

**NEBRASKA BOARD OF NURSING
MINUTES OF THE MEETING HELD
SEPTEMBER 8, 2022**

CALL TO ORDER

The meeting of the Nebraska Board of Nursing was called to order by Patricia Motl, Board President, at 8:32 a.m., September 8, 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 August 26, 2022, emailed to interested parties on August 26, 2022, posted outside the Licensure Unit within the Nebraska State Office Building on August 26, 2022, and posted on the Department of Health & Human Services website on August 26, 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-P
- Patricia Motl, RN *Board President*
- Kristin Ruiz, RN
- Brenda Smidt, RN
- Sonét Smutny, RN
- Linda Stones, RN, *Board Vice-President*
- Rita Thalken, *Public Member*

The following Board members were absent: Angela Kula, LPN, and Kandis Lefler, LPN, *Board Secretary*.

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*
- Jacci Reznicek, RN, *Nursing Education Consultant*
- Ginger Rogers, APRN-NP, *Nursing Practice Consultant*
- Sherri Joyner, *Health Licensing Coordinator*
- Anna Harrison, *Compliance Monitor*
- Suzanna Glover-Ettrich, *DHHS Legal* (attended virtually)
- Lisa Anderson, *Assistant Attorney General*
- T.J. O'Neill, *Assistant Attorney General*
- Brittany Bigham, *Investigator*
- Jessica Bowman, *Investigator*
- Andrea Cramer-Price, *Investigator*
- Susan Held, *Investigator*
- Patricia Lemke, *Investigator*
- Mendy Mahar-Clark, *Investigator* (attended virtually)

A quorum was present, and the meeting convened.

ADOPTION OF THE AGENDA

MOTION: Stones made the motion, seconded by Ruiz, to adopt the agenda for the September 8, 2022, Board of Nursing meeting.

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

These minutes were approved by the Board
of Nursing on October 13, 2022.

APPROVAL OF THE MINUTES

MOTION: Stones made the motion, seconded by Delahoyde, to approve the consent agenda.

Voting Yes: Delahoyde, Herbek, Hoover, Kollasch, Motl, Ruiz, Smidt, Smutny, Stones, and Thalken.

Voting No: None. Abstain: None. Absent: Kula and Lefler. Motion carried.

CLOSED SESSION

MOTION: Delahoyde made the motion, seconded by Ruiz, 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, Motl, Ruiz, Smidt, Smutny, Stones, and Thalken.

Voting No: None. Abstain: None. Absent: Kula and Lefler. 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.

8:37 a.m. Meeting went into closed session. Smidt left the meeting.

9:48 a.m. Smidt returned to the meeting.

9:19 a.m. Smutny left the meeting.

9:26 a.m. Smutny returned to the meeting.

10:33 a.m. Meeting went into recess.

10:45 a.m. Meeting reconvened.

11:02 a.m. Meeting returned to open session.

BOARD HEARING

The reinstatement hearing requested by Anthony Batiste, LPN, convened at 11:12 a.m. Teresa Hampton, Department Attorney, served as the hearing officer. Mr. Batiste appeared *pro se*. The Department was represented by Lisa Anderson, Assistant Attorney General. A court reporter was present. Exhibits were presented, and testimony was provided by Mr. Batiste and by Ann Oertwich, Program Manager, Nebraska Department of Health and Human Services.

MOTION: Stones made the motion, seconded by Delahoyde, for the Board to go into closed session in order to deliberate upon the hearing.

Voting Yes: Delahoyde, Herbek, Hoover, Kollasch, Motl, Ruiz, Smidt, Smutny, Stones, and Thalken.

Voting No: None. Abstain: None. Absent: Kula and Lefler. Motion carried.

11:30 a.m. Anderson, Batiste, and Oertwich left the meeting. Meeting went into closed session.

11:38 a.m. Meeting returned to Open Session. Anderson, Batiste, and Oertwich returned to the meeting.

MOTION: Stones made the motion, seconded by Smidt, to recommend reinstating Anthony Batiste's license without restrictions based on his completion of substance abuse treatment, active involvement in the substance abuse/addiction recovery process, reported period of sobriety from April 13, 2020, and positive letters of reference.

Voting Yes: Delahoyde, Herbek, Hoover, Kollasch, Motl, Ruiz, Smidt, Smutny, Stones, and Thalken.

Voting No: None. Abstain: None. Absent: Kula and Lefler. Motion carried.

LICENSURE RECOMMENDATIONS

STACEY L. HAND – LPN APPLICANT

MOTION: Ruiz made the motion, seconded by Smidt, to recommend issuing Stacey Hand an unrestricted license.

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

PRACTICE COMMITTEE

MOTION: The Practice Committee moved that the Board approve the revised *Analgesia/Anesthesia by Catheter* Advisory Opinion.

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

MID PLAINS COMMUNITY COLLEGE

Oertwich reported that she sent a letter to ACEN (the Accreditation Commission for Education in Nursing) in support of maintaining Mid Plains Community College's accreditation through the organization. Reznicek said that Mid Plains has seen improvements in their NCELX pass rates recently, a trend that might be attributed to increasing their entrance requirements. Reznick noted that the program is currently being pressured to decrease its entrance requirements and accept more students. Stones noted that educating more students will not produce more nurse if the additional students cannot pass NCLEX.

NCSBN ANNUAL MEETING

Members and staff who attended the NCSBN Annual Meeting in August shared their feedback from the meeting. Stones said that it was interesting to find out that nurses in other states face the same issues and problems as nurses in Nebraska. Reznicek said she was particularly struck by data showing that 100,000 nurses left the profession in 2021, and that younger nurses left at disproportionately higher rates. Motl reported on a presentation that described the Navy Blue Angels, and how each member of the team, from mechanic to captain, is responsible for finding and solving problems. In order to perform, they must be able to trust every member of the team. Motl noted that similar trust mechanisms in the health care field seem to have been lost.

CREDENTIALING REVIEW

Oertwich reported that the committee that is reviewing the proposal to license anesthesiologist assistants held its first public meeting, and that meeting was well attended. Letters in opposition to the proposal were entered on behalf of the Board of Nursing and the APRN Board.

COMMUNICATION

Oertwich reported that over 2,000 RNs have already renewed their licenses. She also reported that the next edition of *Nursing News* is currently being mailed out. The Licensure Unit's Nursing Section still has a vacancy for a Licensing Specialist. Oertwich said the vacancy has been posted but does not seem to be attracting applicants.

JOURNAL ARTICLE DISCUSSION

Members discussed “Conditions of Nursing Practice in Hospitals and Nursing Homes Before COVID-19,” by Rachel French et al. The article was published in the April 2022 edition of the *Journal of Nursing Regulation*. The data for the article was drawn from surveys of nurses in Illinois and New York. The authors conclude that high rates of nursing staffing shortages, job dissatisfaction, and burnout existed prior to the COVID-19 pandemic. Smidt said that COVID seems to be used by administrators as the reason for staffing shortages, which allows them to ignore the deeper problems that cause nurses to leave the profession.

Stones pointed out the high percentage of nurses in the study who reported delays or interruption in nursing care due to system problems, such as medication errors or having nurses perform non-nursing tasks. Stones noted that facilities try to solve the nursing shortage by asking nurses to delegate an increasing number of tasks to non-nursing staff. Stones said that having too many nursing tasks is not really the problem. Nurses want to do patient care. The problem is more about requiring nurses to spend so much time doing non-nursing tasks. Stones also pointed out that administrators do not seem to understand how much time nurses spend finding and correcting errors made by others such as medication errors or food tray errors. Motl suggested that other people, rather than nurses, could be responsible for ensuring the accuracy of medications and food trays.

Smidt said that she does not hear nurses saying they want someone else to pull IVs or perform other patient care tasks for them. Nurses do say that they need help with required documentation. Smidt said that if hospital nurses did all the documentation that their quality assurance offices wanted, they would spend 8-12 hours per shift just doing documentation. Delahoyde noted that CMS and JCAHO regulations have increased dramatically in the past 20 years. Delahoyde suggested that facilities streamline processes so that nurses are not disproportionately responsible for the additional documentation requirements. Oertwich mentioned that allowing physicians to verbally enter orders would reduce some of the time nurses spend on their laptops. Delahoyde said that giving responsibility for admitting new patients back to physicians would also give nurses more time for patient care.

CONCLUSION AND ADJOURNMENT

Stones said that the Nebraska Nurses Association is starting a new program to develop advocacy skills among nurses. They plan to start a year-long training course in January, and they anticipate that the program will evolve over time.

There being no further business, the meeting adjourned at 1:00 p.m.

Respectfully submitted,



Sherri Joyner
Health Licensing Coordinator