

## North Dakota Board of Nursing Meeting Minutes – July 16, 2020

Call to Order: July 16, 2020 at 8:30 a.m. – NDBON Board Conference Room – Video Conference and 919 S 7<sup>th</sup> Street, Suite 504, Bismarck, ND

Roll Call: **Quorum declared with 9 ND Board of Nursing (NDBON) members present:**

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

Julie Dragseth, LPN Member (08:40am arrival)  
Mary Beth Johnson, RN Member  
Janelle Holth, RN Member  
Wendi Johnston, LPN 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, Shirley Porter, Carla Hanson, Tessa Johnson, Adam Johnston, Sherri Miller, BSC Nursing Students, Carla Gross, Deb Smith, Jeanna Degelder, Dawn Tweten, Amber Teal, Diana Kostrzewski, James Sperle, Kris Hendrickx, Kim Ash, Jack Rydell, Sara Berger.

Agenda Item	Discussion	Motion	Roll Call Vote
1.1 Consent Agenda	Reviewed and discussed the consent agenda. Buchholz requested addition of item 3.7.6 Sitting Bull College, Division of Nursing, ASPN Program, Notification of a change in program administration, newly appointed nurse administrator, August 13, 2020.	M B Johnson motioned; Buettner seconded to:  <b>Adopt the consent agenda with the exception of the following item: Addition of 3.7.6 per staff request.</b>	Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 9 Yes, 0 No. <b>Motion carried</b>
1.2 Agenda	Reviewed the agenda. Shirley Porter, Executive Director for the ND Medical Imaging and Radiology Therapy Board (NDMIRTB), has a 2pm appointment to address agenda item 8.2.1.	K Buettner motioned; J Hammer seconded to:  <b>Approve the agenda as distributed with guest speaker appointment noted for item 8.2.1.</b>	Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 9 Yes, 0 No. <b>Motion carried</b>
1.3 Public Forum 9:00am-9:15am	No public forum requests or presentations.		
2.1 Minutes-April 23, 2020	Reviewed April 23, 2020 meeting minutes. No corrections identified.	M B Johnson motioned; W Johnston seconded to:  <b>Approve the minutes of the April 23, 2020 meeting as distributed.</b>	Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 9 Yes, 0 No. <b>Motion carried</b>
4.1 Financial Statements	Frovarp provided financial overview and update. Discussed expense and income finance statements through June 2020. Noted June 2020 is not final		

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	representation as FY 2019-2020 and adjusting entries (Deferred and Earned Revenue, PTO accrual, Depreciation) will be available for the next NDBON meeting. Reserve fund balances and operating revenue vs. expenses reviewed month by month for FY 2019-2020.		
4.2 Fee Schedule ratification 2020-2021	Reviewed 2020-2021 fee schedule reflective of licensure/registration fee adjustments in ND Administrative Code 54 effective July 1, 2020.	M B Johnson motioned; W Johnston seconded to:  <b>Ratify the 2020-2021 fee schedule.</b>	Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 9 Yes, 0 No. <b>Motion carried</b>
4.3 Bank Account Ratification	Completed annual authorization for management of the bank accounts used for NDBON operations.	M B Johnson motioned; C Froelich seconded to:  <b>Approve the management of the following accounts:</b> <ul style="list-style-type: none"> <li>• <b>Kirkwood Bank-Main Checking, Stacey Pfenning, Tammy Buchholz, Melissa Hanson, Kevin Buettner (Board Treasurer)</b></li> <li>• <b>Kirkwood Savings: Stacey Pfenning, Kevin Buettner (Board Treasurer)</b></li> <li>• <b>Bank of North Dakota- NEL Checking &amp; Savings: Stacey Pfenning, Kevin Buettner (Board Treasurer)</b></li> <li>• <b>Bank of North Dakota–Merchant Account–Stacey Pfenning and Kevin Buettner (Board Treasurer)</b></li> <li>• <b>Dakota Community Bank, BND, BNC, Kirkwood Bank (Investment/Reserve funds)– Stacey Pfenning</b></li> <li>• <b>On-line Banking Transfers–Stacey Pfenning, Michael Frovarp, Gail Rossman</b></li> <li>• <b>KBT Safety Deposit Box–Stacey Pfenning, Gail Rossman</b></li> </ul>	Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 9 Yes, 0 No. <b>Motion carried</b>
4.4 ND Center for Nursing (1:30pm appointment)	Patricia Moulton, Executive Director for ND Center for Nursing (NDCFN), was present and provided information for agenda item.		

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	<p>Discussed June 10, 2020 NDCFN motion to amend the NDCFN bylaws, Article IV, Section 2A to strike the NDBON as members of the Board of Directors due to conflict of interest and to investigate ways the NDCFN can collaborate with the NDBON. The roll call vote failed 5 no, 4 yes. Simonson, NDBON SAAG, reviewed the NDCFN meeting motion and provided legal counsel to the NDBON related to conflict of interest, including guidance in NDCC 44-04-22 Conflict of Interest Law. SAAG concluded that several nursing-related entities have employees or representatives serving on the NDCFN Board of Directors and representatives should abstain for matters of “personal or pecuniary interest”.</p> <p>Discussed the following NDCFN Board of Directors Draft Meeting Notes June 10, 2020 which stated, “Board moved to formally invite NDBON Board members to join our Funding and Sustainability committee to work together on legislation to change the Nurse Practices Act to provide funding for the NDCFN. Motion passed”. NDBON members/staff expressed discomfort in participating in a NDCFN committee to revise the Nurse Practices Act to mandate funding without full NDBON direction. Discussion included the current focus on finances to support core operations of the NDBON, including replenishing reserve/earned revenue and retaining staff to conduct licensing and delegated duties of the NDBON as outlined in 43-12.1-08. Duties of the Board. 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 9 other states with legislation pending to enter the NLC which would further reduce renewal and endorsement income; 3) consideration of 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>		
5.1 Executive Session	Agenda item 5.1.1 and 5.1.2 include personal health information which requires an executive session. The executive session began at 11:25 am and was	C Froelich motioned; W Johnston seconded to:	Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, yes; M. Hammer, yes;

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	attended by NDBON Members as indicated on roll call attendance, staff (Pfenning, Hanson, Bentz, and Frovarp), and the licensees (individually for an assigned time period during their respective agenda item discussion).	<b>Hold an Executive Session to consider the following according to the NDCC 44-04-18.1:</b> <ul style="list-style-type: none"> <li>• Agenda item 5.1.1 Jessica Ness</li> <li>• Agenda item 5.1.2 Rudra Komarraju</li> </ul> <b>To discuss closed, confidential, or exempt records.</b>	Holth, yes; Johnson, yes; Johnston, yes. 9 Yes, 0 No. <b>Motion carried</b>
	Adjourn executive session at 11:55am.	W Johnston motioned; J Hammer seconded to:  <b>Adjourn the executive session.</b>	Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 9 Yes, 0 No. <b>Motion carried</b>
5.1.1 Request for Reinstatement:  Jessica Ness, LPN L12459	Convened in open meeting to consider Jessica Ness' request for reinstatement. NDBON then entered an Executive Session, according to NDCC Section 44-04-18.1, to discuss any closed, confidential, or exempt information. Ms. Ness presented virtually. The Compliance Advisory Council (CAC) recommendation of reinstatement to a two-year encumbrance was reviewed. NDBON reconvened in open meeting for discussion and voting.	W Johnston motioned; J Hammer seconded to:  <b>Grant reinstatement of Jessica Ness' LPN 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.</b>	Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 9 Yes, 0 No. <b>Motion carried</b>
5.1.2 Request for Reinstatement:  Rudra Komarraju, RN R39711	Convened in open meeting to consider Rudra Komarraju's request for reinstatement. NDBON then entered an Executive Session, according to NDCC Section 44-04-18.1, to discuss any closed, confidential, or exempt information. Mr. Komarraju presented virtually. The Compliance Advisory Council (CAC) recommendation of reinstatement to a two-year encumbrance was reviewed. NDBON reconvened in open meeting for discussion and voting.	J Hammer motioned; W Johnston seconded to:  <b>Grant reinstatement of Rudra Komarraju'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 he has fulfilled all the requirements for reinstatement.</b>	Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 9 Yes, 0 No. <b>Motion carried</b>
5.2.1 Request for Reissuance:  Robyn Lavelle, RN & LPN R38304 L9540 (inactive)	Robyn Lavelle is requesting reissuance of her RN and LPN licenses from encumbered status to full licensure status. NDBON reviewed the Order for Reinstatement of License dated September 28, 2017, Ms. Lavelle's compliance with this order and the Compliance Advisory Council recommendation to reissue the licenses to unrestricted and full licensure status. Per report by staff, she has completed the	W Johnston motioned; J Hammer seconded to:  <b>Grant the Order for Reissuance of Robyn Lavelle's RN and LPN licenses to unrestricted practice and full licensure status, as she has complied with the terms and conditions of the</b>	Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 9 Yes, 0 No. <b>Motion carried</b>

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	terms and conditions of the Order for Reinstatement dated September 28, 2017.	<b>Order for Reinstatement of License dated September 28, 2017.</b>	
5.2.2 Request for Reissuance:  Joey Bartels, RN & LPN R46994 L15494 (inactive)	Joey Bartels is requesting reissuance of his RN and LPN licenses from encumbered status to full licensure status. NDBON reviewed the Stipulation for Settlement dated July 18, 2019, Mr. Bartel's compliance with this order and the Compliance Advisory Council recommendation to reissue the licenses to unrestricted and full licensure status. Per report by staff, he has completed the terms and conditions of the Stipulation for Settlement dated July 18, 2019.	J Hammer motioned; J Holth seconded to:  <b>Grant the Order for Reissuance of Joey Bartel's RN and LPN licenses to unrestricted practice and full licensure status, as he has complied with the terms and conditions of the Stipulation for Settlement dated July 18, 2019.</b>	Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 9 Yes, 0 No. <b>Motion carried</b>
5.5.1 Surrenders:  Loren Greeley, Jr., LPN L16609 & Alissa Voorhees, RN R42617	Two individuals signed and submitted surrenders, seeking the NDBON's consideration and approval of the terms of their surrenders. Executive Director Pfenning approved and signed both Surrenders on May 18, 2020. NDBON reviewed and discussed the facts and terms of both surrenders.	M B Johnson motioned; J Hammer seconded to:  <b>Ratify the acceptance of the terms of the surrenders as final orders of the Board for Loren Greeley, Jr., L16609, of Fargo, ND, with a \$500 penalty fee; and Alissa Voorhees, R42617, of Aberdeen, SD, with a \$600 penalty fee.</b>	Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 9 Yes, 0 No. <b>Motion carried</b>
5.7.1 Stipulation for Settlement:  Kaysie Berquist, RN R48155	A Stipulation for Settlement was received from Kaysie Berquist, RN, seeking the NDBON's consideration and approval of its terms. NDBON 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).	M Hammer motioned; M B Johnson seconded to:  <b>Accept the terms of the proposed Stipulation for Settlement for Kaysie Berquist, RN, and enter its order to:</b> <ul style="list-style-type: none"> <li>• Issue a Reprimand;</li> <li>• Assess a \$600 penalty plus costs and disbursements; and</li> <li>• Other terms as set out in the Board order.</li> </ul>	Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 9 Yes, 0 No. <b>Motion carried</b>
5.7.2 Stipulation for Settlement:  Brandace Heisler, RN R30625	A Stipulation for Settlement was received from Brandace Heisler, RN, seeking the NDBON's consideration and approval of its terms. NDBON 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 (6)(8).	Froelich motioned; Buettner seconded to:  <b>Accept the terms of the proposed Stipulation for Settlement for Brandace Heisler, RN, and enter its order to:</b> <ul style="list-style-type: none"> <li>• Issue a Reprimand;</li> <li>• Assess a \$600 penalty plus costs and disbursements; and</li> <li>• Other terms as set out in the Board order.</li> </ul>	Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 9 Yes, 0 No. <b>Motion carried</b>

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<p>5.7.3 Stipulation for Settlement:</p> <p>Randy Hunt, Jr., RN R37717</p>	<p>A Stipulation for Settlement was received from Randy Hunt, Jr., RN, seeking the NDBON's consideration and approval of its terms. NDBON 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)(8).</p>	<p>M B Johnson motioned; J Dragseth seconded to:</p> <p><b>Accept the terms of the proposed Stipulation for Settlement for Randy Hunt, Jr., RN, and enter its order to:</b></p> <ul style="list-style-type: none"> <li>• Issue a Reprimand;</li> <li>• Assess a \$600 penalty plus costs and disbursements; and</li> <li>• Other terms as set out in the Board order.</li> </ul>	<p>Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 9 Yes, 0 No. <b>Motion carried</b></p>
<p>5.7.4 Stipulation for Settlement:</p> <p>Sarah Jasmer, RN R35894</p>	<p>A Stipulation for Settlement was received from Sarah Jasmer, RN, seeking NDBON's consideration and approval of its terms. NDBON 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 (8)(10).</p>	<p>J. Hammer motioned; C Froelich seconded to:</p> <p><b>Accept the terms of the proposed Stipulation for Settlement for Sarah Jasmer, RN, and enter its order to:</b></p> <ul style="list-style-type: none"> <li>• Issue an Indefinite Suspension until completion of the partial hospitalization program and initiation of aftercare;</li> <li>• Assess a \$1600 penalty plus costs and disbursements; and</li> <li>• Other terms as set out in the Board order.</li> </ul>	<p>Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 9 Yes, 0 No. <b>Motion carried</b></p>
<p>5.9.1 Emergency Actions- No Board Action required:</p> <p>Elizabeth Davis, LPN L16722</p>	<p><b>ORDER OF EMERGENCY SUSPENSION:</b> issued on April 30, 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>5.9.2 Emergency Actions- No Board Action required:</p> <p>Jennifer Jandt, LPN L14248</p>	<p><b>NOTICE OF SUSPENSION:</b> issued on May 12, 2020 for failure to submit to required mental health evaluation, required by letter dated April 1, 2020. License is suspended until respondent submits to the required evaluation.</p>		
<p>5.9.3 Emergency Actions- No Board Action required:</p>	<p><b>NOTICE OF SUSPENSION:</b> issued on May 18, 2020 for failure to comply with board order dated January 23, 2020. License is suspended for a period of two years.</p>		

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Erin Schwartzmann, RN R36380			
5.9.4 Emergency Actions- No Board Action required:  Kellie Anderson, RN R36989	<b>ORDER OF EMERGENCY SUSPENSION:</b> issued on May 18, 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.		
5.9.5 Emergency Actions- No Board Action required:  Wendy Brown, RN, R33928	<b>NOTICE OF SUSPENSION:</b> issued on May 21, 2020 for failure to comply with board order dated October 24, 2020. License is suspended for a period of two years.		
5.10.1-1 Draft "Open Record Request Policy and Procedure"	The Compliance Division requested review of proposed draft of an 'Open Record Request Policy and Procedure.' The proposed draft policy was developed based on NDCC Chapter 44-04 and guidance provided from the ND Attorney General's office.	W Johnston motioned; J Hammer seconded to:  <b>Approve the draft "Open Record Request Policy and Procedure".</b>	Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 9 Yes, 0 No. <b>Motion carried</b>
5.10.1-2 Draft "Required Evaluation Policy and Procedure"	The Compliance Division requested review of proposed draft of a 'Required Evaluation Policy and Procedure.' The proposed draft policy was developed based on NDAC 54-02-07-04.1 and guidance provided from the ND Attorney General's office.	M B Johnson motioned; J Dragseth seconded to:  <b>Approve the draft "Required Evaluation Policy and Procedure".</b>	Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 9 Yes, 0 No. <b>Motion carried</b>
5.10.1-3 Draft "Evaluation Criteria and Board Requirements' Table"	The Compliance Division requested review of draft revisions to 'Evaluation Criteria and Expected Outcomes' Table. Discussion included concerns that specifying MD and DO Pain Management Specialists in the table may create a challenge/barrier and recommended adjusting language to state 'Pain Management Provider Approved by the Compliance Division'.	J Hammer motioned; K Buettner seconded to:  <b>Approve the draft "Evaluation Criteria and Board Requirements' Table" as revised.</b>	Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 9 Yes, 0 No. <b>Motion carried</b>

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5.10.2-1 Revision to Practice FAQ Related to LPN Scope of Practice	Reviewed draft revision to the practice FAQ related to LPN Scope of Practice. Staff discussed receiving multiple complaints and practice questions over the past several years regarding LPNs in supervisory or administrative roles and their scope of practice resulting in disciplinary action or letters of concern.	M B Johnson motioned; J Dragseth seconded to:  <b>Approve revisions to the Practice FAQ related to LPN scope of practice.</b>	Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 9 Yes, 0 No. <b>Motion carried</b>
5.10.2-2 Consideration of RN and LPN Scope Practice Guidance	Reviewed draft of 'RN and LPN Scope of Practice: Components of Nursing Comparison Chart'. Staff discussed receiving multiple complaints and practice questions over the past several years regarding LPNs in supervisory or administrative roles and their scope of practice. Staff shared the Practice FAQ Related to LPN Scope of Practice, NDAC 54-03.2-06-07, NDAC 54-05-01-08, NDAC 54-05-01-09, NDAC 54-05-02-05 NDAC 54-05-02-06, NDAC 54-05-02-07, NDAC 33-07-03.2-01, NDAC 33-07-03.2-14, and a LPN Scope Literature Review. NDBON members suggested that this draft be shared with stakeholders for public comment (including but not limited to Education programs, the Long-Term Care Association, and the ND Hospital Association).	W Johnston motioned; J Hammer seconded to:  <b>Direct staff to public notice the draft, "RN and LPN Scope of Practice: Components of Nursing Comparison Chart" for 30 days. If no substantial comments received, the practice guidance will be adopted and become effective on September 1, 2020.</b>	Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 9 Yes, 0 No. <b>Motion carried</b>
5.10.3 Alternative to Discipline (ATD) Next Steps	SAAG Nicholas Simonson addressed the Board and answered questions related to potential legislation and collaboration to develop an ATD program for nurses in ND. Ann Leiseth and Dr. Melissa Henke addressed the NDBON and answered questions related to current law and potential collaboration with the ND Professional Health Program and potential considerations related to extending the NDPHP ATD program to include nurses in ND. NDBON expressed interest in working with the NDPHP and moving toward ATD legislation; however, timing is a concern with the current focus on finances to support core operations of the NDBON, including replenishing reserve/earned revenue and retaining staff to conduct licensing and delegated duties as outlined in 43-12.1-08 Duties of the Board.		
6.1 Program Survey Reports	None		
6.2.1 University of North Dakota, Post Baccalaureate Doctor of Nursing Practice (PB-DNP) Nurse Anesthesia Program Compliance Report	Reviewed the progress report submitted by the University of North Dakota, CNPD, DON, PB-DNP Nurse Anesthesia Program nurse administrator providing, updates regarding exception to NDAC 54-03.2-04-08 Employment of Academically Unqualified Faculty Approved July 2019.	M B Johnson motioned; J Holth seconded to:  <b>Find the progress report submitted by the University of North Dakota, DON, PB-DNP NA program nurse administrator regarding the exception to NDAC 54-03.2-04-08 Employment of Academically Unqualified Faculty Meets the NDBON reporting requirements; and</b>  <b>Continue to require master's prepared PB-DNP NA faculty to be enrolled in a</b>	Buettner, Recuse; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 8 Yes, 0 No, 1 Recuse <b>Motion carried</b>



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		<p>doctorate program within one year of employment and the program to submit requirements Under <b><i>NDAC 54-03.2-04-08.1 Faculty Developmental Program</i></b> quarterly for each academically unqualified faculty member as evidence of compliance; and</p> <p><b>Require the UND, PB-DNP NA program nurse administrator to submit a progress report regarding the NDAC exception by July 1, 2021.</b></p>	
6.2.2 Concordia College, Baccalaureate Program Compliance Report	Reviewed the progress report submitted by the Concordia College, Nursing Department, BAN Program nurse administrator providing updates regarding progress toward full compliance with NDAC 54-03.2-04-04. <i>Baccalaureate or master's degree nurse education program faculty qualifications and</i> NDAC 54-03.2-04-08 Employment of Academically Unqualified Faculty.	<p>W Johnston motioned; J Hammer seconded to:</p> <p><b>Find the progress report submitted by the Concordia College Baccalaureate Degree Nursing Program nurse administrator meets the NDBON reporting requirements and provides evidence of substantial efforts made toward program compliance with 54-03.2-04-04. <i>Baccalaureate or master's degree nurse education program faculty qualifications and 54-03.2-04-08. Employment of academically unqualified faculty; and</i></b></p> <p><b>Require the Concordia College Baccalaureate Degree Nursing Program nurse administrator to submit a progress report providing evidence of program compliance with 54-03.2-04-04. <i>Baccalaureate or master's degree nurse education program faculty qualifications and 54-03.2-04-08. Employment of academically unqualified faculty by July 1, 2021.</i></b></p>	<p>Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 9 Yes, 0 No. <b>Motion carried</b></p>
6.3.1 University of Jamestown Baccalaureate	Reviewed the University of Jamestown, Department of Nursing, Bachelor of Science in Nursing Program, request for exception to NDAC 54-03.2-04-08 Employment of Academically Unqualified Faculty.	The NEC recommended to the Board; J Holth seconded to:	<p>Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, yes; M. Hammer, yes;</p>

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<p>program: Request for Exception</p>		<p><b>Approve the request for an exception to <u>NDAC 54-03.2-04-08 Employment of Academically Unqualified Faculty, Subsection 3. Other Circumstances as Approved by the Board</u> for the 2020 Fall semester that allows the University of Jamestown, DON, BSN Program to use a baccalaureate-prepared Registered Nurse not enrolled in a graduate program for clinical practice instruction, September 27-28, 2020 for Course Nrsng 424 Child/Adult Health III.</b></p>	<p>Holth, yes; Johnson, yes; Johnston, yes. 9 Yes, 0 No. <b>Motion carried</b></p>
<p>6.3.2 North Dakota State College of Science, Associate of Applied Science, PN Program: Programmatic Change Request</p>	<p>Reviewed the North Dakota State College of Science, AASPN, Program, Request for Change in Student Learning Outcomes for the Program.</p>	<p>The NEC recommended to the Board; W Johnston seconded to:  <b>Approve the request for a change in student learning outcomes for the North Dakota State College of Science (NDSCS), Associate of Applied Science Practical Nurse Program as the program has full approval and the change complies with <u>NDAC 54-03.2-06-02. Programmatic Changes.</u></b></p>	<p>Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 9 Yes, 0 No. <b>Motion carried</b></p>
<p>6.4.1 Prairie Educational Services, LPN Intravenous Therapy Course: Request for Continued Approval</p>	<p>Reviewed the Survey Report Completed by Staff of the Prairie Educational Services, LPN Intravenous Therapy Course, for Consideration of Continued Approval.</p>	<p>The NEC recommended to the Board; J Holth seconded to:  <b>Find the Prairie Educational Services, LPN Intravenous Therapy Course in full compliance with requirements according to NDBON Guidelines for Licensed Practical Nurse Intravenous Therapy Courses, <i>ND Administrative Code 54-05-01 Standards of Practice for Licensed Practical Nurses</i> and <i>54-03.2 Standards for Nursing Education Programs</i>; and</b>  <b>Grant continued full approval of the Prairie Educational Services, LPN Intravenous Therapy Course until July 2024; and</b></p>	<p>Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 9 Yes, 0 No. <b>Motion carried</b></p>

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		<b>Require a Paper Survey in May 2024 for Continued Approval.</b>	
6.4.2 Minnesota State Community & Technical College, RN Refresher Course: Request for Continued Approval	Reviewed the Survey Report Completed by Staff of the Minnesota State Community & Technical College, Workforce Development Solutions, Moorhead MN, RN Refresher Course, for Consideration of Continued Approval.	<p>The NEC recommended to the Board; J Holth seconded to:</p> <p><b>Find the Minnesota State Community and Technical College, Workforce Development Solutions, RN Refresher Course in full compliance with Board Guideline Requirements for Nurse Refresher Courses as set forth by ND Administrative Code 54-02-05-05 Non-practicing Nurses; and</b></p> <p><b>Grant continued full approval of the Minnesota State Community and Technical College, Workforce Development Solutions, RN Refresher Course until July 2024; and</b></p> <p><b>Require a paper survey in May 2024 for continued approval.</b></p>	<p>Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, yes. 9 Yes, 0 No. <b>Motion carried</b></p>
6.5.1 Consideration of Nursing Education Loan Awards	Reviewed and discussed the Nursing Education Loan Awards for Fiscal Year 2020-2021	<p>The NEC recommended to the Board; J Hammer seconded to:</p> <p><b>Approve that the 19 applicants who are ineligible to reapply for the NEL receive 62.76% of the total NEL amount they are eligible for according to NDAC 54-04.1 Nursing Education Loans; and</b></p> <p><b>Approve that the 19 applicants who are eligible to reapply for the NEL will have their application fee of \$25 refunded and be encouraged through correspondence to reapply for the NEL next year.</b></p>	<p>Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, yes; M. Hammer, recuse; Holth, yes; Johnson, yes; Johnston, absent. 7 Yes, 0 No, 1 Recuse, 1 Absent. <b>Motion carried</b></p>
6.5.2 COVID-19 Pandemic Related NCLEX Testing Availability and ND Nursing Program Updates	Buchholz provided COVID-19 Pandemic related NCLEX testing availability and ND Nursing Program Updates.		

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7.1 State of Emergency Policy and Procedure update	Reviewed revised “State of Emergency Licensure Exception Policy and Procedure”. Staff collaborated with SAAG, Bergeson to add the APRN temporary permit for prescriptive authority in response to Executive Order 2020-20 until criminal history record check.	Buettner motioned; Johnston seconded to:  <b>Ratify the revisions to the “State of Emergency Licensure Exceptions Policy and Procedure”.</b>	Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, absent. 8 Yes, 0 No, 1 absent. <b>Motion carried</b>
8.1.1 Legislative/Rules	Executive Director reported that the rule promulgation testimony was presented at the June 9, 2020 Administrative Rules Committee. The rules became effective July 1, 2020.		
8.2.1 APRN and Fluoroscopy	Simonson, NDBON SAAG, was present for agenda item. Shirley Porter, President of the ND Medical Imaging and Radiation Therapy Board (NDMIRTB) and Allyson Hicks NDMIRTB AAG addressed the NDBON with concerns related to APRN’s being trained to perform and supervise fluoroscopy in the state. Staff reported a Practice Division conference call with an APRN in ND inquiring about scope of practice and fluoroscopy, as the facility was training the APRN internally on fluoroscopy procedures. It was recommended that the APRN schedule a conference to include the facility due to the following: 1) there are pertinent laws and rules across three state agencies including NDMIRTB, NDBON, and NDDoH/Department of Environmental Quality to consider; 2) there is a national certification for fluoroscopy; and 3) fluoroscopy is not included in APRNs curriculum or certification. The APRN did not follow up with a conference call to further discuss these concerns. The NDBON reviewed a potential draft statement initiated by the Practice Division to address scope of practice of practice and fluoroscopy; however, the NDBON reported more information would be needed from the other state agencies and facilities to understand the actual practice in question. Staff will continue to explore and monitor the issue.		
9.1 Governance Manual annual review/revise	Reviewed Governance manual with recommended revision to term limits for officers as officers are elected annually by the Board for 2 year-terms.	J Hammer motioned; J Dragseth seconded to:  <b>Approve the revisions to the Governance Manual as distributed.</b>	Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, absent. 8 Yes, 0 No, 1 absent.

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			<b>Motion carried</b>
9.2 2020-2021 Meeting dates and annual retreat	Reviewed proposed meeting dates for FY 2020-2021.	M B Johnson motioned; C Froelich seconded to:  <b>Approve the 2020-2021 meeting dates and annual retreat.</b>	Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, absent. 8 Yes, 0 No, 1 absent. <b>Motion carried</b>
9.3 Board member terms-appointments, reappointments, update documents	Jamie Hammer, RN member and Wendi Johnston, LPN member both reappointed by Governor for 2 <sup>nd</sup> terms.		
9.4 Election of officers	Reviewed ballot results per Election of Officers policy and procedure. A second ballot for treasurer was conducted as current treasurer was elected Vice President.	M B Johnson motioned; J Dragseth seconded to:  <b>Approve Jane Christianson, RN member as President for a two-year term ending July 2022.</b>	Buettner, yes; Christianson, abstain; Dragseth, yes; Froelich, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, absent. 7 Yes, 0 No, 1 abstain, 1 absent <b>Motion carried</b>
		C Froelich motioned; J Hammer seconded to:  <b>Approve Kevin Buettner, APRN member as Vice-President for a two-year term ending July 2022</b>	Buettner, abstain; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, absent. 7 Yes, 0 No, 1 abstain, 1 absent <b>Motion carried</b>
		M B Johnson motioned; K Buettner seconded to:  <b>Approve Jammie Hammer, RN member as Treasurer for a two-year term ending July 2022</b>	Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, abstain; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, absent. 7 Yes, 0 No, 1 abstain, 1 absent <b>Motion carried</b>
9.5 Committee appointments and charges	Reviewed committee charges as approved by each respective committee (Nursing Education Committee, Finance Committee, and Executive Committee).	J Dragseth motioned; K Buettner seconded to:  <b>Approve the proposed 2020-2021 committee charges as distributed.</b>	Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, yes; M. Hammer, yes; Holth, yes; Johnson, yes; Johnston, absent. 8 Yes, 0 No, 1 absent <b>Motion carried</b>
		C Froelich motioned; K Buettner seconded to:	Buettner, yes; Christianson, yes; Dragseth, yes; Froelich, yes; J. Hammer, yes; M. Hammer, yes;

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		<p><b>Approve the following committee appointments:</b>  <b>Executive Committee: President-Jane Christianson, RN member; Vice President-Kevin Buettner, APRN member; Treasurer-Jamie Hammer, RN member. Executive Director-Stacey Pfenning</b></p> <p><b>Nursing Education Committee: Chair-Mary Beth Johnson, RN member; Janelle Holth, RN member; Cheryl Froehlich, Public member. Staff: Tammy Buchholz, Associate Director for Education; Stacey Pfenning, Executive Director or Maureen Bentz Associate Director for Practice; Karen Hahn, Administrative and Licensing Specialist</b></p> <p><b>Finance Committee: Chair-Jamie Hammer, Treasurer; Wendi Johnston, LPN member; Kevin Buettner APRN member. Staff: Stacey Pfenning, Executive Director; Michael Frovarp, Accounting &amp; Licensing Specialist.</b></p> <p><b>Risk Management Committee – 1/year in June: Julie Dragseth, LPN member. Staff: Directors and Administrative Staff.</b></p> <p><b>Center for Nursing- three-year appointments (2019-2022): Stacey Pfenning, Executive Director; Alternate: Wendy Johnston, LPN member and Maureen Bentz, Associate Director for Practice (added 2020)</b></p> <p><b>Prescription Drug Monitoring Program BON/Alternate-Jane Christianson, RN member, President; Stacey Pfenning Executive Director.</b></p>	<p>Holth, yes; Johnson, yes; Johnston, absent.  8 Yes, 0 No, 1 absent  <b>Motion carried</b></p>
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10.1 Staff Updates	Five-year service recognition for Buchholz and Hanson. Buchholz defends final DNP project. Pfenning receives National Council of State Boards of Nursing Executive Officer 5-year service award recognition.		
Adjournment	Adjournment at 4:28 p.m.	K Buettner motioned; J Dragseth seconded to:  <b>Adjourn the meeting.</b>	
<b>3.0 Consent Agenda</b> (Ratifications and acknowledgements of requests and notifications to the NDBON)			
<ul style="list-style-type: none"> <li>3.1 Meetings, conferences, committees-Board representation <ul style="list-style-type: none"> <li>3.1.1 NDCFN Board of Directors meeting June 11, 2020</li> </ul> </li> <li>3.2 Notifications and Requests to the Board</li> <li>3.3 Legal counsel <ul style="list-style-type: none"> <li>3.3.1 Nursing Education Loan Allocation Legal Memorandum by Nicholas Simonson SAAG</li> </ul> </li> <li>3.4 Unlicensed Assistive Person /Medication Assistant</li> <li>3.5 Licensure <ul style="list-style-type: none"> <li>3.5.1 NCLEX RN quarterly program updates</li> <li>3.5.2 NCLEX PN quarterly program updates</li> </ul> </li> <li>3.6 Discipline <ul style="list-style-type: none"> <li>3.6.1 Discipline statistics/case activity report</li> <li>3.6.2 NLC case log</li> </ul> </li> <li>3.7 Academic and Continuing Nursing Education <ul style="list-style-type: none"> <li>3.7.1 Ratification of approval of continuing education for contact hours</li> <li>3.7.2 Recognized Distance Nursing Education Program Student Placements -Summer 2020</li> <li>3.7.3 Faculty Developmental Program June 2020 Updates</li> <li>3.7.4 Education Program Survey Schedule Summer/Fall/ Winter 2020 Updates</li> <li>3.7.5 Minot State University, Department of Nursing, BSN Program, Notification of a Change in Program Administration, Newly Appointed Nurse Administrator, August 1, 2020</li> <li>3.7.6 Sitting Bull College, Division of Nursing, ASPN Program, Notification of a Change in Program Administration, Newly Appointed Nurse Administrator, August 13, 2020</li> </ul> </li> <li>3.8 Practice</li> <li>3.9 Board Committees/meetings/staff presentations/DNC <ul style="list-style-type: none"> <li>3.9.1 Finance Committee held April 20, 2020 meeting</li> <li>3.9.2 Nursing Education Committee- July 1, 2020; July 8, 2020; Next scheduled meeting October ____, 2020.</li> </ul> </li> </ul>			

**The meeting recessed for 15 minutes break 10:20-10:35**

**Recessed for lunch 12:00 – 12:30pm**

**Adjourned at 4:28 pm motioned by Buettner and second by Dragseth on 07/16/2020.**

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Stacey Pfenning, DNP, APRN, FNP, FAANP

North Dakota Board of Nursing Executive Director

Approved by ND Board of Nursing 10/2020