



**Board of Nursing Meeting Minutes** – *Unapproved Draft; Pursuant to [SDCL 1-27-](#)*

[1.17](#)

**August 10, 2022**

Physical location: Holiday Inn Express and Suites 3821 W Avera Dr, Sioux Falls, SD, 57108

**1. Call to Order and Roll Call** – Secretary Darlene Bergeleen called the meeting to order at 9:13 A.M. Central. A quorum of the board is present for the purpose of conducting business.

**Board Members Present:** Darlene Bergeleen, Secretary, Deborah Bowar, Denise Buchholz, Rebekah Craddock, Kristin Gabriel, Nathan Hinker, Lori Koenecke, Lois Tschetter, and Jenna VandenBos. Christi Keffeler, Vice President: present for agenda item 5.

**Board Member(s) Absent:** Carla Borchart, President.

**Board Staff Present:** Linda Young, Glenna Burg, Erin Matthies, Lindsay Olson and Dawn Rye.

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

**Others Present:** Tammi Chaney

**2. Agenda Approval:** Motion by Tschetter to approve the August 10, 2022, agenda. Second by Gabriel. Motion carried.<sup>1</sup>

**3. Approval of Minutes:** Motion by Craddock to approve the May 11, 2022, minutes. Second by Bowar. Motion carried.<sup>1</sup>

**4. Open Forum:** Bergeleen provided the opportunity for guests to address the Board, no one requested to do so.

**5. Compliance:** the acronym “HPAP” represents “Health Professionals Assistance Program”.

a. Compliance Committee Recommendations – Licensed: Munson explained the Board’s investigative and complaint process that conforms to requirements in SDCL 1-26 and 36-1C. Munson submitted the following recommendations from the Board’s Compliance Committee:

- Settlement Offer – Letter of Concern: Case #1 R.B.; Case #2 J.G.; Case #3 M.H; Case #4 C.I.; Case #5 H.L; Case #6 A.N.; Case #7 J.O.
- Settlement Offer – Letter of Concern with Remediation: Case #8 M.W.
- Settlement Offer – Letter of Reprimand: Case #9 Shannon Zimiga P010978
- Settlement Offer – Letter of Reprimand with Remediation: Case #10 Joelle Hight, R043749; Case #11 Debra Martin, R031935; Case #12 April Spinar, R042719
- Settlement Offer – Mandated Participation in HPAP: Case #13 R.B.
- Settlement Offer – Stayed Suspension with Mandated Participation in HPAP: Case #14 Kathryn Graves, R037180
- Order Closing Probation: Case #15 Nichole Solomon, R033973.

Motion by Tschetter to accept the recommendation of the Compliance Committee as presented and outlined in the Compliance Committee Consent Agenda for licensed nurses. Second by Gabriel. Motion carried.

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

b. Dismissal Reporting – Licensed: Munson presented a report of Investigative Dismissals, pursuant to SDCL 36-1C-4.

c. Compliance Committee Recommendations – Registrants: Munson submitted the following recommendation from the Compliance Committee:

- Letter of Concern: Case #1 B.D.

Motion by Koenecke to accept the recommendation of the Compliance Review Committee as presented and outlined in the Compliance Committee Consent Agenda for Registrants. Second by Hinker. Motion carried.

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

d. Dismissal reporting – Registrant: Munson reported that there were no complaints dismissed.

e. Additional Compliance for Board review – Munson reported that there was no additional compliance.

<sup>1</sup>All motions taken by roll call, unless otherwise stated. Unanimous motions, with all members present voting “Yes”, are recorded as “motion carried”.

- f. Compliance Committee Member Appointment Request: Buchholz: Young explained that Bergeleen was not eligible to continue on the committee because her third board member term expires on October 30<sup>th</sup>, 2022; therefore, another member needs to be appointed. Buchholz agreed to be appointed. Motion by Gabriel to appoint Buchholz to the Board of Nursing’s Compliance Committee. Second by Bower. Motion carried.

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

6. **HPAP Quarterly Report:** Young presented the HPAP Quarterly Report; 94 participants were enrolled in June 2022 for monitoring of substance use or mental health related issues.

**7. Financial Report:**

- a. FY22 Annual Report: Matthies presented the annual financial report that was submitted to the Department of Health as required. The report includes information on fiscal year (FY) 2022 actual revenue, expenses, and licensure data; FY 2023 information; and requested budget for FY 2024. Matthies responded to questions. Motion by Tschetter to accept the FY 2022 Annual Report and to approve the proposed FY 2024 budget. Second by Koenecke. Motion carried.<sup>1</sup>
- b. FY23 Financial Report: Matthies presented the income and expense statement for July 2022 and responded to board questions. Motion by Tschetter to approve the financial report as presented. Second by Buchholz. Motion carried.<sup>1</sup>

**8. Licensure and Operations:**

- a. Licensee and Registrant Report: Matthies reported that as of August 2022, there were 19,633 actively licensed registered nurses, 2,690 licensed practical nurses, 55 certified nurse midwives, 1,859 certified nurse practitioners, 51 clinical nurse specialists, and 519 certified registered nurse anesthetists; and 10,064 actively registered nurse aides, 5,566 medication aides, and 240 diabetes aides.
- b. International availability of NCLEX examination – NCSBN Response: Young shared the request by Monument Health for a review by NCSBN of international NCLEX testing availability. Young shared the response from Chief Officer of Operations and Examinations for NCSBN, Philip Dickison, PhD, RN. Dickison addressed Monument Health’s concerns and explained that international testing had been backlogged due to COVID in 2020 and 2021, however, all but three countries, Hong Kong, Israel, and Turkey, are now at 100 percent testing capacity.

**9. Nursing Education:**

- a. Nursing Education Committee (NEC) Recommendations: Burg submitted the following recommendations from the NEC:
1. Grant approval of Sitting Bull College’s (Fort Yates, ND) request to use in-state sites in Mobridge and McLaughlin for labs and testing.
  2. Grant approval to disburse funds for the RN Nurse Education Assistance Scholarship Program.
  3. Grant approval for Becka Schelske, DNP, MSN, RN as the interim nursing program administrator at Presentation College.
  4. Grant approval of Kristen Hybertson, MSN, RN as the nursing program administrator at Western Dakota Technical.
  5. Informational only: No action requested: 2021 – 2022 Comparison of Quarter 2 NCLEX Pass Rates Report.

Motion by Cradduck to accept the recommendations of the Education Committee as presented in the Education Consents Agenda. Second by Buchholz. Motion carried.

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

- b. Sinte Gleska University (SGU) Fall 2022 report: Burg presented a letter form SGU, dated August 9, 2022, in response to Munson’s letter notifying SGU of their violation of probation order that was entered on May 11, 2022. SGU’s letter of response addressed the issues put forth by the Board regarding their nursing program.

Motion by Tschetter to move into Executive Session, pursuant to SDCL 1-25-2 (4), for purpose of consulting with legal counsel. Second by Bower. Motion carried.<sup>1</sup> The Board went into Executive Session at 1:01 p.m.

Motion by Tschetter to move out of Executive Session. Second by Hinker. Motion carried.<sup>1</sup> The board moved out of Executive Session at 1:38 p.m.

<sup>1</sup>All motions taken by roll call, unless otherwise stated. Unanimous motions, with all members present voting “Yes”, are recorded as “motion carried”.

Motion by Bower to have the Board’s prosecuting attorney, Munson, send a letter to SGU advising them of the probation violations. In addition, on or before September 30, 2022, SGU must submit to the Board:

- 1) A breakdown of the didactic, clinical, and lab credit hours for each nursing course;
- 2) A nursing workload policy that provides evidence that SGU has employed qualified faculty to meet didactic and clinical requirements;
- 3) Current nursing student enrollment;
- 4) List of courses each nursing student is registered for fall 2022; and
- 5) Prompt updates regarding faculty hiring.

Second by Gabriel. Motion carried.<sup>1</sup>

- c. Approval of Brookings Health System (BHS) Clinical Enrichment Program: Burg presented a request from BHS to approve offering a new clinical enrichment program (CEP). Burg reported that BHS’s application met all requirements.

Motion by Tschetter to approve the new CEP for BHS. Second by Koenecke. Motion carried.<sup>1</sup>

#### 10. Nursing Practice:

- a. Request to modify Certified Nurse Midwives (CNMs) Out-of-Hospital (OOH) Birth Practice Agreement and Request to Repeal ARSD 20:62:03:10. Out-of-hospital birth practice.:

Olson presented a request from five CNMs who attend OOH births in South Dakota, they requested a modification to the Board’s approved OOH Birth Practice Agreement, Section E, relating to required physician consultation. The CNMs’ reported that the current language in Section E is restrictive, not all of the conditions listed require consultation, and in some circumstances the required consultation or referral is unnecessary and creates additional barriers or costs for women. Chaney, CNM, was present and shared information on the request and she responded to board member questions.

Motion by Tschetter to approve the revised language to Section E of the CNM Out-of-Hospital Birth Practice Agreement, to read as follows:

*“E. Physician consultation and Referral:*

*The CNM may consult with the woman’s selected physician or facility whenever there are significant deviations from normal, including laboratory results, for the woman or newborn. If a referral is needed, the CNM will remain in consultation with the provider until resolution of the concern. It is appropriate for the CNM to maintain care of the woman to the greatest degree possible in accordance with the woman’s wishes. The following conditions may require physician consultation, referral, and/or transfer of care.”*

Second by Buchholz. Motion carried.<sup>1</sup>

Olson presented the CNMs’ second request to repeal requirements in ARSD 20:62:03:10. Specifically to remove the requirements for a CNM to sign an OOH birth practice agreement and to provide quality review data on OOH births to the board. Chaney explained that the removal of these requirements will allow licensed CNMs to practice to their full scope and it will reduce access to care barriers for women seeking an OOH birth. Olson shared additional documentation submitted by the CNMs to support their request.

Following careful consideration by the board, Tschetter moved to approve proceeding with promulgating the following amendment to 20:62:03:10. Out-of-hospital birth practice:

**~~20:62:03:10. Out-of-hospital birth practice-practice. Prior to performing out-of-hospital birth services, a nurse midwife shall submit to the board a signed agreement to:~~**  
~~—— (1) Follow board approved out-of-hospital birth practice guidelines;~~  
~~—— (2) Provide quality review data on out-of-hospital births to the board;~~  
~~—— (3) Follow who performs out-of-hospital births must follow all state requirements, including providing birth registration data to the South Dakota Department of Health or, upon operating a birth center, agree to comply with requirements in article 44:69.~~

Second by Buchholz. Motion carried.<sup>1</sup>

- b. APRN Advisory Committee Appointments: Olson presented an overview of the APRN Advisory Committee. She provided the current APRN Advisory Committee Membership roster, applications, and curriculum vitas of applicants for the open CNP and CNM positions. Olson also presented the reappointment request from Lynn White, CNS, to serve a third term on the committee.

<sup>1</sup>All motions taken by roll call, unless otherwise stated. Unanimous motions, with all members present voting “Yes”, are recorded as “motion carried”.

Motion by Koenecke to appoint the following individuals to serve as members on the Board's APRN Advisory Committee for three-year terms: Jenifer Reitsma, CNP, Pediatric Nurse Practitioner (Acute and Primary), Tammi Chaney, CNM, CNP, Women's Health Nurse Practitioner, and Lynn White, CNS. Second by Bower. Motion carried.<sup>1</sup>

**11. SD Center for Nursing Workforce (CNW):**

- a. Nurse Preceptor Project: Olson presented an overview of the CNW's project involving the development of standardized nurse preceptor training course modules. Seven modules are in development for use by all nurses serving as preceptors for LPN and RN students. Anticipated date of completion is fall 2022.

**12. Policy:**

- a. Update on Adopted Rules 20:48:04.02 Delegation of nursing tasks to dialysis technicians: Young presented update on adopted amendments to ARSD § 20:48:04:02.04, and Chapters 20:48:04.02 and 20:48:16. Changes include: repealed outdated rule on LPN dialysis training; updated training requirements and delegation of nursing tasks to dialysis technicians; included rules to allow a registered nurse to delegate central line dialysis tasks to a dialysis technician, including training and supervision requirements; and removed registration requirements for dialysis technicians. The revised rules became provisionally effective July 6, 2022.
- b. Promulgation or Proposed Amendments to ARSD 20:48:04.01 Delegation of nursing tasks: Young provided an overview of drafted proposed amendments to ARSD chapters 20:48:04.01 and 20:48:16. Proposed changes include: updating language for current practice; removing requirement for diabetes aides and certain medication aides, those not employed in a skilled nursing facility, assisted living center, or hospital, to be registered by the Board; updating the curriculum requirements for medication aide training programs; and revisions to allow nurses to delegate medication administration to certified medical assistants; and to a specific nursing assistant to administer a specific medication for a specific client.

Motion by Tschetter to grant approval to proceed with promulgating amendments to ARSD chapters 20:48:04.01 and 20:48:16 as presented. Second by Hinker. Motion carried.<sup>1</sup>

- 13. Executive Session:** Motion by Tschetter to move into Executive Session, pursuant to SDCL 1-25-2 (4), for purpose of consulting with legal counsel at 2:18 p.m. Second by Hinker. Motion carried.<sup>1</sup>

Motion by Bower to move out of Executive Session at 2:25 p.m. Second by Gabriel. Motion carried.<sup>1</sup>

**14. External Meeting Reports:**

- a. NCSBN 2022 Annual Meeting and Delegate Assembly Recommendations: Young provided a review of the NCSBN Board of Director's recommendations for adoption by the Delegate Assembly.  
Motion by Koenecke to support the adoption of the proposed strategic initiatives, approve the College of Registered Nurses of Saskatchewan and College of Registered Nurses of Alberta as exam user member of NCSBN, elect candidates from the state of candidates, and approve the 2023 NCLEX RN and PN test plans. Second by Tschetter. Motion carried.<sup>1</sup>
- b. NCSBN Executive Officers Summit – Report: Young provided a report of the meeting.
- c. National Forum of State Workforce Conference – Report: Olson provided a report of the meeting.
- d. Rural Health Leaders Conference (SDAHO) – Report: Olson, Young, Burg, and Buchholz attended. Olson provided a report of the meeting.

**15. Announcements:**

- a. Future Board Meetings: 11/9/2022; 2/8/2023; 5/10/2023;8/9/2023; 11/15/2023. The meetings on 11/9/2022 and 2/8/2023 will be held via Zoom. <https://boardsandcommissions.sd.gov/Meetings.aspx?BoardID=68>.
- b. Board of Nursing Officer Selection: November 9, 2022
- c. Nurse Licensure Compact (NLC) Administrators Meeting, Chicago, August 16, 2022
- d. NCSBN Annual Meeting, Chicago, August 17-19, 2022
- e. SDBON APRN Advisory Committee Meeting, Sioux Falls, August 26, 2022
- f. NLC Executive Committee Meeting, Coeur d'Alene, ID, September 28-29, 2022  
Motion by Gabriel to approve the following travel request: NLC Executive Committee Meeting: September 28-29, 2022, Coeur d' Alene, ID (up to 1). Second by Bower. Motion carried.<sup>1</sup>
- g. SDNA Annual Convention, Sioux Falls, October 3-4, 2022.

**Adjournment:** Motion to Adjourn by Tschetter. Second by Gabriel. Motion carried in unanimous voice vote.<sup>1</sup> Meeting adjourned at 2:30 P.M.

<sup>1</sup>All motions taken by roll call, unless otherwise stated. Unanimous motions, with all members present voting "Yes", are recorded as "motion carried".