

NEBRASKA BOARD OF NURSING
MINUTES OF THE VIRTUAL MEETING

November 10, 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., November 10, 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 October 31, 2022, emailed to interested parties on October 31, 2022, posted outside the Licensure Unit within the Nebraska State Office Building on October 31, 2022, and posted on the Department of Health & Human Services website on October 31, 2022. Motl announced that a copy of the Open Meetings Act was available in the room.

Board members, staff, and the public were able to attend the meeting virtually via video conference or phone as authorized by Neb. Rev. Statue 84-1411(7) and Executive Orders Nos. 21-12 and 22-02.

ROLL CALL

The following board members were present and answered roll:

- Theresa Delahoyde, RN
- Tom Hoover, RN
- Angela Kula, LPN
- Kandis Lefler, LPN, *Board Secretary*
- Patricia Motl, RN *Board President*
- Kristin Ruiz, RN
- Brenda Smidt, RN
- Sonét Smutny, RN
- Linda Stones, RN
- Rita Thalken, *Public Member*

The following Board member attended virtually and answered roll call: Lisa Kollasch, APRN-NP.

The following Board members were absent: Tag Herbek, *Public Member*, and Brenda Smidt, 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*
- Lindsay Braddock, *Administrator, Licensure Unit*
- Anna Harrison, *Compliance Monitor*
- Teresa Hampton, *DHHS Legal* (attended virtually)
- Jennifer Miralles, *DHHS Legal* (attended virtually)
- Mindy Lester, *Assistant Attorney General*
- T.J. O'Neill, *Assistant Attorney General*
- Brittany Bigham, *Investigator*
- Andrea Cramer-Price, *Investigator*
- Susan Held, *Investigator*
- Patricia Lemke, *Investigator*
- Mendy Mahar-Clark, *Investigator*

A quorum was present, and the meeting convened.

These minutes were approved by the Board
of Nursing on December 8, 2022.

Motl announced that the Surveyor's Report for Southeast Community College's PN Program would be removed from the agenda.

Introductions were made on behalf of new staff members, Lindsay Braddock and Jennifer Miralles.

ADOPTION OF THE AGENDA

MOTION: Stones made the motion, seconded by Thalken, to adopt the agenda for the November 10, 2022, Board of Nursing meeting.

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

APPROVAL OF THE MINUTES

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

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

CLOSED SESSION

MOTION: Kula made the motion, seconded by Delahoyde, 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, Hoover, Kollasch, Kula, Lefler, Motl, Ruiz, Smutny, Stones, and Thalken.
Voting No: None. Abstain: None. Absent: Herbek and Smidt. 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.

8:39 a.m. Meeting went into closed session.
8:40 a.m. Bigham, Braddock, Cramer-Price, Harrison, Held, Joyner, Lemke, Lester, Mahar-Clark, Oertwich, O'Neill, Reznicek, and Rogers left the meeting.
8:45 a.m. Bigham, Cramer-Price, Harrison, Held, Joyner, Lemke, Mahar-Clark, Oertwich, O'Neill, Reznicek, and Rogers returned to the meeting.
8:49 a.m. Braddock and Lester returned to the meeting.
9:08 a.m. Rogers left the meeting.
9:22 a.m. Rogers returned to the meeting.
9:38 a.m. Ruiz left the meeting.
9:47 a.m. Ruiz returned to the meeting.
10:08 a.m. Delahoyde left the meeting.
11:21 a.m. Meeting returned to open session.

LICENSURE RECOMMENDATIONS

ROBERT S. YBARRA– RN APPLICANT

MOTION: Kula made the motion, seconded by Stones, to recommend denying Robert Ybarra's RN license application based on same reasons listed in Board's August 11, 2022, motion to recommend denial.

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

MARY E. BARNEY – RN REINSTATEMENT (NonDisciplinary)

MOTION: Stones made the motion, seconded by Smutny, to table Mary Barney's reinstatement application so that additional information can be obtained in order to make a more informed decision.

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

DANIEL A. HARRIS – LPN REINSTATEMENT FROM DISCIPLINE

MOTION: Stones made the motion, seconded by Smutny, to recommend reinstating Daniel Harris' LPN license under the terms and conditions specified in the probation order dated February 20, 2020.

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

SURVEYOR'S REPORTS FOR APPROVAL OF NURSING PROGRAMS

MOTION: Ruiz made the motion, seconded by Hoover, to approve the Surveyor's Report for University of Nebraska Medical Center's College of Nursing.

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

NCLEX REPORTS

Reznicek reported that for graduates of Nebraska's LPN programs who took NCLEX for the first time in the third quarter of 2022, the pass rate was 89.29%. The national NCLEX-PN pass rate for this quarter was 81.10 %.

For graduates of Nebraska's RN programs who took NCLEX for the first time in the third quarter of 2022, the pass rate was 82.35%. The national NCLEX-PN pass rate for this quarter was 78.25 %. Reznicek reported that nursing education programs across the nation have seen declines in their NCLEX pass rates, and the dip is largely attributed to the impact of COVID-19 on students' classroom and clinical experiences.

CREDENTIALING REVIEW PROGRAM

Oertwich reported that a hearing is scheduled on December 7th on the proposal to create a license for anesthesiologist assistants (AAs). The Board of Nursing has been asked to testify on the Board's endorsement of the American Association of Nurse Anesthesiology's position on CRNAs teaching AA students in the clinical setting.

Oertwich said that she will provide an updated at the Board's December meeting on the proposal to allow pharmacy technicians to administer vaccinations. She said that the major issue that has arisen from the proposal is whether pharm techs should be allowed to provide childhood vaccinations.

NEBRASKA HOSPITAL ASSOCIATION

Oertwich said that she had presented at one of the meetings of the Nebraska Hospital Association's work group on scope of practice. The work group had been looking into potential legislative initiative to expand the number of tasks that can be performed by unlicensed staff. Oertwich said that based on what she heard, she believes that changing hospital policies regarding unlicensed staff and educating hospital administrators about delegation would likely be more effective than legislative changes.

The Nebraska Hospital Association has also organized a collaborative with the Nebraska Rural Health Association, and various professional groups to look at long-term strategies for dealing with the health care worker shortage. Stones is serving as a representative of the Nebraska Nurses Association on the collaborative. Stones reported that she is hopeful that the collaborative can be effective, noting that the group is looking at systemic issues rather than putting band-aids on the shortage crisis.

JOURNAL ARTICLE DISCUSSION

Stones recommended the National Academy of Medicine's *National Plan for Health Workforce Well-Being*, saying that it can be a road map for Nebraska to address the workforce shortage. The plan's first recommendation is to look at the workplace culture at healthcare facilities. Stones said that this point is essential because bad workplace culture is the primary reason why people leave nursing.

COMMUNICATION

RN and APRN Renewals – Joyner reported that approximately 31,000 RNs renewed their licenses prior to the October 31, 2022, deadline. Oertwich noted that the number of SAVE verifications that staff needed to run for RNs who are not U.S. citizens seems to have increased significantly this renewal cycle. Staff will bring more detailed data on renewal numbers to the next Board meeting.

Nursing News – Rogers is writing an article on hydration spas for the next edition of *Nursing News*. Motl said she is concerned about the lack of medical directors or physician involvement at these spas. Another concern Motl has is that staff at hydration spas are engaging in compounding without a pharmacist license.

Staff Updates – Oertwich reported that a person has been hired to fill one of the Nursing Section's two vacancies. The term for the Nursing Section's temporary staff position has also been extended by another year.

12:10 p.m. Meeting went into recess.

12:26 p.m. Meeting reconvened.

STRATEGIC PLANNING

Members reviewed a draft of the Board's strategic plan. Oertwich suggested adding an item for alternative-to-discipline programs. One option is to survey other occupational boards to see if they would support starting an alternative-to-discipline program in Nebraska. Lefler asked about previous discussions on removing continuing education requirements. Oertwich said the NCSBN is studying the effectiveness of continuing education and that more research is needed. Stones suggested incorporating items in the strategic plan that more directly address concerns about the use of simulation labs in nursing education programs. Stones also mentioned some of the unintended consequences created by the licensure waivers that were introduced during the COVID-19 pandemic, such as states finding that they could not discipline a nurse working in their state under

another state license. Stones asked if steps could be taken to address these problems so that Nebraska could be better prepared for the next pandemic.

CONCLUSION AND ADJOURNMENT

There being no further business, the meeting adjourned at 12:52 p.m.

Respectfully submitted,



Sherri Joyner
Health Licensing Coordinator