

CBADP BOARD OF DIRECTORS MEETING MINUTES
DECEMBER 1, 2011
10:30 AM CENTRAL TIME, PARK PLACE CENTER, SIOUX FALLS, SD

Bogue called the meeting to order at 10:50 am.

In attendance: Bob Bogue, Kelly Johnson, Kathy White, Diane Sevening, Linda Peitz, and Mark Bontreger.

Not in attendance: Kristi Spitzer, Kevin Joffer, & Jon Hagen.

Sevening moved to approve the September 1, 2011 Board of Directors meeting minutes. White seconded the motion, motion carried.

Johnson moved to approve the December 1, 2011 Board of Directors meeting agenda. Sevening seconded the motion, motion carried.

Bogue called for Public Input at 11:00 am. Hearing none, he proceeded with the agenda.

Bontreger joined the meeting at 11:05 am.

Sevening moved that Nelson attend and represent the CBADP at IC&RC's Spring Conference held May 1-3, 2012, in San Diego, CA. White seconded the motion, motion carried.

The Licensure Work Group held its second meeting on November 18, 2011, at the Cedar Shore Resort, in Oacoma, SD. The participants recommended the Administrative Office add Workgroup Information on CBADP's website; to include Survey Results from the Town Hall Meetings and the Academic Degree Statistics. Koller will prepare and present the proposed administrative rule changes (~~strike through~~ for deletions and underline for additions) at the third Workgroup meeting to be held February 3, 2012, at the Cedar Shore Resort.

Rose Grant was in attendance at 11:15 am to present the budget and financial report. Grant stated that due to the CBADP's current financial status, it is imperative that the CBADP increase the fees as soon as possible. Johnson moved to approve the information as presented. Peitz seconded the motion, motion carried.

Nelson reported that IC&RC bills the CBADP for testing fees such as a no-show fee, a reschedule fee, a late fee, etc. The CBADP does not have statutory authority to collect these fees from the applicant. The Board was in agreement that additional testing fees be included/added to the state statutes, so the CBADP has a means to recover these fees.

The Portfolio Review Committee will meet at 10:00 am (CST), Friday, January 13, 2012, at the Park Place Center, 3101 W. 41st Street, Sioux Falls, SD.

Bratkiewicz in attendance at 1:00 pm.

Bogue moved the Board into Executive Session at 1:05 pm.

Bogue moved the meeting out of Executive Session at 1:35 pm.

2009-10 Johnson moved that based upon the Order that was entered in this matter; the individual is eligible to request reinstatement or recertification in March of 2013. The Board of Directors will review the matter at that time and will also decide if any additional conditions, restrictions, or requirements need to be imposed in order to protect the public and the integrity of the profession. Sevening seconded the motion, motion carried.

2011-3 The Board reviewed the summary that was provided by HPAP regarding the individual's contact and participation in the program. The summary reflected that the HPAP Evaluation Committee is meeting December 13, 2011. At that time, the Committee will determine if the individual's application is approved, and if so, what the recommendation for monitoring will be. White abstained from any dialogue regarding this matter.

2011-7 The CBADP is continuing to investigate the matter and is considering what action, if any, will be taken. It is the Board of Directors belief, however, that the ethical complaint might also raise issues falling within the jurisdiction of the South Dakota Board of Nursing or other state agencies. The Board requested that Mr. Bratkiewicz forward a copy of the complaint and the individual's written response to the allegations, to the South Dakota Board of Nursing.

2011-9 A Stipulation was signed and entered on September 30, 2011. The individuals certification shall be revoked for a period of at least five years effective October 17, 2011, following which time she/he may apply for status or certification, but would be subject to additional terms and conditions as deemed necessary and appropriate by the Board. Sevening moved to close the file. Peitz seconded the motion, motion carried.

2011-10 October 14, 2011, Nelson sent letters to the complainant and the individual who had trainee status, providing notification that based upon the Boards independent investigation, it was determined that no disciplinary action would be taken. However, the complaint will be kept on file and may form the basis for future Board action. Sevening moved to close the file. Peitz seconded the motion, motion carried.

2011-11 Peitz moved that Bratkiewicz send a letter to the individual stating that the Board is willing to accept the voluntary relinquishment of her/his current trainee status. The CBADP's records show that she/he has recently applied for certification. That application, however, will not be processed at this time based upon the aforementioned developments. If Bratkiewicz has not heard from the individual on or before December 23, 2011, the Board of Directors will vote on whether or not to proceed with immediate suspension of the individual's status and initiate formal disciplinary proceedings. Sevening seconded the motion, motion carried.

2010-5 & 2010-8 The ethics files remain open as the Board entered a Final Order setting forth the following conditions that must be complete within a twelve-month period. The individual has been placed on probation for one (1) year and, as a condition of probation, he/she will be required to complete at least five (5) hours of training or continuing education on the subject of ethics and professionalism and complete a three (3) semester hour ethics course from an accredited college or university, which must be approved by the Board, and he/she shall file a report with the Board certifying his/her completion of that training or education before the end of the year.

2011-12 HPAP recommends the individual be allowed to continue to practice without any restrictions or additional monitoring. The Board of Directors were in agreement with HPAP's recommendation. However, shortly thereafter; the CBADP received another disciplinary complaint against the individual regarding her/his recent resignation from employment and the investigation being conducted into the possibility of unethical conduct. White moved that Bratkeiwicz send a letter to the individual asking her/him to provide a written explanation regarding the facts and circumstances surrounding the recent change in employment. The explanation should be in writing and sent to Mr. Bratkiewicz on or before December 23, 2011. Johnson seconded the motion, motion carried.

It is the Board's intention to make the following changes/additions to the state statutes and administrative rules: licensure, acronym change, and increase fees. Bratkiewicz stated he would call the Attorney General for guidance/direction regarding the statute changes.

D.S. submitted a request to have her/his certification reinstated after it lapsed. Sevensing moved to deny the request, Peitz seconded the motion, motion carried. White abstained.

I.F.W. submitted a request to have her/his certification reinstated after it lapsed. Johnson moved to reinstate status / approve the request. Motion died for lack of a second. Peitz moved to deny the request. Sevensing seconded the motion, motion carried. Johnson opposed.

Sevensing moved to adjourn the meeting at 2:10 pm. Johnson seconded the motion, motion carried.

Respectfully Submitted.

Tina M. Nelson