



Meeting Minutes – *Unapproved Draft; Pursuant to [SDCL 1-27-1.17](#)* May 6, 2025

Location: Holiday Inn Express & Suites; 3821 W Avera Dr, Sioux Falls, SD

All motions taken by roll call, unless otherwise stated.

1. **Call to Order:** President Christi Keffeler called the meeting to order at 9:00 A.M. Central.

Board Member Roll Call: Present: Carla Borchardt, Deborah Bowar, Denise Buchholz, Debra Felton, Nathan Hinker, Carena Jarding, Christi Keffeler, Lori Koenecke, Jenna VandenBos. Board Members Absent: Kristin Gabriel and Penny Tilton.

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

Legal Counsel Present: Megan Borchert, General Counsel to Board.

Others Present: Heidi Sperry, Nurse Consultant, Division of Developmental Disabilities; Augusta Wiese, Community Capacity Manager, SD Department of Human Services.

2. **Agenda Approval:** Motion by Borchardt to approve the May 6, 2025, agenda. Second by Hinker. Motion carried in a unanimous voice vote.
3. **Open Forum:** Keffeler provided the opportunity for guests to address the Board, no one requested to do so.
4. **Approval of Minutes:** Motion by Jarding to approve the minutes of February 4, 2025. Second by Bowar. Motion carried in a unanimous voice vote.
5. **Executive Session:** The Board did not go into executive session.
6. **Health Professionals Assistance Program (HPAP) Quarterly Report:** Young presented the report. Nurses who meet HPAP qualifications may enroll voluntarily in HPAP for monitoring of a substance use or mental health related issue or the Board may mandate a nurse to participate. In March 2025, 67 participants were enrolled; the average annual enrollment was 70 participants. In 2025, six participants were discharged from HPAP, of them, three (50%) were discharged successfully.

7. **Compliance:**

- a. **Formal Hearings:** None

- b. **Compliance Committee Recommendations – Licensed:** Miller submitted the following recommendations from the Compliance Committee:

- Settlement Offer –Reinstatement with Mandated Participation in HPAP and Stayed Suspension: Case #1 Alexis Hiller, SD P013225.
- Settlement Offer - Mandated Participation in HPAP and Stayed Suspension: Case #1 Theresa Anderson, SD R051304.
- Settlement Offer – Letter of Reprimand, Mandated Participation in HPAP and Stayed Suspension: Case #1 Tammie Roberts-Altaffer, SD R059350.
- Settlement Offer – Letter of Concern: Case #1 DC, Case #2 NK, Case #3 PC, Case #4 BB, Case #5 AS, Case #6 MD, Case #7 DS, Case #8 ME.
- Settlement Offer – Letter of Reprimand: Case #1 Tiara Wagner, SD R059548, Case #2 Heidi Raftevoid, SD R041684, Case #3. Crystal Bartz, SD P014185.
- Settlement Offer – Conditional License with Mandated Evaluation by HPAP: Case #1 BB.
- Suspension of License – Case #1 Lundia Vankpana, SD P013075, Case #2 Erin Nemec, SD R042452, Case #3 Carrie Collins, SD R059237, Case #4 Kerry Kleeman, SD P008254, Case #5 John Manson, SD R0528630.

Motion by Borchardt to accept the recommendations of the Compliance Committee as presented and outlined in the Compliance Committee Recommendations document of licensed nurses. Second by Koenecke. Motion carried.

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| Borchardt | Yes | Felton | Yes | Hinker | Recuse | Tilton | Absent |
| Bowar | Yes | Gabriel | Absent | Keffeler | Yes | VandenBos | Yes |
| Buchholz | Recuse | Jarding | Yes | Koenecke | Yes | Yes Votes: 7 | |

- c. **Dismissal Reporting – Licensed:** Miller presented a report of Investigative Dismissals, pursuant to SDCL 36-1C-4.
- d. **Compliance Committee Recommendations – Registrants:** Miller submitted the following recommendations from the Compliance Committee:
- Settlement Offer – Letter of Reprimand: Case #1 Theresa Lux, SD M005863, Case #2 Brittany Street, SD M006492, Case #3 David Felch, SD M010445.

- Settlement Offer- Reinstatement with Letter of Reprimand: Case #1 Trenton Seegers, SD M010645.
- Settlement Offer- Letter of Concern – Case #1 MR.

Motion by Jarding to accept the recommendation of the Compliance Committee as presented and outlined in the Compliance Committee Recommendations for Registrants document. Second by Borchardt. Motion carried.

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| Borchardt | Yes | Felton | Yes | Hinker | Recuse | Tilton | Absent |
| Bowar | Yes | Gabriel | Absent | Keffeler | Yes | VandenBos | Yes |
| Buchholz | Recuse | Jarding | Yes | Koenecke | Yes | Yes Votes: 7 | |

e. **Dismissal Reporting – Registrants:** Miller presented a report of Investigative Dismissals, pursuant to SDCL 36-1C-4.

f. **Additional Compliance Cases:**

1. Miller presented background on FF, SD UMA. Motion by Koenecke to issue a Letter of Concern to FF, SD UMA. Second by Borchardt. Motion carried.

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| Borchardt | Yes | Gabriel | Absent | Hinker | Recuse | Tilton | Absent |
| Bowar | Yes | Jarding | Yes | Keffeler | Yes | VandenBos | Yes |
| Buchholz | Recuse | Felton | Yes | Koenecke | Yes | Yes Votes: 7 | |

2. Miller presented background on Sharon Monson, SD R032446. Motion by Jarding to Summarily Suspend the license of Sharon Monson, SD R032446. If licensee does not request a formal hearing within twenty (20) days of receiving the summary suspension, the summary suspension will become effective as a final order. Second by Buchholz. Motion carried.

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| Borchardt | Yes | Felton | Yes | Hinker | Yes | Tilton | Absent |
| Bowar | Yes | Gabriel | Absent | Keffeler | Yes | VandenBos | Yes |
| Buchholz | Yes | Jarding | Yes | Koenecke | Yes | Yes Votes: 9 | |

g. **Licensee Correspondence:** No licensee correspondence was reported.

8. **Financial Report: Fiscal Year 2025:** Matthies presented the SDBON FY25 for the time period of July – March 2025. Motion by Buchholz to approve the FY25 financial report as presented. Second by Bower. Motion carried.

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| Borchardt | Yes | Felton | Yes | Jarding | Yes | Tilton | Absent |
| Bowar | Yes | Gabriel | Absent | Keffeler | Yes | VandenBos | Yes |
| Buchholz | Yes | Hinker | Yes | Koenecke | Yes | Yes Votes: 9 | |

9. **Licensure and Operations:**

- a. **Licensure & Registry Report:** Matthies reported that as of April, the Board had 20,020 licensed registered nurses, 2,753 licensed practical nurses, 62 certified nurse midwives, 2,712 certified nurse practitioners, 44 clinical nurse specialists, 549 certified registered nurse anesthetists, 11,558 registered certified nurse aides, and 4,564 registered medication aides.
- b. **Optimal Regulatory Board System (ORBS) Update:** Young provided an update on transitioning to ORBS licensure software platform. The tentative timeline to go live is Fall 2025. Young and Matthies responded to questions.

10. **Nursing Education:**

- a. **Nursing Education Committee (NEC) Recommendations:** Burg submitted recommendations from the NEC:
 1. Grant approval of action plans for continued improvement of the NCLEX scores for failure to meet the 75% pass rate for 2 consecutive measuring periods for the following programs:
 - a. Oglala Lakota College – AD RN
 - b. Sinte Gleska College – PN
 - c. Sisseton Wahpeton College – PN
 2. Grant approval of Western Dakota Technical College's reorganization plan to increase PN program admission seat capacity from 24 to 32 seats each Fall and Spring semester on the Rapid City campus beginning Fall 2025
 3. Grant approval of curriculum changes for Mitchell Technical College's AD RN program
 4. Grant acceptance of notification of Oglala Lakota College's voluntary withdrawal of accreditation by Commission for Nursing Education Accreditation (CNEA)
 5. Informational Only - No Action Requested
 - a. Southeast Technical College's notification of college-level administrative change
 - b. Western Dakota Technical College's notification of appointment of college-level Interim President
 - c. Mitchell Technical College's notification of appointment of college-level President
 - d. Notification of Kathy Magorian's retirement as Mount Marty University nursing program administrator
 - e. Scholarship thank you note
 - f. 2024-2025 Quarter 1 NCLEX pass rate comparison

Motion by Borchardt to accept the recommendations of the NEC as presented in the Education Consent Agenda.
Second by Koenecke. Motion carried.

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| Borchardt | Yes | Felton | Yes | Hinker | Yes | Tilton | Absent |
| Bowar | Yes | Gabriel | Absent | Keffeler | Yes | VandenBos | Yes |
| Buchholz | Yes | Jarding | Recuse | Koenecke | Yes | Yes Votes: 8 | |

11. Nursing Practice:

- a. **Scope of Practice Request-Johnson Law Office, PLLC:** Olson presented a scope of practice request from Tommy Johnson, of Johnson Law Office, PLLC, he represents client, Lindsay Lepp, RN. Johnson sent a letter dated, January 24, 2025, requesting a board opinion on: 1. “whether a Registered Nurse (RN) licensed in South Dakota may engage in an independent functional health and functional nursing business without exceeding RN scope of practice defined under South Dakota law and regulations.”; and 2. “if any specific limitations or guidelines apply, I would appreciate the Board’s input to ensure full compliance with professional standards.”

Board members reviewed Johnson’s letter that described Lepp’s proposed business model; they also reviewed the RN scope in SDCL 36-9-3 and ARSD 20:48:04. Olson shared the proposed written responses to Johnson’s questions. She responded to Board member questions.

Motion by Borchardt to adopt the following responses:

1. “South Dakota law does not include or define “independent functional health” or “functional nursing”. Individuals are accountable to hold a valid license to practice in South Dakota and expected to practice within their legal scope of practice; pursuant to SDCL § 36-2-2. After careful consideration, the South Dakota Board of Nursing determined that an RN’s scope may include the practice of functional health nursing services that are within the scope of the RN license, pursuant to SDCL § 36-9- 3 and ARSD Chapter 20:48:04. Ms. Lepp may therefore perform the nursing activities outlined in her proposed business model, commensurate with her educational preparation, experience, and competence. She may perform these services according to the scope listed in SDCL § 36-9-3, including performing a comprehensive nursing assessment, developing and coordinating a client centered health care plan, and implementing nursing care through the execution of independent nursing strategies and the provision of regimens requested, ordered, or prescribed by an authorized health care provider. Ms. Lepp holds an active license as an RN and may establish a business corporation pursuant to SDCL Chapter 47- 11E and ARSD Chapter 20:48:14. Visit <https://www.sdbon.org/Corporations/NursingCorp.asp> for application.”
2. “The Board recommends nurses use the Board’s approved Scope of Practice Decision-Making Framework as a guide to making decisions on whether a specific task, intervention, or activity is in an RN’s scope.”

Second by Jarding. Motion carried.

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| Buchholz | Yes | Jarding | Yes | Koenecke | Yes | Yes Votes: 9 | |

12. SD Center for Nursing Workforce (CNW):

- a. **Report on 2025 CNW Symposium:** Olson provided highlights of the symposium held on April 24, 2025. There were 80 nurses and stakeholders in attendance. The CNW co-sponsored the event with the South Dakota Nurses Association. Participants had the opportunity to learn about South Dakota’s current nursing workforce supply and education pipeline. The event also featured a presentation by Secretary of Health, Melissa Magstadt on South Dakota’s 2025 legislative session, infant and maternal health outcomes data, and health equity initiatives.
- b. **Presentation on 2025 Nursing Workforce and 2024 Education Reports:** Olson and Burg presented an overview of the 2025 Nursing Workforce and 2024 Education Reports. Olson and Burg responded to Board member questions.

13. Policy:

- a. **2025 Legislative Impact Report:** Borchert provided an overview of the bills that may impact the Board, enacted during the 2025 legislative session, including Senate Bills: 60, 61, 62, 63, 74, and House Bill 1059.
- b. **Proposed Rules for Promulgation in ARSD 20:48:**
- Olson provided an overview of proposed rules on tracheostomy care and suctioning. Sperry and Wiese shared information about the South Dakota Division of Developmental Disabilities shared living home requirements and a federal reimbursement program to pay individual(s) in the home to provide the care for an individual, such as to perform tracheostomy care and suctioning. They explained that if the family member/friend is paid the care is no longer gratuitous and exempted under SDCL 36-9-28, disenfranchising that person from benefiting from the federal reimbursement program. If the family member does not provide the care, the individual would need to be moved to a higher level of care, such as a skilled nursing facility many miles away. Therefore, the family members have requested that an exception be made to allow a nurse to delegate the

tracheostomy care and suctioning in a shared home setting. Drafts of three new rules were presented by Olson to allow a registered nurse to delegate tracheostomy care and suctioning to a nursing assistant for clients who reside in a shared living home, under certain circumstances and with appropriate training and oversight. Olson, Sperry, and Wiese responded to Board member questions.

- Miller provided an overview of two new rules intended to allow the board's compliance committee to issue the emergency suspension order to nurses and registrants who pose an immediate threat to the public. Miller responded to Board member questions.
- Young and Burg provided a presentation on proposed changes and future regulation of certified nurse aides (CNA) in South Dakota including moving the regulation of CNAs from the SD Department of Health to the Board, an overview on the standards for approval of nurse aide training programs, curriculum and instructor requirements, competency evaluation program, registration of CNAs, disciplinary process, and the tentative timeline. Young explained that the same presentation was provided to nurse aide training programs (NATP) in April and May 2025. Over 100 individuals participated in 18 focus sessions, including individuals from nursing facilities, hospitals, colleges, high schools, and others. Overall, participant comments were positive on the drafted changes. Young and Burg responded to Board member questions.

Motion by Jarding to proceed with promulgating the following rules:

- In **20:48:03 Licensing and licenses** to add a new rule to allow the board's compliance committee to issue an emergency suspension order.
- In **20:48:04.01 Delegation of nursing tasks** to revise current rules and add new rules on:
 - The delegation of nursing tasks to certified nurse aides;
 - The standards for approval of nurse aide training programs;
 - The competency evaluation program requirements for nurse aide students;
 - To amend medication aide rules to be specific to the role of a medication aide;
 - To add new rules to allow a registered nurse to delegate tracheostomy care and suctioning to a nursing assistant for clients who reside in a shared living home, under certain circumstances and with appropriate training and oversight.
- In **20:48:16 Registration of nursing assistant personnel** to revise current rules and add new rules to:
 - Register certified nurse aides under the board;
 - Amend rules relating to the grounds for discipline of a registrant; and
 - Add new rules to allow the board's compliance committee to issue an emergency suspension order for a registrant.

Second by Buchholz. Motion carried.

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| Buchholz | Yes | Jarding | Yes | Koenecke | Yes | Yes Votes: 9 | |

14. Announcements:

- Future Board Meetings: 8/5/2025; 11/4/2025; 2/3/2026, 5/5/2026, 8/4/2026, 11/4/2026.

15. Motion to Adjourn by Bowar. Second by Hinker. Motion carried in a unanimous voice vote. Meeting adjourned at 2:45 P.M.