



SOUTH DAKOTA BOARD OF NURSING

Unapproved Draft Minutes¹

4305 S Louise Avenue Suite 201

Sioux Falls, South Dakota 57106

June 11, 2020 9:00 AM CST

Board Members		Board Staff Present	
Darlene Bergeleen, RN	Present	Linda Young, RN	Executive Director
Carla Borchardt, RN	Present	Abbey Bruner	Senior Secretary
Rebekah Craddock, Public Member	Present	Glenna Burg, RN	Nursing Education Specialist
Kristin Gabriel, Public Member	Present	Erin Matthies	Licensure Operations Manager
Christi Keffeler, RN, LPN Educator	Present	Francie Miller, RN	Compliance Director
Deborah Letcher, RN, Secretary	Present	Tessa Stob, RN	Nursing Program Specialist
Nancy Nelson, RN, President	Present	Shelly Munson	Board Attorney
Sharon Neuharth, LPN	Present		
Robin PetersonLund, RN, APRN	Absent	Others Present	
Mary Schmidt, LPN, Vice President	Present	Pat Beck	Registered Professional Court Reporter
Lois Tschetter, RN	Present	Catherine Williamson	Administrative Law Judge (ALJ)

Guests: June 11, 2020

Misty Breck	Daphne Eppinga
Melissa Hinton	Maria Piacentino, SD Health Professionals Assistance Program
Lourdes Parker	Carena Jarding, Mitchell Technical Institute
Benjamin Uhlich, Veterans Administration	Lynn White, Augustana University
Sheila Miller	

1. Call to Order and Roll Call - President N Nelson called the meeting to order at 9:03 AM on Thursday, June 11, 2020.

2. Board of Nursing Minutes

Board Action: C Borchardt moved that the South Dakota Board of Nursing approve the April 16, 2020 Board Meeting Minutes. Seconded by L Tschetter.

D Bergeleen	YES	K Gabriel	YES	N Nelson	YES	M Schmidt	YES
C Borchardt	YES	C Keffeler	YES	S Neuharth	YES	L Tschetter	YES
R Craddock	YES	D Letcher	YES	R PetersonLund	Absent	Total 10	Motion Carried

3. Agenda Approval

Board Action: S Neuharth moved that the South Dakota Board of Nursing approve the June 11, 2020 agenda, seconded by D Letcher.

D Bergeleen	YES	K Gabriel	YES	N Nelson	YES	M Schmidt	YES
C Borchardt	YES	C Keffeler	YES	S Neuharth	YES	L Tschetter	YES
R Craddock	YES	D Letcher	YES	R PetersonLund	Absent	Total 10	Motion Carried

4. Staff and Board Member Activities, External Meeting Reports

A) NCSBN Board Presidents Meeting: May 11, 2020 – N Nelson gave a brief overview of the meeting: NCLEX modifications were put into place due to COVID-19 to accommodate social distancing, shortened exams and extended test center hours to allow more testers during day. NCSBN reported no concerns relating to the psychometrics of the modified exam. Testing changes will remain in place until September 2020. Nelson also provided an overview of NCSBN's International Center for Regulatory Scholarship's (ICRS) free online COVID-19 courses for health care professionals.

B) State and NCSBN COVID-19 Updates – L Young updated the Board regarding the extension of Governor Noem's Executive order on the licensed nurse's emergency provision, through December 2020 and the direction for state employees to return to office workstations on June 1st.

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5. Financial Reports – E Matthies presented the 2019 Financial Report from the period of July 2019 - May 2020.

Board Action: S Neuharth moved that the South Dakota Board of Nursing approve the financial reports as presented. Seconded by D Letcher.

D Bergeleen	YES	K Gabriel	YES	N Nelson	YES	M Schmidt	YES
C Borchardt	YES	C Keffeler	YES	S Neuharth	YES	L Tschetter	YES
R Craddock	YES	D Letcher	YES	R PetersonLund	Absent	Total 10	Motion Carried

6. Licensure and Operations

A) Licensure and Operations Report – E Matthies presented the June 2020 South Dakota Board of Nursing’s licensure and operations report. Highlighting 21,282 total nurses; 22,983 total licenses and 16,074 total actively registered unlicensed assistive personnel in South Dakota.

B) Environmental Scan – E Matthies offered information on distribution of personal protective equipment (PPE). Governor Noem and the Department of Health assigned Licensing Boards with the task of distributing PPE to those licensed professionals in need. So far, requests from independent Nurse Practitioner (NP) practice clinics have been received and distributed.

C) COVID-19 Update: Office Operations – E Matthies provided the Board with a copy of the South Dakota (SD) Board of Nursing’s (BON) Return to Work Playbook. The playbook includes practical recommendations, based on guidelines from the Center of Disease Control and Prevention, World Health Organization and South Dakota Department of Health and was compiled to keep staff safe as they returned to the office and keeping the public safe.

D) Requests for Licensure Lists – S Munson Board Attorney, provided an overview of the Board’s current Licensure List policy. She reported that the policy is outdated and recommends rescinding it and replacing with the proposed new policy.

Board Action: C Borchardt moved that the South Dakota Board of Nursing rescind the current policy and approve the proposed policy on the release of public records and licensure data. Seconded by D Letcher.

D Bergeleen	YES	K Gabriel	YES	N Nelson	YES	M Schmidt	YES
C Borchardt	YES	C Keffeler	YES	S Neuharth	YES	L Tschetter	YES
R Craddock	YES	D Letcher	YES	R PetersonLund	Absent	Total 10	Motion Carried

7. Nursing Education

A) 2019 Annual Report of Nursing Education Programs – G Burg presented 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 October 1, 2018 to September 30, 2019 on students, education program capacity, curriculum, graduates, National Council Licensure Examination (NCLEX) results, and faculty. The report will be posted on the Board’s website.

B) Ongoing Approval of Nursing Education Programs – G Burg presented the request from SDSU to increase the program percentage of simulation from 50% to 56% for their Sioux Falls cohort graduating in August 2020. SDSU needed to increase use of simulated clinical experiences due to two emergency situations: the tornado in 2019 and the pandemic in 2020.

Board Action: L Tschetter moved that the South Dakota Board of Nursing grant ongoing approval status for nursing programs as listed in the 2019 report of nursing education. Seconded by S Neuharth.

D Bergeleen	YES	K Gabriel	YES	N Nelson	YES	M Schmidt	YES
C Borchardt	YES	C Keffeler	YES	S Neuharth	YES	L Tschetter	YES
R Craddock	YES	D Letcher	YES	R PetersonLund	Absent	Total 10	Motion Carried

C) 2020 Q1 NCLEX Pass Rate Report – G Burg presented the quarter 1 NCLEX pass rate report to the Board for informational purposes.

D) South Dakota State University (SDSU) Request to Increase Percentage of Simulation for BSN Cohort – G Burg presented the request from SDSU to increase percentage of simulation to 56% from 50% for the Sioux Falls standard cohort graduating in August 2020 due to two unpredictable incidents.

Board Action: D Letcher moved that the South Dakota Board of Nursing approve SDSUs request to increase percentage of simulation to 56% for the Sioux Falls Standard cohort graduating in August 2020. Seconded by M Schmidt.

D Bergeleen	YES	K Gabriel	YES	N Nelson	YES	M Schmidt	YES
C Borchardt	YES	C Keffeler	YES	S Neuharth	YES	L Tschetter	YES
R Craddock	YES	D Letcher	YES	R PetersonLund	Absent	Total 10	Motion Carried

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E) Approval to Disburse RN Nurse Education Assistance Scholarship Funds – G Burg presented the RN scholarship funding report and distribution proposal to the Board.

Board Action: L Tschetter moved that the South Dakota Board of Nursing give approval to disburse RN Nurse Education Scholarship funds to approved applicants. Seconded by S Neuharth.

D Bergeleen	YES	K Gabriel	YES	N Nelson	YES	M Schmidt	YES
C Borchardt	YES	C Keffeler	YES	S Neuharth	YES	L Tschetter	YES
R Craddock	YES	D Letcher	YES	R PetersonLund	Absent	Total 10	Motion Carried

F) University of South Dakota (USD) Notice: Graduate Programs – G Burg offered the formal notification from USD that they will offer a Master of Science in Nursing with Specialization in Nursing Informatics and E-Health, and a Doctorate of Nursing Practice with specialization in Organizational and System leadership.

G) Environmental Scan – G Burg offered articles for informational purposes to the Board. One being, Governor Noem signed legislation to change the names of South Dakota’s four post-secondary technical institutes to better align the schools with other institutes around the nation. HB 1083 renames technical institutes to technical colleges.

H) Western Dakota Tech (WDT) Request to Increase Percentage of Simulation for PN and RN Programs - G Burg presented the request from WDT to increase the overall program percentage of simulation for PN and RN programs for the fall 2020 semester and spring 2021 semester, in the event students are unable to complete direct care clinical experiences due to COVID-19. Rather than approve WDT’s request, G Burg discussed with Board members the need to provide Board staff the flexibility to individually consider a nursing program’s emergency request so a reasonable plan can be developed and approved by Board staff in a timely manner for a school.

Board Action: D Letcher moved that the South Dakota Board of Nursing approve Board Staff to evaluate a school’s request and allow staff to accept a reasonable modification of ARSD 20:48:07:50 that will address their emergency situation. Seconded by M Schmidt.

D Bergeleen	YES	K Gabriel	YES	N Nelson	YES	M Schmidt	YES
C Borchardt	YES	C Keffeler	Recuse	S Neuharth	YES	L Tschetter	YES
R Craddock	YES	D Letcher	YES	R PetersonLund	Absent	Total 9	Motion Carried

8. Nursing Practice

A) Environmental Scan – none at this time.

9. Policy

A) Promulgation of Rules in 20:48 – L Young presented the 2020 legislative session amendments to CRNA practice laws SDCL 36-9-3.1 and 36-9-3.2 that become effective July 1, 2020. Major changes include: modernizing the scope of practice language to be more consistent with the CRNA role as defined by the National Council of State Boards of Nursing (NCSBN) and the American Association of Nurse Anesthetists (AANA) Standards for Nurse Anesthesia Practice; adding prescriptive authority within the role of the CRNA for the implementation of a patient specific anesthesia or pain management plan of care; and broadening collaboration to allow CRNAs to practice with physicians, dentists, podiatrists, certified nurse midwives, certified nurse practitioners, and physician assistants; and the provision to promulgate rules on the implementation of prescriptive authority, use of radiography, and specific procedures for pain management. Board staff convened content experts to draft proposed rules in ARSD 20:48:04. Upon approval by the Board to proceed, the rules promulgation process will be initiated.

Board Action: D Letcher moved that the South Dakota Board of Nursing give approval for Board staff to proceed with initiating the rule promulgation process on the scope and standards of nurse anesthetist practice including the implementation of prescriptive authority, use of radiography, and specific procedures for pain management. Seconded by M Schmidt.

D Bergeleen	YES	K Gabriel	YES	N Nelson	YES	M Schmidt	YES
C Borchardt	YES	C Keffeler	YES	S Neuharth	YES	L Tschetter	YES
R Craddock	YES	D Letcher	YES	R PetersonLund	Absent	Total 10	Motion Carried

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10. Compliance

A) Compliance Committee Recommendations Licensed - F Miller submitted the recommendations from the compliance committee as identified in the following table. (the acronym "HPAP": as used below represents "Health Professionals Assistance Program").

Compliance Committee Consent Agenda - Licensed

June 11, 2020

Licensed	
Settlement Offer – Letter of Concern with Remediation	Settlement Offer – Letter of Reprimand:
N.T.	Tara Franey – R033970
	Brian Erickson – R036783
Settlement Offer – Stayed Suspension with Mandated HPAP:	Joelle Hight - R043749
Julie Pierson – R031160	
	Reinstatement with Mandated HPAP:
Settlement Offer – Letter of Reprimand with Mandated HPAP:	Megan Chapman R037649
Steven Davis – CP001040	
	Settlement Offer – Voluntary Surrender
	Freddy Fisher – R050363

Board Action: D Letcher moved that the South Dakota Board of Nursing accept the recommendations of the Compliance Review Committee as presented and outlined in the Compliance Review Committee Recommendations document of Licensed Nurses. Seconded by D Bergeleen.

D Bergeleen	YES	K Gabriel	YES	N Nelson	YES	M Schmidt	YES
C Borchardt	Recuse	C Keffeler	YES	S Neuharth	YES	L Tschetter	Recuse
R Craddock	YES	D Letcher	YES	R PetersonLund	Absent	Total 8 Motion Carried	

B) Compliance Committee Recommendations Unlicensed Assistive Personnel (UAP) – T Stob submitted the recommendations from the compliance committee as identified in the following table. (the acronym "HPAP": as used below represents "Health Professionals Assistance Program").

Compliance Committee Consent Agenda – Unlicensed Assistive Personnel

June 11, 2020

Unlicensed Assistive Personnel				
May register when all registration requirements are met:				Suspension; Stay Suspension based on completing UMA Training
D.H.	J.J.	S.S	L.U.	S.D.

Board Action: D Letcher moved that the South Dakota Board of Nursing accept the recommendations of the Unlicensed Assistive Personnel Compliance Consent Agenda as presented. Seconded by S Neuharth.

D Bergeleen	YES	K Gabriel	YES	N Nelson	YES	M Schmidt	YES
C Borchardt	Recuse	C Keffeler	YES	S Neuharth	YES	L Tschetter	Recuse
R Craddock	YES	D Letcher	YES	R PetersonLund	Absent	Total 8 Motion Carried	

C) Additional Compliance for Board Review

F Miller presented background on Emily Luxem; SD R052096

Board Action: L Tschetter moved that the South Dakota Board of Nursing Summarily Suspend the license of Emily Luxem, SD R052096. Seconded by C Keffeler.

D Bergeleen	YES	K Gabriel	YES	N Nelson	YES	M Schmidt	YES
C Borchardt	YES	C Keffeler	YES	S Neuharth	YES	L Tschetter	YES
R Craddock	YES	D Letcher	YES	R PetersonLund	Absent	Total 10 Motion Carried	

F Miller presented background on Corey Wehr, SD R050466

Board Action: D Letcher moved that the South Dakota Board of Nursing Summarily Suspend the license of Corey Wehr, SD R050466. Seconded by S Neuharth.

D Bergeleen	YES	K Gabriel	YES	N Nelson	YES	M Schmidt	YES
C Borchardt	YES	C Keffeler	YES	S Neuharth	YES	L Tschetter	YES
R Craddock	YES	D Letcher	YES	R PetersonLund	Absent	Total 10 Motion Carried	

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D) June 11, 2020 Formal Hearings: Call to Order – Administrative Law Judge (ALJ) C Williamson called the hearing to order at 9:05 AM.

1. Misty Brech, SD P011590, Formal Hearing – with ALJ C Williamson presiding. Licensee served with notice. Licensee did appear. S Munson represented the Board. The following witnesses provided testimony: Lourdes Parker, Maria Piacentino, Francie Miller and Misty Brech.

Board Action: L Tschetter moved that the South Dakota Board of Nursing, in the matter of Misty Brech SD P011590, issue revocation of license. Seconded by C Keffeler.

D Bergeleen	Recuse	K Gabriel	YES	N Nelson	YES	M Schmidt	YES
C Borchardt	Recuse	C Keffeler	YES	S Neuharth	YES	L Tschetter	YES
R Craddock	YES	D Letcher	YES	R PetersonLund	Absent	Total 8 Motion Carried	

2. Daphne Eppinga, SD R036088, Formal Hearing - with ALJ C Williamson presiding. Licensee served with notice. Licensee did appear. S Munson represented the Board. The following witnesses provided testimony: Shelia Miller, Benjamin Uhlich, Daphne Eppinga and Francie Miller.

Board Action: R Craddock moved that the South Dakota Board of Nursing, in the matter of Daphne Eppinga, SD R036088, issue a letter of concern with remediation with focus on Professional Ethics and Use of Social Media. Seconded by M Schmidt.

D Bergeleen	Recuse	K Gabriel	YES	N Nelson	YES	M Schmidt	YES
C Borchardt	Recuse	C Keffeler	YES	S Neuharth	YES	L Tschetter	YES
R Craddock	YES	D Letcher	YES	R PetersonLund	Absent	Total 8 Motion Carried	

11. Open Forum – N Nelson, President, provided the opportunity for guests to address the Board at 1:00 PM, pursuant to [SDCL§ 1-25-1](#). No one requested to do so.

12. South Dakota Center for Nursing Workforce – L Young gave a brief update on the EmBe Leadership program.

13. Executive Session

Board Action: D Bergeleen moved that the South Dakota Board of Nursing move to Executive Session pursuant to [SDCL§ 1-25-2 \(3\)](#) for the purpose of consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters. Seconded by C Borchardt.

D Bergeleen	YES	K Gabriel	YES	N Nelson	YES	M Schmidt	Absent
C Borchardt	YES	C Keffeler	YES	S Neuharth	YES	L Tschetter	Absent
R Craddock	YES	D Letcher	YES	R PetersonLund	Absent	Total 8 Motion Carried	

Board Action: D Bergeleen moved that the South Dakota Board of Nursing close Executive Session. Seconded by S Neuharth.

D Bergeleen	YES	K Gabriel	YES	N Nelson	YES	M Schmidt	YES
C Borchardt	YES	C Keffeler	YES	S Neuharth	YES	L Tschetter	YES
R Craddock	YES	D Letcher	YES	R PetersonLund	Absent	Total 10 Motion Carried	

Board Action: D Letcher moved that the South Dakota Board of Nursing support legislation for the 2021 session that would repeal 36-2A requirements for a jointly operated HPAP and to allow each board to establish their own independent monitoring programs. Seconded by C Borchardt.

D Bergeleen	YES	K Gabriel	YES	N Nelson	YES	M Schmidt	YES
C Borchardt	YES	C Keffeler	YES	S Neuharth	YES	L Tschetter	YES
R Craddock	YES	D Letcher	YES	R PetersonLund	Absent	Total 10 Motion Carried	

14. Upcoming Meetings

- A) Annual Meeting of Nurse Licensure Compact Commission: Aug. 11, Online
- B) NCSBN Annual Meeting: August 12, 2020; Online
- C) SD BON APRN Advisory Committee Meeting: August 21, 2020
- D) SD BON Meetings: September 24 – 25, 2020; November 19-20, 2020

Board Action: S Neuharth moved that the South Dakota Board of Nursing adjourn the meeting at 4:31 pm Thursday, June 11, 2020. Seconded by M Schmidt.

D Bergeleen	YES	K Gabriel	YES	N Nelson	YES	M Schmidt	YES
C Borchardt	YES	C Keffeler	YES	S Neuharth	YES	L Tschetter	YES
R Craddock	YES	D Letcher	YES	R PetersonLund	Absent	Total 10 Motion Carried	

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