

**NEBRASKA BOARD OF NURSING
MINUTES OF THE MEETING**

February 10, 2022

CALL TO ORDER

The meeting of the Nebraska Board of Nursing was called to order by Patricia Motl, Board President, at 8:32 a.m., February 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 January 28, 2022, emailed to interested parties on January 28, 2022, posted outside the Licensure Unit within the Nebraska State Office Building on January 28, 2022, and posted on the Department of Health & Human Services website on January 28, 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
- Linda Stones, RN

The following Board members were absent: Angela Kula, LPN, Sonét Smutny, RN, and Rita Thalken, Public Member.

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*
- Kathy Hoebelheinrich, APRN-NP, *Nursing Practice Consultant*
- Jacci Reznicek, RN, *Nursing Education Consultant*
- Sherri Joyner, *Health Licensing Coordinator*
- Teresa Hampton, *DHHS Legal*
- Suzanna Glover-Ettrich, *DHHS Legal* (attended via virtual conference)
- Lisa Anderson, *Assistant Attorney General*
- Brittany Bigham, *Investigator*
- Andrea Cramer-Price, *Investigator*
- Patricia Lemke, *Investigator*
- Mendy Mahar-Clark, *Investigator* (attended via teleconference)

A quorum was present, and the meeting convened.

ADOPTION OF THE AGENDA

MOTION: Kula made the motion, seconded by Delahoyde, to adopt the agenda for the February 10, 2022, Board of Nursing meeting.

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

APPROVAL OF THE MINUTES

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

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

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

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, and Stones. Voting No: None. Abstain: None. Absent: Lefler, Smutny, and Thalken. 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.

8:38 a.m. Meeting went into closed session.

10:03 a.m. Stones left the meeting.

10:05 a.m. Stones returned to the meeting. Meeting went into recess.

10:20 a.m. Meeting reconvened. Delahoyde, Hampton, Hoover, Motl, and Ruiz left the meeting. Glover-Ettrich joined the meeting via virtual conference.

11:17 a.m. Delahoyde, Hampton, Hoover, Motl, and Ruiz returned to the meeting. Glover-Ettrich left the meeting.

11:20 a.m. Anderson left the meeting.

11:51 a.m. Anderson returned to the meeting.

12:15 p.m. Meeting returned to open session.

LICENSURE RECOMMENDATIONS**WILLIE J. MILLER– RN APPLICATION**

MOTION: Ruiz made the motion, seconded by Hoover, to recommend issuing an unrestricted RN license to Willie Miller.

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

MCKENNA J. MURPHY – RN REINSTATEMENT FROM DISCIPLINE

MOTION: Stones made the motion, seconded by Delahoyde, to recommend reinstating McKenna Murphy'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 1,040 hours; notify the Department within seven days of receipt of any criminal citations, filing of criminal complaints, or other contact with law enforcement; 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 substance use disorder, misdemeanor convictions rationally related to the profession, and violation of the Uniform Controlled Substances Act. The recommendation for reinstatement is based on applicant's completion of treatment, compliance with treatment recommendations, active involvement in the substance abuse/addiction recovery process, reported period of sobriety from July 2019, documentation of attendance at support group meetings and maintaining a sponsor, and positive letters of reference.

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

CHRISTIN BENSON – RN REINSTATEMENT FROM DISCIPLINE

MOTION: Stones made the motion, seconded by Kula, to recommend reinstating Christin Benson's RN license without restrictions. This recommendation for reinstatement is based on applicant's completion of treatment, compliance with treatment recommendations, active involvement in the substance abuse/addiction recovery process, reported period of sobriety from May 2018, attendance at support group meetings and maintaining a sponsor, and positive letters of reference.

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

SKYE C. PARDE – RN REINSTATEMENT FROM DISCIPLINE

MOTION: Stones made the motion, seconded by Delahoyde, to recommend reinstating Skye Parde's RN license on probation under the terms and conditions specified in the Order on Agreed Settlement dated August 9, 2019. The recommendation for reinstatement is based on applicant's previous compliance with probation conditions.

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

SHARI L. RICE – RN REINSTATEMENT FROM DISCIPLINE

MOTION: Ruiz made the motion, seconded by Herbek, to recommend reinstating Shari Rice's RN license on probation under the terms and conditions specified in the Order on Agreed Settlement dated June 22, 2021. The recommendation for reinstatement is based on applicant's previous compliance with probation conditions.

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

EDUCATION COMMITTEE

MOTION: The Education Committee moved that the Board approve the site visit report for Midland University BSN program conducted October 26, and October 27, 2021.

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

MOTION: The Education Committee moved that the Board approve the Purdue University Global University Associate Program clinical courses and clinical evaluation tools for NU 142 CL Medical-Surgical Nursing I Clinical; NU 143 CL Maternal Infant Nursing Clinical; NU 144 CL Medical-Surgical Nursing II Clinical; NU 225 CL Pediatric Nursing Clinical; and NU 298 CL Capstone Clinical.

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

NCLEX Reports – Reznicek reviewed the NCLEX passing rate for graduates of Nebraska nursing programs who took NCLEX for the first time in the last quarter of 2021. Reznicek also reviewed the average 2021 NCLEX passing by program. She reported that more programs than usual saw a dip in their pass rates in 2021. Stones noted that this might be a reflection on the reduction in clinical hours for student because of COVID-19.

Reznicek also reported that of the 1,256 NCLEX-RN candidates in 2021 that were educated in Nebraska, only 178 received their initial license in a state other than Nebraska. Of the 266 NCLEX-PN candidates, only 4 received their initial license in another state.

PUBLIC NOTICE OF BOARD MEETINGS

Joyner reported that public is currently notified of upcoming Board of Nursing meetings by posting the meeting agenda at the Licensure Unit Office in the Nebraska State Office Building, posting the agenda on the DHHS website, and emailing the agenda to an interested parties list.

MOTION: Ruiz made the motion, seconded by Delahoyde, to continue to use the current methods to notify the public of Board of Nursing meetings.

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

12:30 p.m. *Meeting went into recess.*

12:40 p.m. *Meeting reconvened.*

NURSING SHORTAGE

Oertwich reported that UNMC and the Center for Nursing are moving forward with implementation of the nurse resiliency project that is being funded through a HRSA grant. There are tentative plans to use some of the funds to hold a summit that will focus on psychiatric nursing. The summit might occur in September. The Center for Nursing's planned focus groups will be incorporated into the nurse resiliency project. Oertwich said that an IRB (Institutional Review Board) application has been submitted to UNMC so that data from the focus groups can be used in research projects.

Oertwich also reported that the Nebraska Hospital Association submitted a final version of its recommendations to address the nursing shortage to the Governor. The final draft did incorporate many of the changes suggested by Lisa Walters, the Center for Nursing Board Chair.

LEGISLATION

Oertwich reported on some of the bills introduced in the current legislative session that could affect nursing. LB1055 would appropriate \$50 million in federal American Rescue Plan Act (ARPA) funds to hospitals to provide premium pay to frontline nurses. LB1091 would appropriate ARPA funds to provide scholarships for people attending nurse aide or licensed practical nurse programs. Oertwich noted that scholarships for RNs were not included in LB1091. LB1269 would appropriate ARPA funds to the loan repayment program administered by DHHS's Office of Rural Health.

COVID-19 RELATED ISSUES

Oertwich reported that staff are still issuing provisional RN and LPN licenses to graduates who have not yet taken NCLEX and are still issuing emergency reinstatements to nurses who have not met the continuing competency requirement. The executive order that authorizes these waivers will be in effect until March 31, 2022. Oertwich does not know if the executive order will be extended.

NCSBN MIDYEAR MEETING

Motl and Oertwich will attend the National Council of State Boards of Nursing's Midyear Meeting in person. The meeting will be held March 15th through March 17th. All Board members can attend the conference virtually. Links to the virtual sessions will be emailed to Board members when they become available. There is no cost to attend virtually.

COMMUNICATION

Nursing News – Oertwich reported that the next edition of *Nursing News* will include information on the LPN intravenous education requirement. She hopes the edition will help get the word out that LPNs must meet the eight-hour education requirement (or equivalent) by August 24, 2022, in order to keep their licenses active.

Staff Updates – Oertwich reported that the Licensure Unit is currently fully staffed. They are still accepting applications for the Nursing Practice Consultant position that will be vacated by Hoebelheinrich's retirement.

JOURNAL ARTICLE DISCUSSION

Members discussed "The Prevalence of Substance Use and Substance Use Problems in Registered Nurses: Estimates from the Nurse Worklife and Wellness Study," which was published in the January 2022 issue of *Journal of Nursing Regulation*. Stones said that she had originally read the article as part of a course she took through the NCSBN's International Center of Regulatory Scholarship (ICRS). She highly recommended these courses to other Board members. She noted that nurses from around the world participate in the courses via Zoom.

Ruiz said she appreciated the article's use of "balance theory" to frame its findings. The excessive demands placed on nurses in the workplace increase the potential for substance use problems. Resources need to be made available to nurses to balance or offset the load created by their workplace demands and to reduce their risk for developing substance use problems. Ruiz said she was a bit surprised that the article included energy drinks as a substance that could be potentially abused. Stones noted that she did not know if consumption of energy drinks could negatively affect a nurse's practice.

Motl noted that the article showed a higher rate of substance use among nurses who work in nursing homes and assisted living facilities. Stones said this subject was discussed in the ICRS class where this article was discussed. Participants wondered if nursing homes and assisted living centers are more likely to pull in nurses with pre-existing substance use problems or if the environment at the facilities contributed to the formation of substance use disorders. Motl said that nursing homes and assisted livings often have large amounts of unused medications lying around, and it might be beneficial to develop better methods of discarding of these medications.

CONCLUSION AND ADJOURNMENT

There being no further business, the meeting adjourned at 1:20 p.m.

Respectfully submitted,



Sherri Joyner
Health Licensing Coordinator