



Meeting Minutes

February 9, 2022

Physical location: 4305 S Louise Ave, Suite 201 Sioux Falls, SD

Online Location: <https://state-sd.zoom.us/j/97872470511?pwd=SVBNZmJoZ0hOMIM2RnBKQ213MERiQT09>

1. Call to Order and Roll Call - President Carla Borchardt called the meeting to order at 9:00 A.M. Central.

Board Members Present: Darlene Bergeleen, Carla Borchardt, Deborah Bowar, Denise Buchholz, Kristin Gabriel, Nathan Hinker, Christi Keffeler, Lori Koenecke, Lois Tschetter, Jenna VandenBos.

Board Staff Present: Linda Young, Glenna Burg, Erin Matthies, Francie Miller, Lindsay Olson, Tessa Stob.

Counsel Present: Megan Borchert, General Counsel to the Board; Shelly Munson, Board Prosecutor.

Others Present: Audrey Barbush, Court Reporter; Catherine Williamson, Administrative Law Judge (ALJ); Kelly Hefti, Courtney Hohn, Carena Jarding, Nicole Kerkenbush, Shaye Krcil, Deb Letcher, Merideth Meersma, Michelle Nelson, Twyla Nordquist, Lori Popkes, Alex Sproul.

- a. Officer Appointment: Motion by Bergeleen to appoint Keffeler as the Vice President for the term February 9, 2022 to November 2022. Second by Tschetter. Motion carried.

Bergeleen	Yes	Buchholz	Yes	Hinker	Yes	Tschetter	Yes
Borchardt	Yes	Craddock	Absent	Keffeler	Recuse	VandenBos	Yes
Bowar	Yes	Gabriel	Yes	Koenecke	Yes	9 Yes	

- 2. **Agenda Approval:** Motion by Tschetter to approve the February 9, 2022 agenda. Second by Gabriel. Motion carried.
- 3. **Open Forum:** Borchardt provided the opportunity for guests to address the Board, no one requested to do so.
- 4. **Approval of Minutes:** Motion by Keffeler to approve the November 16, 2021 minutes. Second by Bergeleen. Motion carried.
- 5. **Compliance:** the acronym “HPAP” represents “Health Professionals Assistance Program”.

- a. Formal Hearing:

- 1. Brandy Guerue, SD P010961, with ALJ Williamson presiding. Licensee served with notice. Licensee did not appear. Motion by Buchholz to suspend the license of Brandy Guerue, SD P010961. Second by Bowar. Motion carried.

Bergeleen	Recuse	Buchholz	Yes	Hinker	Yes	Tschetter	Yes
Borchardt	Recuse	Craddock	Absent	Keffeler	Yes	VandenBos	Yes
Bowar	Yes	Gabriel	Yes	Koenecke	Yes	Votes: 8 Yes	

- 2. Allison Krawza, SD R051123, with ALJ Williamson presiding. Licensee served with notice. Licensee did not appear. Motion by Tschetter to suspend the license of Allison Krawza, SD R051123. Second by Keffeler. Motion carried.

Bergeleen	Recuse	Buchholz	Yes	Hinker	Yes	Tschetter	Yes
Borchardt	Recuse	Craddock	Absent	Keffeler	Yes	VandenBos	Yes
Bowar	Yes	Gabriel	Yes	Koenecke	Yes	Votes: 8 Yes	

- b. Compliance Committee Recommendations – Licensed: Miller submitted the following recommendations from the Compliance Committee:

- Settlement Offer – Letter of Concern: Case #1 P.D.; Case #2 D.M.; Case #3 K.M.; Case #4 M.Y.;
- Settlement Offer – Letter of Concern with Remediation: Case #5 L.F.; Case #6 M.A.P.; Case #7 T.M.;
- Settlement Offer – Letter of Reprimand: Case #8 Danielle Akason R045554; Case #9 Kelly Cimpl R035237; Case #10 Mary Wallin R030358, CM00023; Case #11 Melissa Werner R030046; Case #12 Thomas Davies R046781;
- Settlement Offer – Letter of Reprimand with Remediation: Case #13 Maura Deboer P012030;
- Settlement Offer – Letter of Reprimand with Remediation on Privilege to Practice: Case #14 Kelsey Loeffler SC 257442;
- Settlement Offer – Mandated Participation in HPAP: Case #15 L.D.;
- Settlement Offer – Stayed Suspension with Mandated Participation in HPAP: Case #16 Marvin Mitchell P011618.

¹All motions taken by roll call, unless otherwise stated. Unanimous motions with all “Yes” votes are recorded as “motion carried”.

Motion by Gabriel to accept the recommendations of the Compliance Committee as presented and outlined in the Compliance Committee Recommendations document of licensed nurses with the removal of #P011618-SD. Second by Keffeler. Motion carried.

Bergeleen	Recuse	Buchholz	Yes	Hinker	Yes	Tschetter	Yes
Borchardt	Recuse	Craddock	Absent	Keffeler	Yes	VandenBos	Yes
Bowar	Yes	Gabriel	Yes	Koenecke	Yes	Votes: 8 Yes	

Motion by Tschetter to accept the recommendation of the Compliance Committee for P011618-SD as presented and outlined in the Compliance Committee Recommendations document of Licensed Nurses. Second by VandenBos. Motion carried.

Bergeleen	Recuse	Buchholz	Yes	Hinker	Yes	Tschetter	Yes
Borchardt	Recuse	Craddock	Absent	Keffeler	Yes	VandenBos	Yes
Bowar	Recuse	Gabriel	Yes	Koenecke	Yes	Votes: 7 Yes	

- c. Dismissal Reporting – Licensed: Miller presented a report of Investigative Dismissals, pursuant to SDCL 36-1C-4.
- d. Compliance Committee Recommendations – Registrants: Stob submitted the following recommendations from the Compliance Committee:

- May Register When All Registration Requirements are Met: Case #1 S.J.; Case #2 V.L.; Case #3 M.P.;
- Letter of Reprimand: Case #4 Skylene Spotted War Bonnet M007037;
- Voluntary Surrender: Case #5. Jennifer Hanes M005568;
- Letter of Concern for Working on Lapsed Registration greater than 90 days, first offense, with no other concerns: Case #1 M. K., Case #2 A.S., Case #3 A.C., Case #4 Y.E., Case #5 M.O., Case #6 G.B.; Case #7 L.K.; Case #8 R.J.; Case #9 H.S; Case #10 S.H.; Case #11 J.B.; Case #12 C.W.; Case #13 L.G.; Case #14 M.B.; Case #15 T.G.

Motion by Keffeler to accept the recommendations of the Compliance Committee as presented and outlined in the Compliance Committee Recommendations for Registrants document. Second by Tschetter. Motion carried.

Bergeleen	Recuse	Buchholz	Yes	Hinker	Yes	Tschetter	Yes
Borchardt	Recuse	Craddock	Absent	Keffeler	Yes	VandenBos	Yes
Bowar	Yes	Gabriel	Yes	Koenecke	Yes	Votes: 8 Yes	

- e. Dismissal Reporting – Registrants: Stob presented a report of Investigative Dismissals, pursuant to SDCL 36-1C-4.
- f. Additional Compliance:

1. Miller presented background on Ryan Zappia, SD R052764. Motion by Tschetter to summarily suspend the license of Ryan Zappia, SD R052764. Second by Bowar. Motion carried.

Bergeleen	Recuse	Buchholz	Yes	Hinker	Yes	Tschetter	Yes
Borchardt	Recuse	Craddock	Absent	Keffeler	Yes	VandenBos	Yes
Bowar	Yes	Gabriel	Yes	Koenecke	Yes	Votes: 8 Yes	

2. Miller presented background on Kari Lesselyoung, SD R048379. Motion by Bergeleen to summarily suspend the license of Kari Lesselyoung, SD R048379. Second by Koenecke. Motion carried.

Bergeleen	Recuse	Buchholz	Yes	Hinker	Yes	Tschetter	Yes
Borchardt	Recuse	Craddock	Absent	Keffeler	Yes	VandenBos	Yes
Bowar	Yes	Gabriel	Yes	Koenecke	Yes	Votes: 8 Yes	

- g. Licensee Correspondence: Miller reviewed a letter sent to the Board from an HPAP participant.

6. HPAP:

- a. Quarterly Report: Miller presented the SDBON HPAP Quarterly Report; 87 participants were enrolled in December 2021 for monitoring of substance use or mental health related issues.
- b. Request for Proposal (RFP) for HPAP Vendor: Young provided a report on the status of the RFP published on January 31, 2022 on the state’s website: <https://open.sd.gov>. The deadline for submission of written proposals is March 11, 2022. The anticipated contract award date is on April 8, 2022.

Motion by Bergeleen to move into Executive Session, pursuant to SDCL 1-25-2 (4), for purpose of preparing for contract negotiations. Second by Tschetter. Motion carried. The Board went into Executive Session at 2:10 p.m.

Motion by Tschetter to move out of Executive Session. Second by Koenecke. Motion carried. The board moved out of Executive Session at 2:25 p.m.

Motion by Keffeler to approve the negotiation and awarding of a contact with a vendor, who satisfies the mandatory requirements stated in the RFP and who is the highest ranked applicant, to conduct the board’s HPAP for fiscal year 2023. Second by VandenBos. Motion carried.

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7. **Financial Report:** Matthies presented the SDBON FY 22 income and expense statement for July - December 2021. Motion by Bowar to approve the financial report as presented. Second by Keffeler. Motion carried.
8. **Licensure and Operations:**
 - a. Licensed Report: Matthies reported that as of January 2022, the Board had 19,248 licensed registered nurses, 2,674 licensed practical nurses, 54 certified nurse midwives, 1,691 certified nurse practitioners, 54 clinical nurse specialists, and 513 certified registered nurse anesthetists.
 - b. 2021 Registrant Report: Stob reported that as of December 31, 2021, the Board had 9,769 registered certified nurse aides, 71 unlicensed dialysis technicians, 5,508 unlicensed medication aides, and 232 unlicensed diabetes aides. In addition, Stob reported there were 100 Board approved nurse aide training programs and 270 approved medication aide training programs.
9. **Nursing Education:**
 - a. Nursing Education Committee (NEC) Recommendations: Burg submitted the following recommendations from the NEC:
 1. Grant ongoing approval of the following undergraduate nursing education programs for 2022:
 - a. Augustana University (AU) – Bachelor’s Degree (Full)
 - b. Dakota Wesleyan University (DWU) – Bachelor’s Degree (Full)
 - c. Lake Area Technical College (LATC) – Associate Degree RN (Full)
 - d. LATC – Practical Nurse (Full)
 - e. Mitchell Technical College (MTC) – Associate Degree RN (Interim)
 - f. MTC – Practical Nurse (Full)
 - g. Mount Marty University (MMU) – Bachelor’s Degree (Full)
 - h. Oglala Lakota College (OLC) – Associate Degree RN (Full)
 - i. Presentation College (PC) – Bachelor’s Degree (Full)
 - j. PC – Practical Nurse (Interim)
 - k. Sinte Gleska College (SGU) – Practical Nurse (Full)
 - l. Sisseton Wahpeton College (SWC) – Practical Nurse (Full)
 - m. South Dakota State University (SDSU) – Bachelor’s Degree (Full)
 - n. Southeast Technical College (STC) – Associate Degree RN (Full)
 - o. STC – Practical Nurse (Full)
 - p. University of Sioux Falls (USF) – Bachelor’s Degree (Full)
 - q. University of South Dakota (USD) - Bachelor’s Degree (Full)
 - r. Western Dakota Technical College (WDTC) – Associate Degree RN (Interim Continuing)
 - s. WDTC – Practical Nurse (Full).
 2. Grant ongoing approval of the following advanced practice registered nurse programs for 2022:
 - a. AU – Nurse Practitioner (Interim)
 - b. AU – Clinical Nurse Specialist (Interim)
 - c. MMU – Nurse Practitioner (Full)
 - d. MMU – Nurse Anesthesia (Full)
 - e. PC – Nurse Practitioner (Full)
 - f. SDSU – Nurse Practitioner (Full)
 - g. USD – Nurse Anesthesia (Prerequisite).
 3. Grant approval of the 2021 final NCLEX pass rate report.
 4. Grant approval of the 2021 RN and LPN refresher program report and ongoing approval for 2022:
 - a. SDSU;
 - b. Minnesota State Community and Technical College Workforce Development Solutions.
 5. Grant approval of SDSU’s reorganization plan for the accelerated Bachelor’s Degree program in Rapid City.
 6. Grant approval of Kristen Hybertson, MSN, RN as interim Practical Nurse & Associate Degree RN program administrator at WDTC.
 7. Grant approval of Tiara Ruff, MBA, DNP, RN as the Associate Degree RN program administrator at OLC.
 8. Accept notification of curriculum changes for Practical Nurse and Associate Degree RN program at MTC.
 9. Accept notification from schools of the following national accreditation actions:
 - a. LATC: Continued accreditation by the Accreditation Commission for Education in Nursing (ACEN) for the Practical Nurse program and Associate Degree RN program;
 - b. AU: Continued accreditation by the Commission on Collegiate Nursing Education (CCNE) for the Bachelor’s Degree program;
 - c. PC: Continued accreditation by CCNE for the Bachelor’s Degree program; and

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- d. SDSU: Continued accreditation by CCNE for the Bachelor’s Degree, Master’s Degree, Doctorate of Nursing Practice (DNP) Degree, and Post-graduate APRN Certificate programs;
- 10. Informational Only: Practical Nurse scholarship thank you letters.

Motion by Buchholz to accept the recommendations of the NEC on the Education Consent Agenda with the correction of MMC to MMU. Second by Bowar. Motion carried.

Bergeleen	Yes	Buchholz	Yes	Hinker	Yes	Tschetter	Recuse
Borchardt	Yes	Craddock	Absent	Keffeler	Recuse	VandenBos	Yes
Bowar	Yes	Gabriel	Yes	Koenecke	Yes	Votes: 8 Yes	

- b. Request Approval of DWU Nursing Program Administrator: Burg presented a request from DWU to support Penny Tilton, DNP, MSN, RN as the new BSN program administrator. Motion by Gabriel to approve Penny Tilton, DNP, MSN, RN as the DWU BSN program administrator. Second by Bergeleen. Motion carried.

Bergeleen	Yes	Buchholz	Yes	Hinker	Recuse	Tschetter	Recuse
Borchardt	Yes	Craddock	Absent	Keffeler	Yes	VandenBos	Yes
Bowar	Yes	Gabriel	Yes	Koenecke	Absent	Votes: 7 Yes	

10. Nursing Practice:

- a. Unlicensed Dialysis Technician (UDT) Pilot Project Update: Olson presented a report on the UDT Central Line (CL) Pilot Project which was previously approved by the Board and began in February 2021. A total of 6 South Dakota dialysis centers are participating with 11 UDTs. All of the UDTs completed the training and perform the delegated CL tasks under the supervision of an onsite dialysis RN. Data revealed 4,253 CL tasks were performed by the UDTs since February 2021: 1,565 CL catheter initiations; 1,474 discontinuations; and 1,214 aseptic dressing changes. There were no adverse outcomes reported and infection control data from participating facilities support safe outcomes. Guests, Nordquist, Sanford Health Dialysis, and Hohn, DaVita Dialysis, provided an update on the project’s positive outcomes and voiced their support of continuing to allow nurses to delegate CL dialysis tasks to dialysis techs and support the amendments to the drafted rules, as presented in agenda item 12 a.
- b. CNM Out-of-Hospital Report: Olson presented the 2021 report on out-of-hospital (OOH) births that were attended by 11 of the 12 CNMs who were approved by the BON to attend OOH births, and who agreed to comply with the BON’s OOH Practice Guidelines. Overall, since 2008, 672 women requested an OOH birth, 84.7% delivered OOH, 8.9% were referred for a hospital birth, and 6.4% were transported during labor to a hospital.
- c. Practice Guidelines:
 - i. Request to Modify Advisory Opinion on Medication Administration by RNs and LPNs: Olson presented a request from Avera Health, Monument Health, and Sanford Health to modify the Board’s current position statement relating to a nurse determining which pain medication or dose to administer to a patient. Guests described being negatively cited by accrediting organizations on pain management, that nurses were practicing outside of scope when they conducted pain assessments and selected a pain medication to administer when more than one medication was ordered. The Board discussed nursing scope as outlined in SDCL 36-9-3 and SDCL 36-9-4. Motion by Buchholz to approve the following revised practice statement on medication administration. Second by Bowar. Motion carried.

The South Dakota Board of Nursing determined that the following two situations are consistent with the practice of nursing:

1. *Determining which medication to administer when an authorized prescriber orders more than one medication for the same therapeutic indication, including pain management medication.*

To promote safe, individualized, and effective pain management, nurses should use their clinical decision-making skills and valid, reliable pain assessment tools. Assessment tools, such as pain intensity ratings, descriptors, or behavioral pain scores, may be referenced, but should not be used solely, to guide and inform their clinical judgment when selecting pain medication to administer to each patient.

2. *Determining the dose to administer when an authorized prescriber orders an as needed, PRN medication with a range of doses.*

- ii. Request to approve LACE Statement on APRNs Changing a Population or Role: Olson presented the Licensure Accreditation Certification Education (LACE) national network’s statement titled, “Advanced Practice Registered Nurses (APRN) Changing a Population or Role.” The statement provides guidance to APRNs on changing or adding a new APRN role or Nurse Practitioner focus area to their practice. The statement highlights that when an APRN changes a role or population focus, the APRN must complete an accredited graduate program and sit for a national certification exam that aligns with the new role or population focus area.

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Motion by Tschetter to approve the LACE network statement on APRNs changing a population or role. Second by Bergeleen. Motion carried.

11. SD Center for Nursing Workforce (CNW):

- a. South Dakota Association of Healthcare Organizations (SDAHO) Request for Nurse Leadership Program Support: Olson presented the proposed request from SDAHO for \$2,000 to support SDAHO’s 2022 Nursing Leadership Program. SDAHO will offer a yearlong nursing leadership program for hospitals, long-term care nursing facilities, home health, and hospice agencies. Motion by Tschetter to approve \$2000 to support the SDAHO 2022 Nursing Leadership Program paid through the CNW. Second by Bowar. Motion carried.

Bergeleen	Yes	Buchholz	Recuse	Hinker	Yes	Tschetter	Yes
Borchardt	Yes	Craddock	Absent	Keffeler	Yes	VandenBos	Yes
Bowar	Yes	Gabriel	Yes	Koenecke	Yes	Votes: 9 Yes	

- b. Micro-credentialing Project: Olson presented an overview of the CNW’s project involving micro-credentials for nurses. Academic and practice partners are collaborating with the CNW on content development of nurse preceptor and nurse mentor micro-credentials.

12. Policy:

- a. Draft Dialysis Delegation and Technician Rules: Olson presented the drafted rules for consideration by the board for approval to proceed with promulgation. The draft includes repeal of section 20:48:04:02.04, with the update to LPN dialysis rules in 2014, this rule is no longer needed; amendments to rules in chapter 20:48:04.02 to allow the delegation of central line dialysis tasks to technicians; and removal of registration of dialysis technicians in chapter 20:48:16. Motion by Tschetter to approve proceeding with promulgating the following: Repeal of 20:48:04:02.04 Training program required for a licensed practical nurse to perform kidney dialysis functions; Amendments to chapter 20:48:04.02 Delegation of Nursing Tasks to Dialysis Technicians; and Amendments to chapter 20:48:16 Registration of Unlicensed Assistive Personnel. Second by Bergeleen. Motion carried.
- b. SD Legislative Update: Young provided an overview of bills that may impact nurses.

- 13. Short Term Executive Director Succession Plan:** Young presented the need to approve a BON staff member to serve as a designated backup if the current executive director (ED) is unable to perform the role of the ED due to an emergency or unexpected vacancy in the position. Motion by Keffeler to approve Miller as the ED’s designated backup. Second by Hinker. Motion carried.

14. Executive Session: See agenda item 6.

15. Travel Approval Requests: Motion by Tschetter to approve travel requests as presented. Second by Buchholz. Motion carried.

- a. Nurse Licensure Compact (NLC) Administrators Meeting: March 14, 2022; St. Louis, MO (up to 1)
- b. NCSBN Midyear Meeting: March 15-17, 2022; St. Louis (up to 4)
- c. NCSBN Basic Board of Nursing Investigator Training: March 29-31, 2022: Rosemont, IL (up to 1)
- d. NLC Executive Committee (EC) Meeting: May 16-17, 2022, Chicago (up to 1)
- e. NCSBN Discipline Case Management Conference: May 23-25, 2022; St. Louis (up to 2)
- f. NCSBN Executive Officer Summit: June 20–23, 2022; Chicago (up to 1)
- g. NLC Administrators Meeting: August 16, 2022; Chicago (up to 1)
- h. NCSBN Annual Meeting: August 17-19, 2022; Chicago (up to 4)

16. Future BON Meetings: The next regularly scheduled board meetings will be held on 5/11/2022 and 8/10/2022 in Sioux Falls. The meetings on 11/9/2022 and 2/8/2023 will be held via Zoom. Additional information can be found on the state’s website: <https://boardsandcommissions.sd.gov/Meetings.aspx?BoardID=68>.

17. Motion to adjourn by Bergeleen. Second by Gabriel. Motion carried in unanimous voice vote. Meeting adjourned at 3:00 p.m.

¹All motions taken by roll call, unless otherwise stated. Unanimous motions with all “Yes” votes are recorded as “motion carried”.