

# NEBRASKA BOARD OF NURSING

## MINUTES OF THE MEETING

November 9, 2023

### **CALL TO ORDER**

The meeting of the Nebraska Board of Nursing was called to order by Theresa Delahoyde, Board President, at 8:30 a.m., November 9, 2023, at the Best Western Plus Conference Room, 2201 Wildcat Circle, Lincoln NE 68521. Copies of the agenda were emailed to the Board members on October 30, 2023, emailed to interested parties on October 30, 2023, posted outside the Licensure Unit within the Nebraska State Office Building on October 30, 2023, and posted on the Department of Health & Human Services website on October 30, 2023. Delahoyde 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 call:

- Theresa Delahoyde, RN, *Board President*
- Kathy Harrison, RN
- Tag Herbek, *Public Member*
- Lisa Kollasch-Parker, APRN-NP
- Angela Kula, LPN, *Board Secretary*
- Kandis Lefler, LPN
- Patricia Motl, RN
- Kristin Ruiz, RN
- Brenda Smidt, RN
- Sonét Smutny, RN
- Rita Thalken, *Public Member*

The following Board member was absent: Adrienne Olson, 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*
- Jacci Reznicek, RN, *Nursing Education Consultant*
- Ginger Rogers, APRN-NP, *Nursing Practice Consultant*
- Sherri Joyner, *Health Licensing Coordinator*
- Anna Harrison, *DHHS Compliance Monitor*
- Teresa Hampton, *DHHS Legal* (attended virtually)
- Juliann Lanphier-Willson, *DHHS Legal*
- Mindy Lester, *Assistant Attorney General*
- Abigail Nissen, *Assistant Attorney General*
- Jessica Bowman, *Investigator*
- Brittany Bigham, *Investigator*
- Andrea Cramer-Price, *Investigator*
- Susan Held, *Investigator*
- Mendy Mahar-Clark, *Investigator*

A quorum was present, and the meeting convened.

### **ADOPTION OF THE AGENDA**

**MOTION:** Herbek made the motion, seconded by Thalken, to adopt the agenda for the November 9, 2023, Board of Nursing meeting.

Voting Yes: Delahoyde, Harrison, Herbek, Kollasch-Parker, Kula, Lefler, Motl, Ruiz, Smidt, Smutny, and Thalken. Voting No: None. Abstain: None. Absent: Olson. Motion carried.

These minutes were approved by the Board of Nursing on December 14, 2023.

**APPROVAL OF THE MINUTES**

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

Voting Yes: Delahoyde, Harrison, Herbek, Kollasch-Parker, Kula, Lefler, Motl, Ruiz, Smidt, Smutny, and Thalken. Voting No: None. Abstain: None. Absent: Olson. Motion carried.

**CLOSED SESSION**

**MOTION:** Kula made the motion, seconded by Kollasch-Parker, 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, Harrison, Herbek, Kollasch-Parker, Kula, Lefler, Motl, Ruiz, Smidt, Smutny, and Thalken. Voting No: None. Abstain: None. Absent: Olson. Motion carried.

Delahoyde 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.

8:35 a.m.      *Meeting went into closed session.*  
 9:21 a.m.      *Meeting went into recess.*  
 9:30 a.m.      *Meeting reconvened.*  
 10:07 a.m.     *Meeting returned to open session.*

**LICENSURE RECOMMENDATIONS****KAYLEIGH S. HEWETT – LPN APPLICANT**

**MOTION:** Smidt made the motion, seconded by Motl, to recommend denying Kayleigh Hewett's application for an LPN license based on diagnosis of a substance use disorder, misdemeanor convictions rationally related to the profession, and ongoing substance use.

Voting Yes: Delahoyde, Harrison, Herbek, Kollasch-Parker, Kula, Lefler, Motl, Ruiz, Smidt, Smutny, and Thalken. Voting No: None. Abstain: None. Absent: Olson. Motion carried.

**RENAE D. WEHLING – RN APPLICANT**

**MOTION:** Ruiz made the motion, seconded by Smidt, to recommend issuing a temporary license to Renae Wehling for the purpose of completing a refresher course, and following successful completion of the refresher course, issuing her an unrestricted RN license.

Voting Yes: Delahoyde, Harrison, Herbek, Kollasch-Parker, Kula, Lefler, Motl, Ruiz, Smidt, Smutny, and Thalken. Voting No: None. Abstain: None. Absent: Olson. Motion carried.

**PRACTICE COMMITTEE**

Rogers reported that she received good feedback from Hampton and the Practice Committee on the *IV/Infusion Therapy Advisory Opinion*. Rogers hopes that this Advisory Opinion will help dispel misinformation from vendors and others on what nurses can and cannot do for business that provide IV hydration services. One of the biggest areas of misinformation involves compounding. Rogers noted that the regulations do not allow nurses to compound whether or not the compounding occurs under a hood. Oertwich noted that some nurses incorrectly believe that they can "spike" an IV bag up to two times without it being classified as compounding. Rogers said she will meet with the

Board of Pharmacy for additional information to help nurses better understanding compounding requirements.

Kula asked how the Advisory Opinion will affect IV hydration businesses. Rogers noted that Advisory Opinions are *advisory* and do not have the force of statute or regulations. Rogers said that the *IV/Infusion Therapy* Advisory Opinion does provide guidance to nurses who wish to start or to work for such a business. They should “be a nurse,” do their assessments, and document any discrepancies.

**MOTION:** The Practice Committee moved that the Board of Nursing approved the *IV/Infusion Therapy* Advisory Opinion.

Voting Yes: Delahoyde, Harrison, Herbek, Kollasch-Parker, Kula, Lefler, Motl, Ruiz, Smidt, Smutny, and Thalken. Voting No: None. Abstain: None. Absent: Olson. Motion carried.

### **EDUCATION COMMITTEE**

**MOTION:** The Education Committee moved that the Board of Nursing approve the report of the site visit conducted at Bryan College of Health Sciences’ BSN Program on September 26, 2023, through September 28, 2023.

Voting Yes: Harrison, Herbek, Kollasch-Parker, Kula, Lefler, Motl, Ruiz, Smidt, Smutny, and Thalken. Voting No: None. Abstain: Delahoyde. Absent: Olson. Motion carried.

**MOTION:** The Education Committee moved that the Board of Nursing approve the report of the site visit conducted at the College of St Mary’s PN and BSN Programs on October 3, 2023, through October 5, 2023.

Voting Yes: Delahoyde, Harrison, Herbek, Kollasch-Parker, Kula, Lefler, Motl, Ruiz, Smidt, Smutny, and Thalken. Voting No: None. Abstain: None. Absent: Olson. Motion carried.

Reznicek reviewed the NCLEX results for graduates of Nebraska nursing programs who took NCLEX for the first time during the third quarter of 2023. Graduates of Nebraska LPN programs had a pass rate of 98.63% during this quarter. The pass rate for graduates of Nebraska RN programs was 95.58%. Only two jurisdictions this quarter had higher RN pass rates than Nebraska.

Delahoyde, Harrison, and Ruiz recently took a version of Next Generation NCLEX as part of an NCSBN project to ensure that the exam is relevant to real world nursing practice. Harrison reported that the new version of the exam is still challenging; she does not think it is too easy. Delahoyde noted that exam takers do need to know their medication classifications.

### **CHAPTER 97 REGULATIONS**

Reznicek reviewed proposed revisions to the Regulations Governing the Approval of Basic Nursing Programs in Nebraska, including the following changes:

- The definition of “adjunct faculty” has been shortened to “Part-time instructor hired by the institution to teach or supervise students through didactic or clinical instruction.”
- The definition of “program status” has been made more generic, and no longer specifies “approval, warning, suspension, or revocation.”
- Language has been added to specify that adjunct faculty work under the supervision of full-time faculty.
- The draft clarifies that clinical nursing instructors are not required to hold a master’s degree.

- The requirements for clinical courses now specify that no more than 25% of the clinical hours can be done through simulation, and that one simulation hour is equivalent to one clinical hour.
- A category of “special reports” (in addition to annual reports, accreditation reports, and accreditation updates) has been added to the list of reports that schools can be required to submit to the Board.
- Schools must report any changes in their controlling institution and report the opening of a new site or campus.
- The section regarding disciplinary actions now includes a nondisciplinary “Plan of Correction” step in which a program can be required to submit a plan within 30 days addressing how they will correct violations.
- Disciplinary actions can include limiting admission of new students to a program.

Reznicek said that she will ask the Nebraska Assembly of Nursing Deans and Directors to review the draft at their December meeting. Once the language is finalized, the draft will need to be formatted in a specific manner and justifications will need to be written up for each change. The Board will then vote on whether or not they approve the revisions before the draft goes to the next step in the regulations approval process.

### **BOARD GUIDELINES FOR OFFICERS**

Board members recommended that the Board’s policy on officer roles, terms, and elections be updated to allow members to submit nominations for officer positions by email. Staff will send an email to Board members with the November agenda requesting nominations, and members will need to email any nominations by 5 p.m. on the day prior to the meeting. A draft of these proposed changes will be presented at the Board’s next meeting.

### **NOMINATIONS FOR 2024 OFFICERS**

Kollasch-Parker nominated Kula to be the Board’s 2024 Secretary. Kula accepted the nomination. No other nominations for the position were received.

Motl nominated Smidt to be the Board’s 2024 Vice-President. Smidt accepted the nomination. No other nominations for the position were received.

Lefler nominated Delahoyde to be the Board’s 2024 President. Delahoyde accepted the nomination. No other nominations for the position were received.

### **CENTER FOR NURSING**

Oertwich reported that the Nebraska Center for Nursing has partnered with the Nebraska Hospital Association (NHA) to expand the number of clinical sites at rural facilities for nursing students. The project is funded by a legislative allocation. Oertwich noted that more than twenty organizations have expressed interest in hosting clinical sites, exceeding the initial goal of recruiting ten organizations. Selected sites will provide lodging for participating students.

Oertwich said that a critical part of the plan is to allow nurses without graduate degrees to serve as clinical nurse instructors. The Center for Nursing has submitted an “innovative approach” plan to the Board’s Education Committee for review.

Another part of the plan is to utilize simulation experiences during clinicals when appropriate. NHA is currently surveying facilities and schools regarding their simulation infrastructure. There is the possibility the funds from the legislative appropriation might be used to purchase technology for use during simulation experiences.

Oertwich reported that the marketing company Learfield has been awarded a \$500,000 contract to conduct a statewide media campaign over the next three years. The campaign will promote both attracting newcomers to nursing careers and helping current nurses stay in the profession

### **JOURNAL ARTICLE**

Members discussed the article “Evolution of Opioid Use Disorder: From Its Historical Roots to Today’s Integrated Treatment Modalities,” which appeared in the *Nevada Nurse Connection* newsletter. Ruiz said that the article reinforces research that shows that combining different treatment modalities is the most effective way to treat substance use disorders.

Motl noted that the opioid crisis may have been exacerbated by JCAHO recommendations regarding pain management. JCAHO survey questions asking patients about pain control fostered the idea that patients need to be pain free. Kollasch-Parker said that during the 1990s, it was not unusual for hospital staff to be called to task if the hospital’s JCAHO satisfaction scores were too low. Nurses were discouraged from talking about other modalities to address pain, and staff could feel intimidated by patients who wanted more pain medications. Lefler noted that at one time nurses could get in trouble for not over-medicating patients, and when the tables turned, some patients then endured intense pain because they were under-medicated.

### **LPN RENEWALS**

Joyner reported that approximately 4,800 out of 5,800 LPNs renewed their licenses prior to the October 31, 2023, expiration date. Staff are now processing reinstatement applications submitted by LPNs who wish to remain active but who failed to renew by the deadline. Once the reinstatement applications are processed, staff will have a better idea of whether Nebraska experienced a gain or loss of LPNs compared to previous renewal cycles. Staff’s perception is that a higher number of LPNs requested inactive status this year.

### **COMMUNICATION**

Staff Updates – Oertwich announced that Motl has been appointed to the National Council of State Boards of Nursing’s Leadership Succession Committee

Nursing News – The next edition of Nursing News will be mailed soon. It will include articles on the Nebraska School Nurse Scholar Program and the WHOLE Wellness Program.

### **CONCLUSION**

The meeting adjourned at 11:11 a.m.

Respectfully submitted,



Sherri Joyner  
Health Licensing Coordinator