hearings or litigation.</p>	<p>Approve a planned budget surplus over the next 3 years to replenish reserve/earned revenue funds to \$275,000.</p>	<p>Hammer, absent; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 8 Yes, 0 No, 1 absent. Motion carried</p>
<p>9.2 Draft FC Minutes- April 20, 2020</p>	<p>Reviewed draft minutes of the April 23, 2020 FC meeting.</p>	<p>Finance Committee motioned; Johnston seconded to:</p>	<p>Buettner, yes; Christianson, yes; Johnston, yes. 3 Yes, 0 No.</p>

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(Finance Committee motion)		Approve the April 20, 2020 minutes as distributed.	Motion carried
9.3 Proposed Income and Expenses FY 2020-2021	<p>Reviewed proposed income and expense spreadsheets and narratives for FY 2020-2021. Income includes proposed licensure/registration fee increases following approval by Administrative Rules Committee on June 9.</p> <p><i>Salary and Benefit Line Items:</i> Discussed salary and benefit line item with a 5% increase per FC recommendation. Over the past 3 -4 FYs, this line item was reduced considerably resulting in staff members receiving no raises or less than CPI (inflation/cost of living).The line item adjustment for 2017-2018 was an increase of 1.5%; 2018-2019 was 3%; and 2019-2020 was 3 % (which included the addition of 1 FTE in August 2019 and a 15% increase in health insurance premiums).</p> <p>Currently, staff are working overtime to meet the needs of licensees and stakeholder during the pandemic. As of June 30, 2020, there is a projected loss of 130 hours of vacation time due to staff not being able to take time off. Board discussed importance of retention of staff.</p> <p>Albertson Support Project: Reviewed Albertsons proposal.</p>	<p>Finance Committee motioned; Christianson seconded to:</p> <p>Approve an increase of 5% for the salary and benefit line items for FY 2020-2021.</p> <p>Finance Committee motioned; Froelich seconded to:</p> <p>Approve the Albertson proposal to continue with online forms and technology updates in FY 2020-2021 that will enhance and streamline process workflow.</p>	<p>Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, absent; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 8 Yes, 0 No, 1 absent. Motion carried</p> <p>Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, absent; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 8 Yes, 0 No, 1 absent. Motion carried</p>
9.4 ND Center for Nursing	Simonson SAAG present for legal advising for the Board. The CFN is a project funded by the NDBON since 2012 per 43-12.1-8 (j): Conduct and support projects pertaining to nursing education and practice. The NDBON has allocated approximately \$1.9 million to the CFN project since 2012. The Board and FC considered several conversations with NDBON and CFN related to funding sustainability over the past 3-4 years, including a Brainstorming taskforce that explored options for CFN sustainability and funding with a report presented to the Board April 2019.	Finance Committee motioned; Johnson seconded to: Approve a funding allocation of \$0 for the ND Center for Nursing per the FY 2020-2021 budget review.	Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, absent; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 8 Yes, 0 No, 1 absent. Motion carried

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	<p>Adam Johnston, CFN Treasurer, provided an overview of the CFN 2020-21 revised funding proposal which included an \$80,000 allocation request. The CFN recently discontinued the Associate Director position effective July 1, 2020/ Dr. Moulton answered questions related to potential legislation, including the CFN's work on Nurse Practices Act (NPA) revisions. Currently, staff is not participating in the NPA revisions pending direction from the Board.</p> <p>The Board discussed concerns related to projects during a time of uncertainty due to COVID 19 pandemic and depletion of the reserve/earned funds over the past 2 years which required NDBON to utilize unearned revenue. The Board discussed a priority to replenish the earned revenue this FY to ensure fiscal stability of the NDBON and retention of staff.</p>		
<p>9.5 Nursing Education Loan</p>	<p>Bergeson SAAG present and provided legal guidance for the Board. The NEL is a duty of the NDBON under 43-12.1-08 (g) to establish a nursing student loan program funded by license fees to encourage individuals to enter and advance in the nursing profession. At the March 23, 2020 special meeting item 3.3, the NDBON directed the FC to review availability of funds to make disbursements to the NEL FY 2020-2021. Upon review with Bergeson, SAAG, the NDAC 54-04.1-01-01 provides that the NEL "program may be funded by...". And NDAC 54-04.1-03-01 provides "To the extent funds are available, education loans will be made in the following amounts...". The FC discussed a priority to replenish the earned revenue this FY to ensure fiscal stability of the NDBON.</p> <p>Rationale for retaining a portion of the NEL FY 2020-20201 includes the need to replenish the depleted reserve/earned revenue due to the following: 1) current uncertainties centered around the COVID 19 pandemic; 2) Minnesota and 8 other states with legislation pending to enter the NLC in the next 1-2 years which would further reduce renewal and endorsement income; 3) possibility of upcoming</p>	<p>Buettner motioned; Dragseth seconded to:</p> <p>Include the NEL proposal of \$82,280 for FY 2020-2021 which would be dispersed FY 2021-2022. In addition, to address the NEL amount budgeted and collected for FY 2019-2020, disperse \$20,000 of the amount collected and retain the remainder in the NEL account.</p>	<p>Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, absent; M. Hammer, recuse; Holth, yes; Johnson, yes; Johnston, yes. 7 Yes, 0 No, 1 recuse, 1 absent. Motion carried</p>

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	legislation providing for an Alternative to Discipline Program which would require use of licensure fees; and 4) need for available funds in the case of discipline hearings or litigation.		
9.6 Proposed FY 2020-2021 Budget	Discussed finance and budget information related to reserve/earned revenue and expense line items along with recommendations from the FC to determine the proposed FY 2020-2021 budget.	<p>Buettner motioned; M. Hammer seconded to:</p> <p>Approve the FY 2020-2021 Budget with \$1,693,760 projected income, and \$1,388,210 projected expenses, which includes \$82,280 designated for Nursing Education Loans and \$0 designated for ND Center for Nursing. The budgeted overage of \$ 305,550 to be placed in the reserve funds.</p>	<p>Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, absent; J. Hammer, absent; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 7 Yes, 0 No, 2 absent. Motion carried</p>
10.1 Member Terms of Office	Reviewed Terms of Office. J. Hammer and Johnston reapplied for appointment as their first terms will expire June 30, 2020.		
10.2 NDBON SAAG General Counsel/Alternate-Nicholas Simonson	Simonson present to address the Board. Reviewed professional CV and SAAG appointment letter for Nicholas Simonson effective March 20, 2020 as additional general counsel to advise and represent the Board.	<p>Holth motioned; Dragseth seconded to:</p> <p>Ratify the appointment of Nicholas Simonson as general counsel/alternate SAAG for the NDBON.</p>	<p>Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, absent; J. Hammer, absent; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, absent. 6 Yes, 0 No, 3 absent. Motion carried</p>
11.1 Staff Update			
Adjournment	Adjournment at 3:57 p.m.	<p>Buettner motioned; M. Hammer seconded to:</p> <p>Adjourn the meeting.</p>	
3.0 Consent Agenda (Ratifications and acknowledgements of requests and notifications to the NDBON)			
<p>3.1 Meetings, conferences, committees-Board representation</p> <p>3.1.1 NLC Rules Committee, Jan. 30-31 and NLC Commissioner Meeting, Mar. 2-Pfenning</p> <p>3.1.2 NCSBN Midyear Meeting, Mar. 3-5-JHammer, Johnston, Pfenning, Hanson, Bentz</p> <p>3.1.3 NDCFN Special Board Meeting, April 15-Pfenning; Finance/Funding Strategy, Feb 25-Bentz</p> <p>3.1.4 NDCFN Preceptor/Clinical Site meeting-January 28 (no NDBON representative)</p> <p>3.1.5 ND Tri-Regulator Collaborative meeting-February 25 (NDBOP office)</p> <p>3.2 Notifications and Requests to the Board</p> <p>3.2.1 National Infusion Center Association Letter to the Board</p> <p>3.2.2 Malpractice Report</p> <p>3.2.3 COVID 2020-3 Insurance Department Bulletin</p> <p>3.2.4 NDNA COVID Public Announcement</p> <p>3.2.5 APRN Certification and COVID19</p> <p>3.2.6 Occupational Licensing Survey SB 2306 military spouse-Report to Dept Commerce</p>			

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- 3.3 Legal counsel
 - 3.3.1 SAAG Askew closure of services and replacement recommendation
- 3.4 Unlicensed Assistive Person /Medication Assistant
- 3.5 Licensure
 - 3.5.1 NCLEX RN quarterly program updates
 - 3.5.2 NCLEX PN quarterly program updates
 - 3.5.3 LPN/RN/APRN renewals
- 3.6 Discipline
 - 3.6.1 Discipline statistics/case activity report
 - 3.6.2 NLC case log
- 3.7 Academic and continuing education
 - 3.7.1 Ratification of approval of continuing education for contact hours
 - 3.7.2 Distance education programs and student updates
 - 3.7.3 Faculty Developmental Program updates
 - 3.7.4 Education Program Survey Schedule Spring/Summer/Fall 2020 updates
 - 3.7.5 Dakota Nursing Program Consortium, Bismarck State College, AD Program, Deactivation of Program Site in Harvey, ND for 1 year, Programmatic Change Notification
- 3.8 Practice
 - 3.8.1 **Request:** ND Medical Spa Guide for Aesthetic Procedures
 - 3.8.2 2020 AANA revised Anesthesia practice
- 3.9 Board Committees/meetings/staff presentations/DNC

The meeting recessed for 15 minutes break 10:00-10:15

Recessed for lunch 12:35 – 1:00pm

The meeting recessed for 15 minutes break after item 9.5

Adjourned at 3:57 pm motioned by Buettner and second by M. Hammer on 04/23/2020.

Stacey Pfenning, DNP, APRN, FNP, FAANP

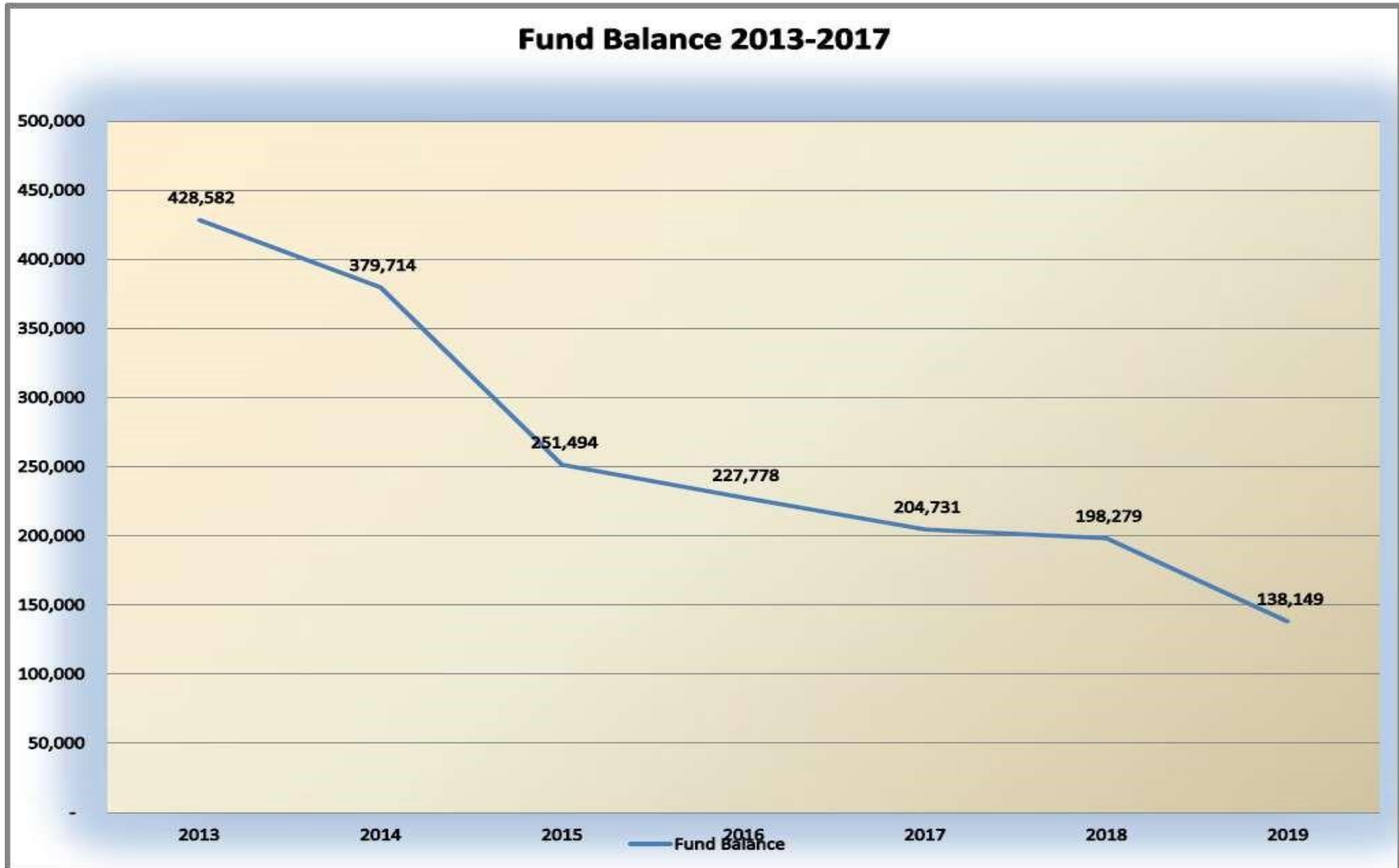
North Dakota Board of Nursing Executive Director

Approved by ND Board of Nursing 07/16/2020

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Appendix A

Reserve/Earned Revenue on June 30th, FY 2013-2019



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Appendix B

Reserve/Earned Revenue on September 30th, FY 2013-2019

