



# SOUTH DAKOTA BOARD OF NURSING

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

## South Dakota Board of Nursing Meeting

September 24, 2020 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, Kristin Gabriel, Christi Keffeler, Deborah Letcher, Nancy Nelson, Sharon Neuharth, Mary Schmidt, Lois Tschetter.

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

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

**Guests Present:** Tammy Stolle, Court Reporter; Catherine Williamson, Administrative Law Judge; Carena Jarding, Mitchell Technical College; Rachel Grothe; Debra Watson; Jolene Nasser.

**1. Call to Order and Roll Call** - President N Nelson called the meeting to order at 8:30 AM on Thursday, September 24, 2020.

### 2. Agenda Approval

Board Action: D Bergeleen moved to approve the September 24, 2020 agenda, 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	

**3. Public Hearing to Adopt Rules in ARSD 20:48:04** – See Minutes of Public Hearing.

### 4. Formal Hearings

**A) Emily Luxem SD R052096**, Formal Hearing – with ALJ C Williamson presiding. Licensee served with notice. Licensee did not appear.

Board Action: D Letcher moved that the South Dakota Board of Nursing (SDBON) issue Emily Luxem SD R052096 a suspension of licensure. 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	

**B) Anna Elvik SD R048962**, signed voluntary surrender, hearing cancelled for licensee.

**C) Rachel Groethe SD P012687**, Formal Hearing – with ALJ C Williamson presiding. Licensee served with notice. Licensee was present via phone with her attorney D Watson. S Munson represented the Board. One witness provided testimony.

Board Action: D Bergeleen moved that the SDBON, in the matter of Rachel Groethe, P012687, issue a letter of reprimand for a lapsed license for a period of 316 days. Seconded by M Schmidt.

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	

**D) Nicole Ross M008062**, Formal Hearing – with ALJ C Williamson presiding. Registrant served with notice. Registrant did not appear.

Board Action: M Schmidt moved that the SDBON suspend the registration for Nicole Ross UMA M008062. Seconded by D Letcher.

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	

### 5. Board of Nursing Minutes

Board Action: D Letcher moved to approve the June 11, 2020 Board Meeting minutes, seconded by C Borchardt.

D Bergeleen	Yes	K Gabriel	Yes	N Nelson	Yes	M Schmidt	Yes
C Borchardt	Yes	C Keffeler	Absent	S Neuharth	Yes	L Tschetter	Yes

R Craddock	Yes	D Letcher	Yes	R PetersonLund	Absent	Total 9	Motion Carried
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## 6. Staff and Board Member Activities and External Meeting Reports

A) **NCSBN Board Presidents Meeting:** N Nelson provided a report on the July 20, 2020 NCSBN Presidents meeting.

B) **Annual Meeting of Nurse Licensure Compact Commission:** L Young provided a report of the August 11, 2020 online meeting; commissioners adopted the following administrative rules which will go into effect on January 1<sup>st</sup>, 2021: number 408 regarding FBI information received by a board will not be shared with other boards; and number 409 regarding active duty military personnel and their spouses who will be required to declare a home state of residence.

C) **NCSBN Annual Meeting: August 12, 2020; Online** – L Young, D Letcher and C Borchardt attended online meeting on August 12, 2020. D Letcher and C Borchardt served as delegates. Delegates adopted the revised APRN compact for CRNAs, CNPs, CNSs, and CNMs. The compact will be implemented once seven states join. Only APRNs who have a minimum of 2,080 hours of practice will be eligible to be issued a multi-state license to allow that APRN to practice in other member states.

D) **SD BON APRN Advisory Committee Meeting:** L Young provided a report on the August 21, 2020 online meeting. Of the CNPs and CNMs who hold controlled substance registration in South Dakota, 92% are registered with the state's PDMP as required in state law. Committee members discussed the APRN scope of practice decisioning algorithm, which is available on the Board's website, and the need for APRNs to use and include licensed role and focus area.

## 7. Financial Reports

A) **2020 Annual Report** – E Matthies presented the 2020 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 FY22 budget projections.

Board Action: C Borchardt moved that the SDBON accept the 2020 Annual Report. 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

B) **FY20 Income/Expense Statement** – Provided for informational purposes.

C) **FY21 Income/Expense Statement** – E Matthies presented the SDBON FY21 income and expense statement July 2020 through August 2020.

Board Action: L Tschetter moved that the SDBON approve the FY21 Income/Expense Statement. 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

## 8. Licensure and Operations

A) **Licensure and Operations Report** – E Matthies presented the report, as of September 2020, the Board had 18,784 licensed registered nurses, 2,647 licensed practical nurses, 40 certified nurse midwives, 1,350 certified nurse practitioners, 56 clinical nurse specialists, 509 certified registered nurse anesthetists, 10,065 registered certified nurse aides, 81 unlicensed dialysis technicians, 5,613 unlicensed medication aides, and 195 unlicensed diabetes aides.

9. **Open Forum** – N Nelson, President, provided the opportunity for guests to address the Board, no one requested to do so.

## 10. Nursing Education

A) **Education Committee Policy** – G Burg presented information regarding the need to establish an Education Committee and proposed policy establishing the committee. N Nelson, Board President, appointed 2 members to serve on the committee: L Tschetter, RN education representative, and C Keffeler, PN education representative.

Board Action: D Bergeleen moved that the SDBON approve the establishment of an Education Committee and the amended proposed policy. 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

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

- **Mitchell Technical College** – Approve Interim Status for PN to AD RN Program
- **Presentation College** – Approve Prerequisite Status for Practical Nursing Program
- **Avera Heart Hospital, Sioux Falls** – Approve Clinical Enrichment Program
- **Minnesota State Community and Technical College, Workforce Development Solutions** – Approve Independent Study Refresher Course for RNs
- **Sisseton Wahpeton College** – Accept Voluntary Hold on Practical Nurse Program
- **Southeast Technical College** – Approve New Nursing Program Administrator, Jaclyn Kramer
- **Mount Marty University** – Approve New CRNA Program Director, Andrea Roberts

Board Action: D Bergeleen moved that the SDBON accept the recommendations of the Education Committee as presented and outlined in the Education Committee Recommendations Agenda document. 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	Recuse
R Craddock	Yes	D Letcher	Yes	R PetersonLund	Absent	Total 8	Motion Carried

**C) Western Dakota Technical College (WDTA) Request for PN Program Reorganization** – G Burg presented the request. K Keffeler, WDTA representative, was present to respond to questions on adding an additional program site to WDTA’s PN education program. She provided two amendments to WDTA’s proposal; she shared that the start date for the new location will be Spring, January 2021.

Board Action: L Tschetter moved that the SDBON approve the request from WDTA to add an additional program site for PN education at Whitewood. Seconded by S Neuharth.

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

**D) Informational Documents:** G Burg presented informational items: i. NCLEX Pass Rates (Quarter 2), ii. NCSBN NCLEX Modifications, iii. Mount Marty University Name Change, iv. Dakota Wesleyan University CCNE Letter, v. Dakota Wesleyan University RN to BSN Program Voluntary Closure, and vi. RN Scholarship Thank You Notes.

**11. Nursing Practice**

**A) Request for a Declaratory Ruling: Nasser Law Firm, PC** – S Munson introduced J Nasser who was present on the phone to discuss her request and to provide background information. J Nasser requested the Board accept L Young’s scope of practice response to her questions as a formal opinion of the Board.

- C Borchardt moved that the SDBON enter Executive Session - pursuant to SDCL§ 1-25-2 (3), seconded by K Gabriel.
- D Letcher moved that the SDBON exit Executive Session, seconded by C Borchardt.

Board Action: L Tschetter moved that the SDBON issue a declaratory ruling consistent with L Young’s July 16, 2020 letter to Nasser Law Firm and as otherwise discussed in Executive Session. Seconded by Sharon 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

**B) APRN Advisory Committee Reappointments** – L Young presented the requests from Jo Gibson, CNP, FNP and Alexia Klinkhammer, CRNA for third terms to the APRN Advisory Committee.

Board Action: D Letcher moved that the SDBON reappoint Jo Gibson and Alexia Klinkhammer to the APRN Advisory Committee for a third term. 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

**12. Compliance** – (the acronym “HPAP”: as used below represents “Health Professionals Assistance Program”).

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

- **Settlement Offer – Letter of Concern** 1. T.A., 2. B.C., 3. B.M.
- **Settlement Offer – Letter of Concern with Remediation** 4. T.S., 5. D.G., 6. T.S.
- **Settlement Offer – Letter of Reprimand:** 7. Michelle Boadwine – R039014, 8. Sean Carmody – R050956, 9. Pamela Hulstein – CM000059, 10. Kalcy Triebwasser – R036250.

- **Request for Licensure:** 11. Devon Chaulk – SD NCLEX Applicant.
- **Settlement Offer – Mandated HPAP** 12. R.W. – R035065, 13. D.W. – R043639.
- **Settlement Offer – Stayed Suspension with Mandated HPAP** 14. Angela Jennings – R029356, 15. Chelsea Larkin – R034548, 16. Krissa Wermers – R043014, 17. Mindi Hansen – R037140, 18. Micky Neilan – R027875, 19. Nicholas Smith – R047999.
- **Settlement Offer - Reinstatement with Stayed Suspension with Mandated HPAP** 20. Cherie Kracht – P010082, IA P59321.
- **Close Probation** 21. Lisa Brimmer – R030772.
- **Settlement Offer – Voluntary Surrender** 22. Corey Wehr – R050466, 23. Mary Rasmussen – R046624.

Board Action: D Bergeleen 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 M Schmidt.

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 follows:

- **May Register When All Registration Requirements are Met:** 1. TG, 2. BM, 3. KM, 4. DS, 5. CG, 6. MM.
- **Grant Renewal of Registration:** 1. C.T.
- **Letter of Reprimand:** 1. S.V. 2. SR, 3. MG.

Board Action: M Schmidt moved that the SDBON accept the recommendations of the UAP Compliance Consent Agenda as presented. 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

**C) Additional Compliance for Board Review**

1. F Miller presented background on Anna Elvik, R048962.

Board Action: M Schmidt moved that the SDBON, accept the Voluntary Surrender of Anna Elvik, SD R048962. Seconded by D Letcher.

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

2. F Miller presented background on Christine Keeter, SD R020552.

Board Action: D Bergeleen moved that the SDBON, accept the Letter of Reprimand on Christine Keeter, SD R020552.

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

**D) Compliance Committee Membership** – F Miller discussed with the Board that L Tschetter will be leaving the Compliance Committee and we will need a new appointment. D Bergeleen will accept the appointment for one year.

### 13. SD Center for Nursing Workforce (CNW)

**A) Sage Project Consultants: Workforce Reports and Symposium Proposal:** L Young provided background information on the CNW and current need to contract with Sage Project Consultants for the analysis of workforce data, writing of workforce reports, and coordination of an annual symposium to convene stakeholders.

Board Action: L Tschetter moved that the SDBON approve a yearly contract with SAGE Projects Consultants not to exceed \$30,000/year to support completion of CNW reports and coordination of symposium. 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

**B) CNW Nursing Leadership Update** – L Young provided an update from EmBe on the CNW’s Nursing Leadership Program; there are 25 participants in the current 2021 program; due to the pandemic several sessions have been postponed.

**14. Board Development**

**A) Zoom Training** – E Matthies provided members a guide to using the virtual meeting platform Zoom; she responded to questions on the use of Zoom for future meetings.

**15. Meetings**

**A) Select Future BON Meetings:** Board members selected the following dates.

- 2021 SDBON Meetings: February 10-11, May 12-13, August 11-12, November 9-10.
- 2022 SDBON Meetings: February 9-10, May 11-12, August 10-11, November 9-10.

Board Action: K Gabriel moved that the SDBON set the 2021-2022 SDBON meetings as detailed in the email from Linda Young to Board members on September 9, 2020, amended to read Wednesday, February 10, 2021 and Thursday, February 11, 2021. 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

**B) Select BON Officers**

Board Action: S Neuharth moved that the SDBON appoint as President: C Borchardt; as Vice-President: D Letcher; as Secretary: D Bergeleen to serve as officers for year 2021. 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

**C) Future Board Meeting: November 19-20, 2020:** L Young indicated that it may be a one-day meeting.

**Meeting adjourned Thursday, September 24, 2020 at 2:47 PM**