



SOUTH DAKOTA BOARD OF NURSING

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South Dakota Board of Nursing Meeting

May 12, 2021 8:30 AM CST

Dakota Meeting Room, Holiday Inn Express & Suites, 3821 W Avera Dr, Sioux Falls, SD

Board Members Present: Darlene Bergeleen, Carla Borchardt, Denise Buchholz, Kristin Gabriel, Deborah Letcher, Sharon Neuharth, Robin PetersonLund, Lois Tschetter, Jenna VandenBos.

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

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

Guests Present: Terri Schildhauer, Court Reporter; Catherine Williamson, Administrative Law Judge; Tim Edman; Lynn White, Augustana University

1. Call to Order and Roll Call - President C Borchardt called the meeting to order at 8:30 AM on Wednesday, May 12, 2021.

2. Agenda Approval

Board Action: L Tschetter moved that the SDBON, approve the May 12, 2021 agenda, seconded by S Neuharth.

D Bergeleen	YES	R Craddock	Absent	D Letcher	YES	L Tschetter	YES
C Borchardt	YES	K Gabriel	YES	S Neuharth	YES	J VandenBos	YES
D Buchholz	YES	C Keffeler	Absent	R PetersonLund	YES	Total 9 Motion Carried	

3. Board of Nursing Minutes

Board Action: K Gabriel moved that the SDBON, approve the February 10, 2021 Board Meeting minutes, seconded by D Bergeleen.

D Bergeleen	YES	R Craddock	Absent	D Letcher	YES	L Tschetter	YES
C Borchardt	YES	K Gabriel	YES	S Neuharth	YES	J VandenBos	YES
D Buchholz	YES	C Keffeler	Absent	R PetersonLund	YES	Total 9 Motion Carried	

4. Compliance - (the acronym "HPAP": as used below represents "Health Professionals Assistance Program").

Formal Hearing 1: Alice Minkoff SD RN applicant, SD CP001622, with ALJ C Williamson presiding. Licensee served with notice. Licensee did not appear.

Board Action: R PetersonLund moved that the SDBON, deny Licensure for RN Endorsement Applicant, Alice Minkoff and Suspend the License of Alice Minkoff, CP001622, seconded by D Letcher.

D Bergeleen	Recuse	R Craddock	Absent	D Letcher	YES	L Tschetter	YES
C Borchardt	Recuse	K Gabriel	YES	S Neuharth	YES	J VandenBos	YES
D Buchholz	YES	C Keffeler	Absent	R PetersonLund	YES	Total 7 Motion Carried	

A) Compliance Committee Recommendations Licensed – F Miller submitted the recommendations from the compliance committee as follows.

- **Settlement Offer – Letter of Concern:** Case #1 S.B.; Case #2 B.C.; Case #3 L.H.; Case #4 K.L.; Case #5 R.M.; Case #7 C.W.
- **Settlement Offer – Approve Licensure:** Case #8 A.S.
- **Settlement Offer – Letter of Concern with Remediation:** Case #9 S.H.; Case #10 C.O.
- **Settlement Offer – Letter of Reprimand:** Case #11 Sharon Blair – P009962; Case #12 Amber Eliason – R041998; Case #13 Shelby Frame – R033155; Case #14 Tonya Hartje – R035140; Case #15 Mackenzie Hinsley – P012245; Case #16 Amy Schmidt – R029236; Case #17 Jennifer Williams – R025763.
- **Settlement Offer – Letter of Reprimand with Remediation:** Case #18 Christina Bossert – P012878; Case #19 Jack Brown – R026244; Case #20 Kristi Rector – R051199.
- **Settlement Offer – Letter of Reprimand with Iowa Board of Nursing Order Terms Met:** Case #21 Robbie Robinson – CP001584.
- **Settlement Offer – Letter of Reprimand with Mandated HPAP:** Case #22 Jeanne Josten – R033119.
- **Settlement Offer – Mandated HPAP:** Case #23 J.S.
- **Settlement Offer – Grant Licensure when all requirements are met with Mandated HPAP:** Case #24 S.H. – Pending RN; Case #25 H.L. – Pending LPN.

- **Settlement Offer – Grant License with Mandated HPAP:** Case #26 M.B.
- **Settlement Offer – Grant Reinstatement with Mandated HPAP and Stayed Suspension:** Megan Bierman (Honeychurch) – R039614.

Board Action: D Letcher moved that the SDBON, accept the recommendations of the Compliance Review Committee as presented and outlined in the Compliance Review Committee Recommendations document of Licensed Nurses, with the removal of: K.R., seconded by L Tschetter.

D Bergeleen	Recuse	R Craddock	Absent	D Letcher	YES	L Tschetter	YES
C Borchardt	Recuse	K Gabriel	YES	S Neuharth	YES	J VandenBos	YES
D Buchholz	YES	C Keffeler	Absent	R PetersonLund	YES	Total 7 Motion Carried	

Board Action: D Letcher moved that the SDBON, accept the proposal to issue a Letter of Concern for K.R., seconded by L Tschetter.

D Bergeleen	Recuse	R Craddock	Absent	D Letcher	YES	L Tschetter	YES
C Borchardt	Recuse	K Gabriel	YES	S Neuharth	YES	J VandenBos	YES
D Buchholz	YES	C Keffeler	Absent	R PetersonLund	YES	Total 7 Motion Carried	

B) Compliance Committee Recommendations Unlicensed Assistive Personnel (UAP) - T Stob submitted the recommendations from the compliance committee as follows.

- **May Register When All Registration Requirements are Met:** Case #1 C.N.
- **Letter of Reprimand:** Case #2 Sherry Thompson M008775
- **Voluntary Surrender:** Case #3 Lisa Flink M000073; Case #4 Deana Finch M008197; Case #5 Racquel Opbroek M009057; Case #6 Kayleen Otten M009902
- **Letter of Concern for UAPs working on lapsed registrations >90 days first offense for all registrants with no further concerns:** Case #7 B.P.; Case #8 P.R.; Case #9 H.A.; Case #10 R.L.; Case #11 A.H.; Case #12 D.D.; Case #13 K.W.; Case #14 C.S.; Case #15 B.S.J.; Case #16 T.T.; Case #17 R.G.; Case #18 A.K.; Case #19 M.L.; Case #20 T.B.; Case #21 S.M.; Case #22 J.D.

Board Action: L Tschetter moved that the SDBON, accept the recommendations of the Compliance Review Committee as presented and outlined in the Compliance Review Committee Recommendations document of Unlicensed Assistive Personnel. Seconded by R PetersonLund.

D Bergeleen	Recuse	R Craddock	Absent	D Letcher	YES	L Tschetter	YES
C Borchardt	Recuse	K Gabriel	YES	S Neuharth	YES	J VandenBos	YES
D Buchholz	YES	C Keffeler	Absent	R PetersonLund	YES	Total 7 Motion Carried	

C) Additional Compliance for Board Review

1. S Munson, Board Prosecutor, presented background on Amy Golden; SD M009355, requesting to Summarily Suspend registration.

Board Action: L Tschetter moved that he SDBON, Summarily Suspend the Unlicensed Medication Aide registration of Amy Golden, SD M009355, seconded by S Neuharth.

D Bergeleen	YES	R Craddock	Absent	D Letcher	YES	L Tschetter	YES
C Borchardt	YES	K Gabriel	YES	S Neuharth	YES	J VandenBos	YES
D Buchholz	YES	C Keffeler	Absent	R PetersonLund	YES	Total 9 Motion Carried	

2. S Munson, Board Prosecutor, presented background on Terri Tripp; SD M008260, requesting to Summarily Suspend registration.

Board Action: D Letcher moved that the SDBON, Summarily Suspend the Unlicensed Medication Aide registration of Terri Tripp, SD M008260, seconded by L Tschetter.

D Bergeleen	YES	R Craddock	Absent	D Letcher	YES	L Tschetter	YES
C Borchardt	YES	K Gabriel	YES	S Neuharth	YES	J VandenBos	YES
D Buchholz	YES	C Keffeler	Absent	R PetersonLund	YES	Total 9 Motion Carried	

3. F Miller presented background on Taylor Johnson; SD LPN P011856, requesting to Summarily Suspend license.

Board Action: D Letcher moved that the SDBON, Summarily Suspend the nursing license of Taylor Johnson; SD P011856, seconded by L Tschetter.

D Bergeleen	YES	R Craddock	Absent	D Letcher	YES	L Tschetter	YES
C Borchardt	YES	K Gabriel	YES	S Neuharth	YES	J VandenBos	YES
D Buchholz	YES	C Keffeler	Absent	R PetersonLund	YES	Total 9 Motion Carried	

4. S Munson, Board Prosecutor, presented background on Jill Van Well SD RN R033499.

Board Action: D Letcher moved that the SDBON, accept the Voluntary Surrender of Jill Van Well, SD R033499, seconded by R PetersonLund.

D Bergeleen	Recuse	R Craddock	Absent	D Letcher	YES	L Tschetter	YES
C Borchardt	Recuse	K Gabriel	YES	S Neuharth	YES	J VandenBos	YES
D Buchholz	YES	C Keffeler	Absent	R PetersonLund	YES	Total 7	Motion Carried

D) Licensee Correspondence – none at this time.

5. Board Development

A) Open Meeting Laws and Conflict of Interest – M Borchert, General Counsel to the Board, presented a review of the SD Open Meeting Laws and Conflict of Interest Statement.

6. Financial Reports

A) **Financial Report** – E Matthies presented the SDBON FY 21 income and expense statement July 2020 through April 2021.

Board Action: R PetersonLund moved that the SDBON, approve the financial report as presented, seconded by D Bergeleen.

D Bergeleen	YES	R Craddock	Absent	D Letcher	YES	L Tschetter	YES
C Borchardt	YES	K Gabriel	YES	S Neuharth	YES	J VandenBos	YES
D Buchholz	YES	C Keffeler	Absent	R PetersonLund	YES	Total 9	Motion Carried

7. Licensure and Operations

A) **Licensure and Operations Report** – E Matthies presented the report, as of May 2021, the Board had 18,948 licensed registered nurses, 2,622 licensed practical nurses, 48 certified nurse midwives, 1,493 certified nurse practitioners, 56 clinical nurse specialists, 498 certified registered nurse anesthetists, 9,877 registered certified nurse aides, 95 unlicensed dialysis technicians, 5,776 unlicensed medication aides, and 218 unlicensed diabetes aides.

8. Nursing Education

A) **Education Committee Recommendations** – G Burg submitted the recommendations from the Education Committee as follows:

1. Grant Augustana University (AU) prerequisite approval status for the following advanced practice tracks to begin June 2022, pending approval statement from AU Board of Trustees.

- Adult-Gerontology Acute Care Nurse Practitioner
- Adult-Gerontology Acute Care Clinical Nurse Specialist
- Post Master’s Certificate Adult-Gerontology Acute Care Nurse Practitioner
- Post Master’s Certificate Adult-Gerontology Acute Care Clinical Nurse Specialist
- Nurse Educator (Not APRN)

2. Grant approval of Lake Area Technical College’s new administrator Amber L. Schleusner, MS, RN for PN and AD RN programs.

3. Grant approval for a new Clinical Enrichment Program at Freeman Regional Health Services (FRHS).

Board Action: D Letcher moved that the SDBON, accept the recommendations of the Education Committee as presented in the Education Committee Consent Agenda. Seconded by S Neuharth.

D Bergeleen	YES	R Craddock	Absent	D Letcher	YES	L Tschetter	Recuse
C Borchardt	YES	K Gabriel	YES	S Neuharth	YES	J VandenBos	YES
D Buchholz	YES	C Keffeler	Absent	R PetersonLund	YES	Total 8	Motion Carried

B) **SDBON Annual Report of Nursing Education Overview** – G Burg presented a brief overview of the annual nursing education program statistical report. Data for the report was collected from SDBON approved schools to fulfill a requirement for ongoing approval of their programs in accordance with ARSD §20:48:07:47. Aggregate data was collected for the academic time period of each programs first day of 2019 Fall session through the last day of 2020 Summer session about students, education program capacity, curriculum, graduates, National Council Licensure Examination (NCLEX) results, and faculty. The report will be posted on the Board’s website.

C) **Quarter One Pass Rates** – G Burg presented the quarter 1 NCLEX pass rate report to the Board for informational purposes.

D) **Next Generation NCLEX Advances Towards Launch** – G Burg presented the Next Generation NCLEX article to the Board for informational purposes.

9. Nursing Practice

A) UDT Pilot Project Update – L Olson provided an overview of the UDT pilot project and reported on the current status of the project. Currently there are 11 UDTs that are part of the project; 6 UDTs have completed all their training and are on the unit performing central line tasks under RN supervision, and 5 are still working on their training. There will be more data brought to the Board at the next meeting in August.

10. Center for Nursing Workforce (CNW)

A) SD CNW Symposium, May 18, 2021 – L Olson gave an update on the Symposium that will be held virtually on May 18, 2021 with approximately 40 stakeholders attending. L Olson will present the 2021 Nursing Workforce Report and G Burg will present the 2020 Education Report. Sage Project Group will be assisting with facilitating group discussions focusing on nursing education, practice, and regulatory strategies to strengthen South Dakota’s workforce.

11. Policy

A) SD Legislative Update – L Young provided an overview of health and regulatory related bills that were passed during this years South Dakota legislative session that will apply to the SDBON, beginning July 1, 2021.

B) Plan to Promulgate Amendments to ARSD §20:48 and §20:62 – L Young presented proposed amendments to rules for ARSD §20:48 & §20:62 and a draft of proposed rules in §20:48 to address the new laws in SDCL §36-2A that will be implemented on July 1st. Discussion was held on current registration requirements for unlicensed assistive personnel and need to explore regulatory changes.

Board Action: D Letcher moved that the SDBON, grant approval to proceed with promulgating the following:

- amendments to chapters §20:48:03.01 Licensure of clinical nurse specialists, §20:48:05 Licensure of nurse anesthetists, and §20:48:14 Nursing corporations.
- repeal of §20:48:08 Disciplinary proceedings, §20:48:09 Declaratory rulings, §20:48:11 Contested cases; and §20:62:05 Declaratory rulings; and
- to add chapter §20:48:17 for the health professional’s assistance program, seconded by R PetersonLund.

D Bergeleen	YES	R Craddock	Absent	D Letcher	YES	L Tschetter	YES
C Borchardt	YES	K Gabriel	YES	S Neuharth	YES	J VandenBos	YES
D Buchholz	YES	C Keffeler	Absent	R PetersonLund	YES	Total 9 Motion Carried	

Board Action: D Letcher moved that the SDBON, grant approval for exploring and revising the current registration and training requirements for the UAP role, seconded by R PetersonLund.

D Bergeleen	YES	R Craddock	Absent	D Letcher	YES	L Tschetter	YES
C Borchardt	YES	K Gabriel	YES	S Neuharth	YES	J VandenBos	YES
D Buchholz	YES	C Keffeler	Absent	R PetersonLund	YES	Total 9 Motion Carried	

12. Executive Session - pursuant to SDCL§ 1-25-2 the Board may close the meeting.

Board Action: L Tschetter moved that the SDBON, move into Executive Session, pursuant to SDCL §1-25-2(4) for purposes of contract negotiation seconded by S Neuharth.

D Bergeleen	YES	R Craddock	Absent	D Letcher	YES	L Tschetter	YES
C Borchardt	YES	K Gabriel	YES	S Neuharth	YES	J VandenBos	YES
D Buchholz	YES	C Keffeler	Absent	R PetersonLund	YES	Total 9 Motion Carried	

Board Action: L Tschetter moved that the SDBON, move back into regular session, seconded by D Letcher.

D Bergeleen	YES	R Craddock	Absent	D Letcher	YES	L Tschetter	YES
C Borchardt	YES	K Gabriel	YES	S Neuharth	YES	J VandenBos	YES
D Buchholz	YES	C Keffeler	Absent	R PetersonLund	YES	Total 9 Motion Carried	

Board Action: D Bergeleen moved that the SDBON, contract the professional services of Midwest Health Management Services to conduct the Board’s health professional’s assistance program for fiscal year 2022 for an amount not to exceed \$250,000, seconded by S Neuharth.

D Bergeleen	YES	R Craddock	Absent	D Letcher	YES	L Tschetter	YES
C Borchardt	YES	K Gabriel	YES	S Neuharth	YES	J VandenBos	YES
D Buchholz	YES	C Keffeler	Absent	R PetersonLund	YES	Total 9 Motion Carried	

13. External Meeting Reports

- A) **Nurse Licensure Compact (NLC): March 8, 2021** – L Young presented an overview of the virtual meeting which included the APRN compact model language was adopted by delegate assembly.
- B) **NCSBN Midyear Meeting: March 9 – 11, 2021** - L Young presented a summary.
- C) **NCSBN Scientific Symposium: March 22, 2021** - L Young attended virtually and presented a summary for the Board. NCSBN's 2021 Scientific Symposium presented diverse national and international studies that advance the science of nursing policy and increase the body of evidence for regulatory decision making. The symposium is aimed at nurse regulators, researchers, educators, and practitioners.
- D) **NCSBN APRN Roundtable: April 6, 2021** – L Young, G Burg, and L Olson attended. L Young gave an overview of the meeting. The NCSBN APRN Roundtable is an opportunity for advanced practice registered nurse (APRN) stakeholders to discuss common issues/concerns regarding APRNs.

14. **Open Forum** – C Borchardt, President, provided the opportunity for guests to address the Board, no one requested to do so.

15. Upcoming Meetings

- A) Board Meetings: Aug. 11-12, 2021; Nov. 9-10, 2021; Feb. 9-10, 2022; May 11-12, 2022; Aug. 10-11, 2022. Nov. 9-10, 2022; Online notice: <https://boardsandcommissions.sd.gov/Meetings.aspx?BoardID=68>
- B) NCSBN Discipline Case Management Conference: May 19, 2021, virtual
- C) NCSBN Annual Meeting: August 18 – 20, 2021, virtual
- D) SDBON APRN Advisory Committee Meeting: August 27, 2021

Meeting adjourned Wednesday, May 12, 2021 at 3:34 PM