



SOUTH DAKOTA BOARD OF NURSING

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 605-362-2760 | <https://doh.sd.gov/boards/nursing/>

South Dakota Board of Nursing Meeting

Unapproved Draft Minutes¹

August 11, 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, Rebekah Craddock, Christi Keffler, 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; Lynn White, Augustana University.

1. Call to Order and Roll Call - President C Borchardt called the meeting to order at 8:58 AM on Wednesday, August 11, 2021.

2. Agenda Approval

Board Action: L Tschetter moved that the SDBON, approve the August 11, 2021 agenda, seconded by D Letcher. The agenda was approved in a unanimous voice vote.

3. Board of Nursing Minutes

Board Action: D Letcher moved that the SDBON, approve the May 12, 2021 Board Meeting minutes, seconded by S Neuharth. The minutes were approved in a unanimous voice vote.

4. Public Hearing to Adopt Rules in ARSD 20:48 and 20:62 - See Minutes of Public Hearing.

5. Financial Reports

A) Financial Report – E Matthies presented the SDBON FY 22 income and expense statement for July 2021.

Board Action: L Tschetter moved that the SDBON, approve the financial report as presented, seconded by S Neuharth.

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

B) 2021 Annual Report to DOH - E Matthies presented the 2021 SDBON Annual Report that was sent to the SD Department of Health. The report includes the SDBON’s mission, performance indicators, program analysis and justification, and proposed FY23 budget projections.

Board Action: D Letcher moved that the SDBON, accept the 2021 Annual Report and approve the proposed FY23 budget. Seconded by R PetersonLund.

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

6. Licensure and Operations

A) Licensure and Operations Report – E Matthies presented the report, as of August 2021, the Board had 19,185 licensed registered nurses, 2,650 licensed practical nurses, 51 certified nurse midwives, 1,540 certified nurse practitioners, 54 clinical nurse specialists, 516 certified registered nurse anesthetists, 9,840 registered certified nurse aides, 98 unlicensed dialysis technicians, 5,705 unlicensed medication aides, and 218 unlicensed diabetes aides.

B) NLC Map – E Matthies presented the updated NLC Map; 38 states have enacted the NLC. States pending implementation include: New Jersey, tentatively in 2021, Guam, tentatively in 2022, Vermont, on Feb. 1, 2022, and Ohio on Jan. 1, 2023. Pennsylvania enacted the NCL on July 1, 2021, implementation date is yet to be determined.

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7. External Meeting Reports

A) NCSBN Discipline Case Management Conference: May 19, 2021 virtual – F Miller and L Young attended and gave highlights of the conference.

B) National Council of State Boards of Nursing (NCSBN) Delegate Assembly Recommendations for Annual Meeting – L Young spoke on the background; the NCSBN Board of Directors recommend member board delegates support adoption of updates to NCSBN’s Model Act and Rules, appointment of members to the board of directors from a slate of candidates, and approval of the Next Generation NCLEX RN and LPN licensure exams test design and scoring method at their August 18 and 19, 2021 Delegate Assembly meeting.

Board Action: D Letcher moved that the SDBON, delegates for the NCSBN 2021 Annual Meeting support the adoption of the proposed revisions to the NCSBN Model Practice Act and Rules, elect candidates from the slate of candidates, and approve the Next Generation NCLEX test design and polytomous scoring methods. Seconded by L Tschetter.

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

8. Nursing Education

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

- Grant Augustana University interim approval status for the following APRN tracks: 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.
- Grant approval of the University of South Dakota’s West River site closure plan.
- Grant the University of South Dakota prerequisite approval status for a CRNA program.
- Grant approval of South Dakota State University’s West River reorganization plan up to a maximum of 72 students per Cohort.
- Grant approval to disburse funds for the RN Nurse Education Assistance Scholarship Program with the maximum award of \$1000 for each eligible graduate student and the remaining funds split between each eligible undergraduate student (approximately \$650).
- Accept Oglala Lakota College’s notification of accreditation by Commission for Nursing Education Accreditation (CNEA).
- Accept the 2021 Quarter 2 NCLEX Pass Rate Report.

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

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

B) Western Dakota Tech College (WDTC) Reorganization Plan – G Burg presented the request from WDTC. C Keffeler, Director of Nursing with WDTC was present and answered Board questions.

Board Action: R PetersonLund moved that the SDBON approve WDTC’s reorganization plan for additional PN program site in Philip, SD. Seconded by S Neuharth.

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

9. Nursing Practice

A) Unlicensed Dialysis Technician (UDT) Pilot Project Report – L Olson provided an overview and preliminary data from the project which intends to discover whether the initiation and discontinuation of hemodialysis via a central line and changing aseptic central line dressings can be delegated by an RN, who has a minimum of one-year dialysis experience, to a registered dialysis technician. The pilot started in February 2021 and has 11 UDTs participating. The dialysis task force has been meeting monthly and has had positive feedback from the RNs and UDTs participating.

B) Nurse Practitioner (NP) Practice and Employment Guide – L Olson presented the *NP Practice and Employment Guide* that she and members of the APRN Advisory Committee developed as a reference tool to help employers and NPs make

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employment and practice decisions based on an NP's practice focus area. The guide provides typical patients, locations of practice, and other useful information on the 8 different types of licensed NPs. The document will be published in the Board's newsletter and placed on the CNP practice page

C) APRN Advisory Committee Appointments – L Olson presented the reappointment requests from Lisa VanGerpen, CNM and Kay Foland, CNS, CNP to the APRN Advisory Committee for a second and third term.

Board Action: D Letcher moved that the SDBON, reappoint the following individuals to the APRN Advisory Committee: Kay Foland, CNS, CNP and Lisa VanGerpen, CNM. Seconded by R PetersonLund.

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

10. Center for Nursing Workforce (CNW)

A) SD CNW Symposium, May 18, 2021 Report– L Olson reported thirty-seven (37) individuals attended the virtual event. The SD Annual Report of Nursing Education Programs and SD 2021 Workforce Supply and Characteristics Report were reviewed and questions addressed. Three breakout sessions were conducted that focused on: Clinical experiences that promote critical thinking and communications skills, Collaborative partnership opportunities, and Recruitment and retention strategies. Feedback from each session was prioritized and themes were developed. Based on the themes, a workgroup will be established to assist in identifying a potential project opportunity which will be presented to the Board.

11. Policy

A) Authorization for Administrative Fine for Lapsed Licenses – F Miller provided background on SDCL 36-9-47 and explanation of SDCL chapter 36-1C; Uniform Complaint and Declaratory Ruling Procedures that was enacted 7/1/2021. Pursuant to SDCL 36-1C-5, the SDBON may impose an administrative fine that does not exceed \$500 upon proof of a violation of a specified statute or rule. A nurse who engages in the practice of nursing during a time the licensee's license has lapsed is in violation of SDCL subdivision 36-9-49(9) or 36-9A-35(5).

Board Action: D Letcher moved that the SDBON, approve the concept of establishing an administrative fee structure for lapsed licenses and Board staff bring a final proposal for consideration at the next Board meeting. Seconded by L Tschetter.

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

B) Subpoena Power - Megan Borchert, General Counsel to the Board presented information regarding a request the Board received about subpoena power.

Board Action: L Tschetter moved that the SDBON, give general legal counsel the authority to petition for a declaratory ruling regarding investigative evidentiary subpoenas authority and the notice requirements for those subpoenas. Seconded by S Neuharth.

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

C) Promulgation of Rules for Nurse Aides – T Stob and L Young informed the board that the Department of Health (DOH) intends to promulgate changes to the rules for nurse aides to update the rules and to ensure ongoing compliance with federal requirements. The DOH has not published a draft of proposed rules, once available, the document will be posted on the DOH or legislative website for review.

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

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

A) Formal Hearings

1. Mark Hill; SD CP001379, with Administrative Law Judge (ALJ) C Williamson presiding. Licensee served with notice. Licensee did not appear.

Board Action: D Letcher moved that the SDBON, Suspend the license of Mark Hill, SD CP001379. Seconded by R PetersonLund.

D Bergeleen	RECUSE	R Craddock	YES	D Letcher	YES	L Tschetter	YES
C Borchardt	RECUSE	K Gabriel	ABSENT	S Neuharth	YES	J VandenBos	YES

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D Buchholz	ABSENT	C Keffeler	YES	R PetersonLund	YES	Total 7 Motion Carried	
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2. Taylor Johnson; SD P011856 with ALJ C Williamson presiding. Licensee served with notice. Licensee did not appear.
Board Action: D Letcher moved that the SDBON, Suspend the license of Taylor Johnson, SD P011856. Seconded by L Tschetter.

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

3. Brenda Berger; SD R024019 S Munson requested Board per SDCL 36-9-49.1 request licensee complete evaluation by SD HPAP.

Board Action: R PetersonLund moved that the SDBON, pursuant to SDCL 36-9-49.1, orders licensee Brenda Berger, SD R024019, complete an evaluation by the SD HPAP and follow all recommendations for further evaluations.

Seconded by L Tschetter.

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

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

- **Settlement Offer – Letter of Concern:** Case #1 E.B.
- **Settlement Offer – Letter of Concern with Remediation:** Case #2 T.F.; Case #3 A.J.; Case #4 J.S.
- **Settlement Offer – Letter of Reprimand with Remediation:** Case #5 Jill Greenfield R034152
- **Settlement Offer – Mandated HPAP:** Case #6 T.B.; Case #7 C.K.; Case #8 R.W.
- **Settlement Offer – Grant Licensure when all requirements are met with Mandated HPAP:** Case #9 M.G.
- **Settlement Offer – Grant Reinstatement with Mandated HPAP:** Case #10 S.C.
- **Settlement Offer – Mandated HPAP and Stayed Suspension:** Case #11 Audrey Kruse R042558; Case #12 Amy Nelson R038656; Case #13 Joshua Statler R052635
- **Settlement Offer – Voluntary Surrender:** Case #14 Chandra Malsam R036949
- **Settlement Offer – Issue Single-state License when all requirements are met:** Case #15 R.H.

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.

Seconded by L Tschetter.

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

C) 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 S.K.
- **Voluntary Surrender:** Case #2 Amy Golden M009355, A050971; Case #3 Terri Tripp M008260, A046581; Case #4 Jennifer Groethe M008573
- **Letter of Concern for UAPs working on lapsed registrations >90 days first offense for all registrants with no further concerns:** Case #5 H.L.; Case #6 E.S.; Case #7 T.A.; Case #8 C.N.; Case #9 K.H.; Case #10 A.F.; Case #11 A.G.C.; Case #12 A.C.

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 D Letcher.

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

D) Dismissal Reporting -F Miller presented a report of Investigative Dismissals, pursuant to SDCL 36-1C-4.

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E) Additional Compliance for Board Review

1. S Munson, Board Prosecutor, presented background on Jennifer Hanes; M005568, requesting to Summarily Suspend registration.

Board Action: D Bergeleen moved that the SDBON, Summarily Suspend the Unlicensed Medication Aide registration of Jennifer Hanes, M005568. Seconded by D Letcher.

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

2. F Miller, presented background on Candice Dykema; SD RN R027848.

Board Action: L Tschetter moved that the SDBON, accept the Voluntary Surrender of the license for Candice Dykema, SD R027848. Seconded by S Neuharth.

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

3. F Miller, presented background on Seth Barck; SD R045151.

Board Action: L Tschetter moved that the SDBON, accept the Voluntary Surrender of the license for Seth Barck; SD R045151. Seconded by R PetersonLund.

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

4. F Miller, presented background on Melanie Rosa; SD P009338.

Board Action: S Neuharth moved that the SDBON, accept the Voluntary Surrender of the license of Melanie Rosa; SD P009338. Seconded by D Letcher.

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

5. F Miller, presented background on B.M.

Board Action: D Letcher moved that the SDBON, grant licensure when all licensing requirements are met for B.M. Seconded by S Neuharth.

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

6. S Munson, Board Prosecutor, presented background on Julie Cox; SD CP000877 & R035374.

Board Action: D Letcher moved that the SDBON, issue a Letter of Reprimand for Julie Cox; SD CP000877 & R035374. Seconded by S Neuharth.

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

7. S Munson, Board Prosecutor, presented background on Jaclyn (Lowitz) Houghtaling; SD R042638.

Board Action: C Keffeler moved that the SDBON, issue a Letter of Reprimand for Jaclyn (Lowitz) Houghtaling; SD R042638. Seconded by D Letcher.

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

F) Action on Petition for Declaratory Ruling – M Borchert spoke to the request received for a Declaratory Ruling and answered Board questions.

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Board Action: D Letcher moved that the SDBON, find that the petition for Declaratory Ruling presented before the Board today is improper. As it does not substantially conform to SDCL 36-1C-14. To the extent the petition is proper, SDCL 36-9-98 gives the Board authority to issue evidentiary subpoenas during an investigation and the Board cannot otherwise issue a declaratory ruling for statutes or rules outside the purview of the Board, including the administrative procedures act or the rules of civil procedure. Seconded by R PetersonLund.

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

- G) Review of Felony Conviction Prior to Licensure** – F Miller presented background, upon implementation of SDCL 36-1C, applicants who have a felony that rises to the level of a complaint, that applicant will be provided review as any other complaint. If disciplinary action is considered, an applicant may appear before the Board during a formal hearing.
Board Action: L Tschetter moved that the SDBON, withdraw the Disciplinary Felony Conviction policy statement. Seconded by S Neuharth.

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

- H) HPAP Report** – L Young presented the SDBON HPAP Quarterly Report to the Board and responded to Board questions.

14. Executive Session - pursuant to SDCL§ 1-25-2 the Board may close the meeting. No Executive Session was held.

15. Upcoming Meetings

- A) Board Meetings: Nov. 9-10, 2021 Virtual; Feb. 9-10, 2022 Virtual; May 11-12, 2022; Aug. 10-11, 2022; Nov. 9-10, 2022.
 Online notice: <https://boardsandcommissions.sd.gov/Meetings.aspx?BoardID=68>
- B) Board of Nursing Officer Selection: November 9, 2021 – L Young informed the Board that officers are selected annually.
- C) SDBON APRN Advisory Committee Meeting: August 27, 2021
- D) Board of Nursing Officer Selection: November 9, 2021

Meeting adjourned at 3:01

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