

NEBRASKA BOARD OF NURSING

MINUTES OF THE MEETING

October 12, 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., October 12, 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 September 29, 2023, emailed to interested parties on September 29, 2023, posted outside the Licensure Unit within the Nebraska State Office Building on September 29, 2023, and posted on the Department of Health & Human Services website on September 29, 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*
- Adrienne Olson, RN
- Brenda Smidt, RN
- Sonét Smutny, RN
- Rita Thalken, *Public Member*

The following Board members were absent: Kandis Lefler, LPN, Patricia Motl, RN, and Kristin Ruiz, 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*
- Teresa Hampton, *DHHS Legal* (attended virtually)
- Abigail Nissen, *Assistant Attorney General*
- T.J. O'Neill, *Assistant Attorney General*
- Brittany Bigham, *Investigator*
- Andrea Cramer-Price, *Investigator*
- Susan Held, *Investigator*
- Patricia Lemke, *Investigator*

A quorum was present, and the meeting convened.

ADOPTION OF THE AGENDA

MOTION: Kula made the motion, seconded by Thalken, to adopt the agenda for the October 12, 2023, Board of Nursing meeting.

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

These minutes were approved by the Board of Nursing on November 9, 2023.

APPROVAL OF THE MINUTES

MOTION: Kula made the motion, seconded by Thalken, to approve the minutes for the Board of Nursing and the Education Committee meetings held September 14, 2023.

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

CLOSED SESSION

MOTION: Kula made the motion, seconded by Thalken, 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, Olson, Smidt, Smutny, and Thalken. Voting No: None. Abstain: None. Absent: Lefler, Motl, and Ruiz. 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.

8:32 a.m. Meeting went into closed session.
 8:51 a.m. Smutny left the meeting.
 8:57 a.m. Smutny returned to the meeting.
 9:09 a.m. Harrison left the meeting.
 9:11 a.m. Harrison returned to the meeting.
 9:42 a.m. Meeting went into recess.
 9:52 a.m. Meeting reconvened.
 10:21 a.m. Smutny left the meeting.
 10:26 a.m. Smutny returned to the meeting.
 10:37 a.m. Meeting returned to open session.

LICENSURE RECOMMENDATIONS**TIFFANI L. CULLUM – LPN REINSTATEMENT FROM DISCIPLINE**

MOTION: Kula made the motion, seconded by Thalken, to recommend issuing Tiffani Cullum and temporary license for the purpose of completing a refresher course within 18 months, and following successful completion of the refresher course, reinstating her LPN license without restrictions. The recommendation for reinstatement is based on a reported period of sobriety of more than ten years and positive letters of reference.

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

BRET A. BARE –RN REINSTATEMENT FROM DISCIPLINE

MOTION: Smidt made the motion, seconded by Kollasch-Parker, to recommend reinstating Bret Bare's RN license on probation for one year with the following terms and conditions: abstain from alcohol; abstain from controlled substances and other prescription drugs unless prescribed by the treating practitioner; verification from treating practitioner of all prescription medications; report all prescription medications taken; submit to random body fluid screens; advise Department of any professional counseling and submit reports; comply with treatment recommendations including recommendations for attendance at support group meetings and sponsor;; active practice for 1040 hours; provide notice of disciplinary proceedings to employer and other states where licensed;

provide quarterly employer reports; shall not provide nursing services for staffing agencies or in home health care; provide written notice to Department of any employment, address or phone changes within seven (7) days; comply with all reports, notices or other documentation from the Department; promptly respond to Department regarding compliance during probation; obey all state and federal laws, rules and regulations regarding practice of nursing and must report any violations of the above to Department within seven days; pay any costs associated with ensuring compliance, and appear at any meetings of the Board of Nursing when requested. The recommendation for probation is based upon diagnosis of a substance use disorder and violation of the Uniform Controlled Substances Act. The recommendation for reinstatement is based on applicant's current participation in community groups, completion of treatment, compliance with treatment recommendations, active involvement in the substance abuse/addiction recovery process, reported period of sobriety from October 2020, documented attendance at support groups meetings and maintaining a sponsor, and positive letters of reference.

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

ANN MARIE HAUPTMAN – RN REINSTATEMENT FROM DISCIPLINE

MOTION: Kula made the motion, seconded by Smidt, to deny Ann Marie Hauptman's application for reinstatement based on diagnosis of a substance use disorder, misdemeanor convictions rationally related to the profession, a felony conviction rationally related to the profession, and previous failure to comply with treatment recommendations.

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

BRIDGET HEGARTY – RN REINSTATEMENT FROM DISCIPLINE

MOTION: Smutny made the motion, seconded by Harrison, to deny Bridget Hegarty's application for reinstatement based on diagnosis of a substance use disorder and misdemeanor convictions rationally related to the profession.

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

BRENDA THIEMAN – RN REINSTATEMENT FROM DISCIPLINE

MOTION: Kula made the motion, seconded by Smidt, to deny Brenda Thieman's application for reinstatement based on insufficient evidence presented to substantiate a change in circumstances and insufficient evidence that applicant has addressed the underlying behavioral issues that led to suspension of her license.

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

BRIANNA J. TENHOFF – RN REINSTATEMENT

MOTION: Smidt made the motion, seconded by Kollasch-Parker, to recommend issuing a temporary license to Brianna Tenhoff for the purpose of completing a refresher course, and following successful completion of the refresher course, reinstating her RN license without restrictions.

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

NIKOKAUS RHILEY – RN REINSTATEMENT

MOTION: Smutney made the motion, seconded by Harrison, to recommend reinstating an unrestricted license to Nikolaus Rhiley.

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

EDUCATION COMMITTEE

MOTION: The Education Committee moved that the Board of Nursing approve the Northeast Community College ADN Program course NURS 1990 Special Topic: School Nurse Scholar IV.

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

MOTION: The Education Committee moved that the Board of Nursing approve the Southeast Community College ADN Program course NURS 2320 Preparing for Nursing Licensure.

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

PRACTICE COMMITTEE

Rogers reported that she has received helpful feedback from Hampton regarding the draft Advisory Opinion on IV/Infusion Therapy. The Practice Committee will review the draft at their meeting in the afternoon. Rogers expects that the Advisory Opinion will be brought to the Board's November 9, 2023, meeting for potential approval.

BOARD MEMBER APPOINTMENTS

Oertwich reported that Kula has been appointed to a second term on the Board. Clay Jordan has been appointed to the Nursing Service Administrator position currently held by Olson. Two new public members, Jules Russ and Mary Guthrie, have also been appointed to fill the positions currently held by Herbek and Thalken, both of whom decided not to apply for reappointments.

CHAPTER 97 REGULATIONS

Members reviewed the draft revisions to the Regulations Governing the Approval of Basic Nursing Programs in Nebraska ("Chapter 97"). Delahoyde suggested clarifying whether or not "faculty" was defined as full-time faculty only, and whether "adjunct" faculty referred only to part-time faculty. Harrison noted that schools might use Clinical Nurse Instructors as a workaround for the requirement that faculty members have a graduate degree. Harrison said that being allowed to use BSN nurses as instructors in an ADN program is tempting given how hard it is to find instructors with graduate degrees. Reznicek asked if using BSN nurses as instructors was in compliance with ACEN requirements. Delahoyde said that ACEN only required that schools followed their state's requirements.

Reznicek noted that additional feedback from DHHS Legal that has not yet been incorporated into the draft. She expects that a new draft will be ready for the Board to review in November.

CENTER FOR NURSING

Oertwich reported that she is continuing to work with the Nebraska Hospital Association on the expansion of clinical sites for nursing students in Nebraska. Oertwich also reported that the marketing firm Learfield has been awarded the contract for the Center for Nursing's media campaign. The campaign will promote nursing careers via radio, television, print, and social media markets. Oertwich also noted that appointments still need to be made for a number of vacancies on the Center for Nursing's Board.

LPN RENEWALS

Joyner reported that approximately 38.5% of Nebraska's active LPNs have renewed their licenses as of October 11, 2023. That percentage is a little lower than expected at this point in the renewal period. LPN licenses expire on October 31, 2023.

COMMUNICATION

2024 Board Meeting Dates – Joyner reported that the Board of Nursing's meetings for 2024 are scheduled for January 11th, February 8th, March 7th, April 11th, May 9th, June 13th, July 11th, August 8th, September 12th, October 10th, November 14th, and December 12th. Except for March, all dates are on the second Thursday of the month. The March 2024 meeting will be held on the first Thursday of the month to avoid conflicts with the NCSBN's MidYear Meeting.

Staff Updates – Oertwich reported that the Licensure Unit's Nursing Section is fully staffed.

Nursing News – Oertwich reported that content for the next edition of *Nursing News* is due within one week. The edition will include an article by Reznicek on the School Nurse Scholars Program.

CONCLUSION

Delahoyde reminded members that nominations for officer positions for 2024 will occur at the Board's next meeting on November 9th. Elections will be held during the Board's December 14, 2023, meeting. She would like the Board to review its policy on officer positions to see if revisions are needed to allow members who will not be present at the November meeting to make nominations.

The meeting adjourned at 11:30 a.m.

Respectfully submitted,



Sherri Joyner
Health Licensing Coordinator