

NEBRASKA BOARD OF NURSING
MINUTES OF THE MEETING

April 14, 2022

CALL TO ORDER

The meeting of the Nebraska Board of Nursing was called to order by Patricia Motl, Board President, at 8:30 a.m., April 14, 2022, at the Best Western Plus Conference Room, 2201 Wildcat Circle, Lincoln NE 68521. Copies of the agenda were emailed to the Board members on April 1, 2022, emailed to interested parties on April 1, 2022, posted outside the Licensure Unit within the Nebraska State Office Building on April 1, 2022, and posted on the Department of Health & Human Services website on April 4, 2022. Motl announced that a copy of the Open Meetings Act was available in the room

ROLL CALL

The following board members were present and answered roll:

- Theresa Delahoyde, RN
- Tag Herbek, *Public Member*
- Tom Hoover, RN
- Lisa Kollasch, APRN-NP
- Angela Kula, LPN
- Patricia Motl, RN *Board President*
- Kristin Ruiz, RN
- Brenda Smidt, RN
- Sonét Smutny, RN
- Rita Thalken, *Public Member*

The following Board member arrived after roll call: Kandis Lefler, LPN (arrived at 8:37 a.m.).

The following Board member was absent: Linda Stones, RN.

The following staff members from the Department and the Attorney General's Office were present during all or part of the meeting:

- Ann Oertwich, RN, *Executive Director*
- Kathy Hoebelheinrich, APRN-NP, *Nursing Practice Consultant*
- Jacci Reznicek, RN, *Nursing Education Consultant* (attended via virtual conference)
- Sherri Joyner, *Health Licensing Coordinator*
- Anna Harrison, *Compliance Monitor*
- Teresa Hampton, *DHHS Legal* (attended via virtual conference)
- Lisa Anderson, *Assistant Attorney General*
- Brittany Bigham, *Investigator*
- Jessica Bowman, *Investigator*
- Andrea Cramer-Price, *Investigator*
- Susan Held, *Investigator*
- Patricia Lemke, *Investigator*
- Mendy Mahar-Clark, *Investigator*

A quorum was present, and the meeting convened.

ADOPTION OF THE AGENDA

MOTION: Delahoyde made the motion, seconded by Thalken, to adopt the agenda for the April 14, 2022, Board of Nursing meeting.

Voting Yes: Delahoyde, Herbek, Hoover, Kollasch, Kula, Motl, Ruiz, Smidt, Smutny, and Thalken. Voting No: None. Abstain: None. Absent: Lefler and Stones. Motion carried.

APPROVAL OF THE MINUTES

MOTION: Kula made the motion, seconded by Smidt, to approve the consent agenda.

These minutes were approved by the Board
of Nursing on May 12, 2022.

Voting Yes: Delahoyde, Herbek, Hoover, Kollasch, Kula, Motl, Ruiz, Smidt, Smutny, and Thalken. Voting No: None. Abstain: None. Absent: Lefler and Stones. Motion carried.

CLOSED SESSION

MOTION: Kula made the motion, seconded by Smutny, for the Board to go into closed session for the purpose of reviewing and discussing investigative reports, licensure applications, and other confidential information, and for the prevention of needless injury to the reputation of the individuals.

Voting Yes: Delahoyde, Herbek, Hoover, Kollasch, Kula, Motl, Ruiz, Smidt, Smutny, and Thalken. Voting No: None. Abstain: None. Absent: Lefler and Stones. Motion carried.

Motl announced that the Board was in closed session for the purpose of reviewing and discussing investigative reports, licensure applications, and other confidential information, and for the prevention of needless injury to the reputation of the individuals.

8:34 a.m. Meeting went into closed session.
 8:37 a.m. Lefler arrived to the meeting.
 9:11 a.m. Motl left the meeting.
 9:16 a.m. Motl returned to the meeting.
 9:21 a.m. Smidt and Smutny left the meeting.
 9:25 a.m. Smidt and Smutny returned to the meeting.
 9:43 a.m. Motl left the meeting.
 9:50 a.m. Motl returned to the meeting.
 10:49 a.m. Meeting returned to open session. Meeting went into recess.
 11:03 a.m. Meeting reconvened.

LICENSURE RECOMMENDATIONS

KRISTINA BOLDT – RN REINSTATEMENT FROM DISCIPLINE

MOTION: Delahoyde made the motion, seconded by Smidt, to deny Kristina Boldt's request for early termination of probation based on there being no due cause for early termination of probation and based on insufficient evidence presented to substantiate a change in circumstances.

Voting Yes: Delahoyde, Herbek, Hoover, Kollasch, Kula, Lefler, Motl, Ruiz, Smidt, Smutny, and Thalken. Voting No: None. Abstain: None. Absent: Stones. Motion carried.

EDUCATION COMMITTEE

MOTION: The Education Committee moved that the Board approve the site visit report for the Union College BSN program conducted February 22 and February 23, 2022.

Voting Yes: Delahoyde, Herbek, Hoover, Kollasch, Kula, Lefler, Motl, Ruiz, Smidt, Smutny, and Thalken. Voting No: None. Abstain: None. Absent: Stones. Motion carried.

MOTION: The Education Committee moved that the Board acknowledge receipt of the Annual Program Reports and acceptance of these reports from the following programs: Bryan College of Health Sciences (BSN), Central Community College (LPN & ADN), Clarkson College (BSN), College of St Mary (LPN & BSN), Creighton University (BSN), Metro Community College (LPN & ADN), Midland University (BSN), Mid-Plains Community College (LPN & ADN), Nebraska Methodist (BSN), Nebraska Wesleyan (BSN), Northeast Community College (LPN, ADN), Purdue Global (ADN), Southeast Community College (LPN & ADN), Union College (BSN), UNMC College of Nursing (BSN), and Western Nebraska Community College (LPN & ADN).

Voting Yes: Delahoyde, Herbek, Hoover, Kollasch, Kula, Lefler, Motl, Ruiz, Smidt, Smutny, and Thalken.
Voting No: None. Abstain: None. Absent: Stones. Motion carried.

NCSBN MIDYEAR MEETING REPORTS

Oertwich reported on the Midyear Meeting's Nurse Licensure Compact session. Oertwich said that no new states have approved joining the Nurse Licensure Compact so far this year. Utah has become the third state, after North Dakota and Delaware, to join the APRN Compact. The APRN Compact will not go live until seven states have joined.

Motl said that based on the presentations she heard at the meeting, it appears that nursing-related legislation has been introduced in many states. Motl said that these legislative efforts seem to represent a hodgepodge of different ideas and approaches to address the nursing shortage, but Motl did not see much support for nurses themselves in the proposed bills. Rather, it appeared that states were adding another layer of regulation. Motl reported that there were many conversations at the meeting about the "great resignation" and nurses leaving the profession.

Reznicek attended the session on remote proctoring of NCLEX test administrations. Reznicek said that the National Council's current position is that a significant amount of research is still needed before they can recommend remote proctoring. Reznicek also reported that Next Generation NCLEX is still expected to be implemented in the spring of 2023. A practice analysis for the new version of NCLEX has been posted to the NCSBN website. Reznicek said that a conference on Next Generation NCLEX will be held in September.

Another topic discussed at the Midyear Meeting was the public protests that Boards of Nursing in some states experienced due to vaccine mandates. Some of these protests and threats were based on misinformation, such as rumors that nurses who were not vaccinated would lose their licenses. Motl reported that one state board had to get law enforcement involved due to threats of physical violence.

Oertwich reported that Motl, Reznicek, and Stones recently graduated from the first class of NCSBN's International Center for Regulatory Scholarship (ICRS) program and attended a graduation ceremony in Washington D.C. Motl reported that one of the speakers at the event, a member of Congress from Illinois, told the graduates that she sees representatives for physicians and pharmacists all the time on Capitol Hill, but she seldom sees nursing represented. Motl said that she has found the ICRS classes to be very helpful in her role as a Board members. Oertwich said that any Board member interested in the program should send her an email.

LEGISLATION

Oertwich reported that of bills that were introduced in 2022 to spend American Rescue Plan Act (ARPA) funds on nursing-related issues, only two are still viable – the bill for nursing scholarships and the bill for repayment of nursing education loans.

HRSA GRANT

Oertwich reported that the UNMC College of Nursing and other partners are holding meetings to work on implementation of the HRSA grant to support nurses' mental health needs. UNMC plans to hire people to provide administrative support for the project. They have also recruited several hospitals in Nebraska who are willing to pilot a psychological first aid program for nursing staff.

Oertwich said that she is interested in hiring a research firm to conduct focus groups with frontline nurses. Funding for the focus groups was originally provided by DHHS to the Center for Nursing. The focus group project eventually became part of the HRSA grant project. Oertwich said that she has found a company that could both recruit a representative sample of frontline nurses and conduct the interviews. The company videotapes the sessions, which would be useful for research, while still protecting that anonymity of the participants. The company also provides compensation to the participants.

COVID-19-RELATED ISSUES

Joyner reported that the Executive Order that allows for waivers of various licensing requirements has been extended to September 30, 2022. Under this Executive Order, staff will be able to continue to issue provisional licenses to new LPN and RN graduates who have not yet taken NCLEX and to issue temporary reinstatements to nurses with inactive or expired licenses who do not meet the continuing competency requirements. RNs and APRNs who renew their licenses prior to September 20, 2022, will also be able to waive continuing education, practice hours, or other continuing competencies normally required for renewal.

Oertwich reported that the Licensure Unit's system shows that 2,700 LPNs have still not met the IV therapy education requirement. Oertwich said that she is working through the list to find LPNs who may have already met the requirement, such as by having taken an LPN-C class even though they did not obtain an LPN-C license, but who were not previously identified. If LPNs do not complete an 8-hour therapy course or equivalent by August 24, 2022, their licenses will be expired. Oertwich said that the Nebraska Hospital Association and LeadingAge are helping spread the word about the deadline. For those LPNs who still need to meet the requirement, a current listing of approved IV therapy courses is available on the DHHS website.

ARTICLE DISCUSSION

Members discussed a news article concerning the case of RaDonda Vaught, a former nurse at Vanderbilt University Medical Center, who was found guilty of negligent homicide for the death of a patient to whom she had mistakenly administered a paralyzer. Motl noted that the nurse appeared to override several warning signs from the dispensing machine, but that the nurse also reported her error to the facility, and she eventually lost her nursing license. Motl and others expressed concerns that the criminal conviction will lead to fewer nurses being willing to self-report errors. Delahoyde said that the case seems to have made some new nurses more afraid to report errors. Members described measures taken by various facilities in Nebraska in the wake of the conviction to reassure staff about the safety mechanisms built into their systems.

Members also reported that nurses seem concerned about the lack of support that Vaught received from the hospital where she worked. Oertwich said that the incident underscores why RNs should consider carrying their own liability insurance. Motl said that the trust between nurses and the institutions where they work was seriously damaged by the COVID-19 crisis when nurses were told that they did not need PPE, and she is uncertain if the trust will be restored. Delahoyde and Ruiz said that enrollments are down at their nursing programs. Reznicek reported the NCSBN data indicates that enrollments in nursing programs increased in 2020 but have since decreased. Oertwich noted that the Center for Nursing's workforce model projected a shortage of 5500 nurses but that projection is based on pre-COVID numbers. Motl reported that at the MidYear Conference, David Benton expressed that previous efforts to make a BSN degree the standard degree for RNs might have been misguided. Oertwich said that it would be helpful for nurses to think of an Associate's degree as their entrance degree but not necessarily their terminal degree. Ruiz recommended capitalizing on the multiple entry points and flexibilities available in nursing. Lefler said that she worked as an LPN at a hospital for almost thirty years before being let go when the hospital decided

to use only RNs for nursing staff. At that time, she said, she would have appreciated having the ability to get an RN degree without having to complete an entire two-year RN program.

COMMUNICATION

Nursing News – Oertwich reported that Oertwich reported that April 22nd is the deadline for submitting articles for the next edition of Nursing News. The issue will include an article about the graduation of Motl, Stones, and Reznicek from the NCSBN's International Center for Regulatory Scholarship program.

Staff Updates – Oertwich reported that she will send Board members information that was submitted by individuals who had requested to speak before the board.

CONCLUSION AND ADJOURNMENT

There being no further business, the meeting adjourned at 12:30 p.m.

Respectfully submitted,



Sherri Joyner
Health Licensing Coordinator