

NEBRASKA BOARD OF NURSING

MINUTES OF THE MEETING

December 14, 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., December 14, 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 December 4, 2023, emailed to interested parties on December 4, 2023, posted outside the Licensure Unit within the Nebraska State Office Building on December 4, 2023, and posted on the Department of Health & Human Services website on December 4, 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*
- Mary Guthrie, *Public Member*
- Kathy Harrison, RN
- Clay Jordan, *Public Member*
- Lisa Kollasch-Parker, APRN-NP
- Angela Kula, LPN, *Board Secretary*
- Kandis Lefler, LPN
- Patricia Motl, RN
- Kristin Ruiz, RN
- Jules Russ, *Public Member*
- Brenda Smidt, RN
- Sonét Smutny, RN

No Board member 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, *DHHS Compliance Monitor*
- Teresa Hampton, *DHHS Legal* (attended virtually)
- Danielle Sund, *DHHS Legal*
- Jeanne Burke, *Assistant Attorney General*
- Abigail Nissen, *Assistant Attorney General*
- Jessica Bowman, *Investigator*
- 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.

INTRODUCTIONS

Introductions were made on behalf of the Board's two new members, Mary Guthrie and Jules Russ. They are both public members who have been appointed to the positions formerly held by Tag Herbek and Rita Thalken.

These minutes were approved by the Board of Nursing on January 11, 2023.

ADOPTION OF THE AGENDA

MOTION: Ruiz made the motion, seconded by Motl, to adopt the agenda for the December 14 2023, Board of Nursing meeting.

Voting Yes: Delahoyde, Guthrie, Harrison, Jordan, Kollasch-Parker, Kula, Lefler, Motl, Ruiz, Russ, Smidt, and Smutny. Voting No: None. Abstain: None. Absent: None. Motion carried.

8:37 a.m. *Harrison left the meeting.*

APPROVAL OF THE MINUTES

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

Voting Yes: Delahoyde, Guthrie, Jordan, Kollasch-Parker, Kula, Lefler, Motl, Ruiz, Russ, Smidt, and Smutny. Voting No: None. Abstain: None. Absent: Harrison. 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, Guthrie, Jordan, Kollasch-Parker, Kula, Lefler, Motl, Ruiz, Russ, Smidt, and Smutny. Voting No: None. Abstain: None. Absent: Harrison. 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.

8:40 a.m. *Meeting went into closed session.*
8:42 a.m. *Harrison returned to the meeting.*
8:45 a.m. *Delahoyde left the meeting.*
8:52 a.m. *Delahoyde returned to the meeting.*
9:05 a.m. *Lefler left the meeting.*
9:07 a.m. *Lefler returned to the meeting.*
9:50 a.m. *Smidt left the meeting.*
9:52 a.m. *Smidt returned to the meeting.*
10:02 a.m. *Meeting went into recess.*
10:14 a.m. *Meeting reconvened.*
10:37 a.m. *Meeting returned to open session.*

LICENSURE RECOMMENDATIONS

KATRINA J. MILLS – RN APPLICANT

MOTION: Smidt made the motion, seconded by Motl, to recommend issuing an unrestricted RN license to Katrina Mills.

Voting Yes: Delahoyde, Guthrie, Harrison, Jordan, Kollasch-Parker, Kula, Lefler, Motl, Ruiz, Russ, Smidt, and Smutny. Voting No: None. Abstain: None. Absent: None. Motion carried.

MELANIE BRADSHAW – LPN APPLICANT

MOTION: Kula made the motion, seconded by Lefler, to recommend issuing a censured LPN license to Melanie Bradshaw and require that she complete a Professional Accountability course within 90 days. The recommendation for discipline is based on unprofessional conduct and practicing in Nebraska without a valid license.

Voting Yes: Delahoyde, Guthrie, Harrison, Jordan, Kollasch-Parker, Kula, Lefler, Motl, Ruiz, Russ, Smidt, and Smutny. Voting No: None. Abstain: None. Absent: None. Motion carried.

LAKETTA N. MITCHELL – LPN REINSTATEMENT

MOTION: Ruiz made the motion, seconded by Smidt, to recommend denying Laketta Mitchell's reinstatement application based on misdemeanor convictions rationally related to the profession, misrepresentation of material facts on a license application, and previous disciplinary action in Nebraska.

Voting Yes: Delahoyde, Guthrie, Harrison, Jordan, Kollasch-Parker, Kula, Lefler, Motl, Ruiz, Russ, Smidt, and Smutny. Voting No: None. Abstain: None. Absent: None. Motion carried.

JANA M. MULLINS – RN REINSTATEMENT FROM DISCIPLINE

MOTION: Smidt made the motion, seconded by Motl, to deny Jana Mullins' reinstatement application based on insufficient evidence presented to substantiate a change in circumstances.

Voting Yes: Delahoyde, Guthrie, Harrison, Jordan, Kollasch-Parker, Kula, Lefler, Motl, Ruiz, Russ, Smidt, and Smutny. Voting No: None. Abstain: None. Absent: None. Motion carried.

ERIN E. ERICKSON (AKA ERIN E. SCHNEIDER) – RN REINSTATEMENT FROM DISCIPLINE

MOTION: Ruiz made the motion, seconded by Smidt, to recommend approving the reinstatement of Erin Erickson's privilege to practice in Nebraska. The recommendation is based on her compliance with treatment recommendations, positive letters of reference from employers and co-workers, and her successful completion of disciplinary requirements in the state of Iowa.

Voting Yes: Delahoyde, Guthrie, Harrison, Jordan, Kollasch-Parker, Kula, Lefler, Motl, Ruiz, Russ, Smidt, and Smutny. Voting No: None. Abstain: None. Absent: None. Motion carried.

EDUCATION COMMITTEE

MOTION: The Education Committee moved that the Board of Nursing approve the Occupational English Test (OET) as an approved English Language Proficiency Exam with minimum passing scores of "B" (350) on the Speaking subtest and "C+" (300) on the Reading, Writing, and Listening subtest.

Voting Yes: Delahoyde, Guthrie, Harrison, Jordan, Kollasch-Parker, Kula, Lefler, Motl, Ruiz, Russ, Smidt, and Smutny. Voting No: None. Abstain: None. Absent: None. Motion carried.

MOTION: The Education Committee moved that the Board of Nursing approve the Nebraska Center for Nursing Collaborative's Innovative Approach as updated on November 15, 2023. Progress reports will be due at the end of each semester or quarter beginning in January 2024.

Voting Yes: Delahoyde, Guthrie, Harrison, Jordan, Kollasch-Parker, Kula, Lefler, Motl, Ruiz, Russ, Smidt, and Smutny. Voting No: None. Abstain: None. Absent: None. Motion carried.

Arizona College of Nursing

Kathy Krump and Debbie Long from the Arizona College of Nursing spoke to Board members via videoconference regarding their programs proposal for starting a new program in Nebraska. Nebraska's regulations require that a new pre-licensure nursing program hire a director at least twelve months prior to the opening of the program and hire sufficient faculty at least six months prior to opening. Arizona College of Nursing proposed hiring a temporary dean twelve months prior to their anticipated opening date, and then filling the dean position with a permanent employee 4-6 months prior to opening. They also requested that they be able to hire faculty closer to the opening date than six months. They noted that at their other locations, they have experienced improved faculty retention rates when faculty do not have to wait so long to begin actively teaching. They also noted that they have a robust orientation program, and that nursing courses will not be taught until a year after opening a new program because students will be taking prerequisite courses during the first year.

MOTION: The Education Committee moved that the Board of Nursing deny the proposed staffing plan submitted by the Arizona College of Nursing because the plan does not meet the requirements set forth in Nebraska Administrative Code, Chapter 97, Section 19, for approval of new prelicensure nursing programs.

Voting Yes: Delahoyde, Guthrie, Harrison, Jordan, Kollasch-Parker, Kula, Lefler, Motl, Ruiz, Russ, Smidt, and Smutny. Voting No: None. Abstain: None. Absent: None. Motion carried.

CHAPTER 97 REGULATIONS

The proposed revisions to the Regulations Governing the Approval of Basic Nursing Programs in Nebraska were discussed at the most recent meeting of the Nebraska Assembly of Nursing Deans and Directors (NANDD). NANDD will write up their notes and submit a written response to Reznicek.

2024 OFFICER ELECTIONS

Theresa Delahoyde was re-elected as Board President, receiving twelve votes. No other candidates were nominated for the President position.

Brenda Smidt was elected as Board Vice-President, receiving twelve votes. No other candidates were nominated for the Vice-President position.

Angela Kula was re-elected as Board Secretary, receiving twelve votes. No other candidates were nominated for the Secretary position.

BOARD GUIDELINES FOR OFFICERS

Board members reviewed proposed language to amend the Board's officer election policy. The changes would allow members to email nominations for officer positions by sending an email to staff by 5:00 p.m. on the day prior to the Board's November election. Members could still submit nominations from the floor at the November meeting. If a nominee is not present at the November meeting, staff will contact the nominee to determine if they accept the nomination.

MOTION: Kula moved, seconded by Smidt, to approve amending the Board's Guidelines for Officer Roles, Terms, Responsibilities, and Process for Elections to allow members to submit nominations by email.

Voting Yes: Delahoyde, Guthrie, Harrison, Jordan, Kollasch-Parker, Kula, Lefler, Motl, Ruiz, Russ, Smidt, and Smutny. Voting No: None. Abstain: None. Absent: None. Motion carried.

NURSE LICENSURE COMPACT UPDATES

Joyner reported that Washington State will be a fully participating member of the Nurse Licensure Compact on January 31, 2024. She also reported on the Compact's new 60-day rule that will go into effect on January 2nd. Under the new rule, when a nurse with a multistate license moves from one Compact state to another Compact state, the nurse must apply for a license in the new state within 60 days of the change in residence. This rule replaces the requirement that had been in effect since 2018, which requires nurses to apply for a license upon becoming a resident of another Compact state.

CENTER FOR NURSING UPDATES

Oertwich reported that the Nebraska Hospital Association and the Center for Nurse hope to start expanding the number of clinical sites for nursing student in rural areas in January. A marketing plan for the Center is also being developed by the company Learfield. Currently, Learfield is working on branding for the Center. There is a possibility that advertisements promoting nursing careers may appear as early as February.

COMMUNICATION

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

Nursing News – Oertwich reported that the publisher of *Nursing News*, which also publishes newsletters for Boards of Nursing in other states, has been cutting back on the number of issues that get mailed directly to licensees. In some states, the publisher only mails one newsletter a year directly to licensees and distributes the other three editions by mailing bundles to various employers in that state. Oertwich will look into the possibility of having at least two issues of the Nebraska newsletter mailed directly to licensees if Nebraska is able to cover the postage costs. Currently, Nebraska does not pay any fees for publishing and mailing the newsletter. Another possibility is to email a link to the online version of *Nursing News* to all Nebraska nurses when new issues are published. Members remarked on the advantages of sending hard copies of the newsletter directly to individual nurses. They also noted that nurses work in many different types of settings. A lot of Nebraska nurses will not receive a hard copy of the newsletter if bundles are only sent to larger employers. At the workplaces that do receive bundles, there is no guarantee that the newsletters will get distributed.

CONCLUSION

The meeting adjourned at 11:34 a.m.

Respectfully submitted,



Sherri Joyner
Health Licensing Coordinator