

# NEBRASKA BOARD OF NURSING MINUTES OF THE MEETING HELD

October 13, 2022

## **CALL TO ORDER**

The meeting of the Nebraska Board of Nursing was called to order by Patricia Motl, Board President, at 8:31 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 October 3, 2022, emailed to interested parties on October 3, 2022, posted outside the Licensure Unit within the Nebraska State Office Building on October 3, 2022, and posted on the Department of Health & Human Services website on October 3, 2022. Copies of the revised agenda were emailed to the Board members on October 6, 2022, emailed to interested parties on October 6, 2022, posted outside the Licensure Unit within the Nebraska State Office Building on October 6, 2022, and posted on the Department of Health & Human Services website on October 6, 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
- Linda Stones, RN, *Board Vice-President*
- Rita Thalken, *Public Member*

The following Board member arrived after roll call: Kandis Lefler, LPN.

No Board members were absent.

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*

A quorum was present, and the meeting convened.

These minutes were approved by the Board of Nursing on November 10, 2022.

**ADOPTION OF THE AGENDA**

**MOTION:** Stones made the motion, seconded by Kula, to adopt the agenda for the October 13, 2022, Board of Nursing meeting.

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

**APPROVAL OF THE MINUTES**

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

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

**CLOSED SESSION**

**MOTION:** Kula 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, Kula, Motl, Ruiz, Smidt, Smutny, Stones, and Thalken. Voting No: None. Abstain: None. Absent: 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.

8:36 a.m. Meeting went into closed session.  
 8:37 a.m. Lefler arrived at the meeting.  
 8:44 a.m. Kula and Smutny left the meeting.  
 8:49 a.m. Kula and Smutny returned to the meeting.  
 9:41 a.m. Kollasch left the meeting.  
 9:48 a.m. Kollasch returned to the meeting.  
 10:04 a.m. Stones left the meeting.  
 10:10 a.m. Stones returned to the meeting.  
 10:16 a.m. Delahoyde left the meeting.  
 10:39 a.m. Delahoyde returned to the meeting. Stones left the meeting.  
 10:44 a.m. Stones returned to the meeting.  
 10:53 a.m. Meeting went into recess.  
 11:11 a.m. Meeting reconvened.  
 11:25 a.m. Meeting returned to open session.

**LICENSURE RECOMMENDATIONS****ERIN M. DUBRAY – LPN REINSTATEMENT (NONDISCIPLINARY)**

**MOTION:** Ruiz made the motion, seconded by Delahoyde, to recommend reinstating an unrestricted license to Erin DuBray.

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

## **EDUCATION COMMITTEE**

Ruiz reported that representatives from Purdue University Global will discuss the use of virtual reality technology during the school's clinical experiences. Ruiz said that they hoped Purdue will address concerns that students have shared regarding technical difficulties and other negative experiences with the virtual reality tools. Ruiz also noted that the National Council of State Boards of Nursing has taken the position that more research is needed to determine how many clinical hours can be replaced with virtual reality without negatively affecting student outcomes. Delahoyde noted that virtual reality tools were not effective at promoting critical thinking. Smutny expressed concerns about using the technology as the primary mode of learning for skills training.

Oertwich reported that Mid-Plains Community College was approved for re-accreditation through ACEN (the Accreditation Commission for Education in Nursing).

## **SUPERVISION OF ANESTHESIOLOGY ASSISTANTS IN THE PERIOPERATIVE ARENA**

Members reviewed "The AANA Position on CRNAs Teaching AA Students in the Clinical Setting," a position paper published by the American Association of Nurse Anesthesiology (AANA). Oertwich noted that the AANA recommends that CRNAs not teach anesthesiology assistant (AA) students, but that the organization does not prohibit the practice. Delahoyde said that having CRNAs teach AA students was not appropriate because the two professions use different models. She said the practice would be akin to making nurse practitioners responsible for teaching physician assistants.

**MOTION:** Delahoyde made the motion, seconded by Ruiz, to adopt the AANA Position on CRNAs Teaching AA Students in the Clinical Setting.

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

## **CENTER FOR NURSING**

Oertwich reported that a bill has been introduced in Congress that would provide funding for state-based nursing workforce centers. Oertwich said that potential funding might help the Nebraska Center for Nursing to create a new Center for Nursing Excellence. Oertwich noted that no new appointments have been made to the Center for Nursing Board in recent years. The vacancies have made it hard to have a quorum of members present at meetings, which hampers strategic planning and other Center activities.

## **NEBRASKA HOSPITAL ASSOCIATION**

Oertwich reported that she has not yet seen draft minutes for the most recent meeting of the Nebraska Hospital Association's scope of practice task force. Oertwich said that the NHA is also involved in creating a collaborative with the Nebraska Rural Health Association, professional groups, and education institutions to study workforce issues.

11:52 a.m. Meeting went into recess.

12:31 p.m. Meeting reconvened.

**CREDENTIALING REVIEW**

Oertwich reported that she has no updates on the credentialing reviews being conducted for the proposal to create a license for anesthesiology assistants and for the proposal to allow pharm techs to administer vaccines.

**2023 MEETING SCHEDULE**

Joyner reported that there are no known conflicts with holding the Board's meetings in 2023 on the second Thursday of each month, which is the Board's traditional meeting date. Meetings for next year will be scheduled on January 12<sup>th</sup>, February 9<sup>th</sup>, March 9<sup>th</sup>, April 13<sup>th</sup>, May 11<sup>th</sup>, June 8<sup>th</sup>, July 13<sup>th</sup>, August 10<sup>th</sup>, September 14<sup>th</sup>, October 12<sup>th</sup>, November 9<sup>th</sup>, and December 14<sup>th</sup>. The Education Committee will meet in 2023 following the Board meetings on January, March, May, July, September, and November. The Practice Committee will meet in February, April, August, October, and December.

Motl said that she would like to hold a joint strategic planning session with the Center for Nursing. The afternoon following the June 8, 2023, Board of Nursing meeting was designated as the best potential time for this meeting.

**COMMUNICATION**

Oertwich reported that David Benton, the Chief Executive Office for the National Council of State Boards of Nursing, is not expected to extend his contract beyond 2023. Oertwich said that a global search will be conducted to find his replacement.

Joyner reported that approximately two-thirds of RNs have already renewed their licenses prior to the October 31, 2022, expiration date. The percentage of nurses who have renewed at this point in the renewal cycle is a bit lower than in previous years. Oertwich said that some RNs might not understand that this is a renewal year because the 2020 renewal cycle was deferred until 2021.

Oertwich reported that two of the Nursing Section's four Health Licensing Specialist positions are vacant. The vacancies have been posted on the State's job site, but applications for the openings have not been received yet.

**JOURNAL ARTICLE DISCUSSION**

Stones said that she suggested using the NCSBN's 2022 Environmental Scan for the journal article discussion because it could provide background for strategic planning. She asked members if they saw any items in the environmental scan that might be priorities for strategic planning

*12:41 p.m. Anderson left the meeting.*

One item that Ruiz found noteworthy was the decline in the number of LPNs and LPN education programs. Ruiz expressed concerns on how this shortage will affect skilled nursing facilities, which rely heavily on LPNs. Stones said that hospitals once considered their LPNs to be a "fall back" workforce that could be used when they did not have enough RNs, but now that most hospitals have eliminated many LPN positions, hospitals no longer have this reserve.

Delahoyde noted the need to develop a harmonized approach to nursing education. She mentioned that some nursing curricula include archaic practices such as using tuning forks for hearing tests. Not only do nursing programs use different curricula, but RN education is done through both ADN and

BSN program. Delahoyde also noted the schools struggle to meet the competing expectations for what new nursing graduates should be able to do.

Reznicek said that the Environmental Scan also points out increasing concerns about the quality of online nursing programs, both undergraduate and graduate.

Stones said she wished the Board had the ability to address the systemic issues, such as administrative practices at a particular facility, that contribute to disciplinary actions being taken against nurses. Stones also expressed interest in using data to capture trends and patterns and to understand the root causes of situations that lead to disciplinary actions. If the Board sees a disproportionate number of investigation reports from the same nursing home or from graduates of the same program, or if the Board finds patterns in the diversion of controlled substances, this data could be used by others to help fix systemic problems.

Oertwich asked members about potential legislation that might be proposed in upcoming years. Oertwich said that the Nebraska Hospital Association has said that it will not propose legislative changes to scope of practice unless nurses supported the changes. Oertwich said that there was a possibility that midwives might pursue legislation to align their practice act with the NCSBN's Consensus Model. Some nurse practitioners might also pursue changes that would allow them to use fluoroscopy. Kollasch said that she has heard of physician assistants being hired instead of nurse practitioners in orthopedics and other settings due to nurse practitioners' inability to use fluoroscopy. Stones suggested that the Practice Committee study the use of fluoroscopy. Oertwich thought that it was important for nursing to adhere to evidence-based practices, noting that fluoroscopy is sometimes used in spa settings and elsewhere for questionable procedures.

1:30 p.m. *Delahoyde left the meeting.*

## **STRATEGIC PLANNING**

Motl and Oertwich reviewed the Board's most recent strategic plan. The plan has three major goals: 1) promote a unified professional identity for all nursing roles, 2) enhance public safety, and 3) promote regulatory effectiveness. Members were asked to suggest potential tactics that would support these goals.

Ruiz suggested adding "in all practice settings" to the first goal. Stones suggested identifying four or so essential nursing functions or roles, such as *educating*. Ruiz noted that *assessing* and *advocacy* could also be considered essential nursing functions. One issue mentioned related to professional identity was the substitution of nurses with unlicensed staff. Oertwich suggested that a tactic along the lines of "promoting correct utilization of the Nurse Practice Act to prioritize patient care" might address the issue of nurse substitution. Another issue mentioned was pressure to lower standards for admission to nursing programs. Motl noted that lowering entrance requirements would not lead to an increase in the number of nurses if the additional students could not pass NCLEX.

Potential tactics for enhancing public safety includes 1) improving re-entry pathways for former LPNs, RNs, and APRNs who want to rejoin the nursing workforce, 2) creating ways to vet internationally-educated APRNs, 3) addressing problems posed by dermatology spas and IV hydration clinics, and 4) getting quarterly data on the disciplinary recommendations made by the Board

Potential tactics for promoting regulatory effectiveness include 1) formulating evidence-based advisory opinions for education programs, 2) developing quality online continuing education offerings, and 3) updating Chapter 97 (the regulations governing nursing programs) so that the Board could deal with poorly performing programs more effectively,

2:02 p.m.      *Lefler left the meeting.*

Oertwich asked members identify any other important issued that warranted further discussion. Motl wanted to know if any other occupational boards administered by the Licensure Unit have discussed implementing an alternative to discipline program in Nebraska. Stones suggested that the Board establish benchmarks for regulatory effectiveness that could be used for comparisons with other boards of nursing, particularly other umbrella boards.

Oertwich said that she would organize the Board's input into an updated draft strategic plan for the Board to review at its next meeting. Stones said it might be helpful to create a workgroup for identifying the four (approximately) essential elements of nursing.

### **CONCLUSION AND ADJOURNMENT**

There being no further business, the meeting adjourned at 2:07 p.m.

Respectfully submitted,



Sherri Joyner  
Health Licensing Coordinator