

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

January 10, 2019

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., January 10, 2019, at the Staybridge Room, Staybridge Suites Lincoln I-80, 2701 Fletcher Ave, Lincoln NE 68504. Copies of the agenda were mailed in advance to the Board members, emailed to interested parties, posted outside the Licensure Unit within the Nebraska State Office Building, and posted on the Department of Health & Human Services website. Andrew announced the location of an available copy of the Open Meetings Act within the room.

ROLL CALL

The following board members were present to answer roll call:

- Janet Andrew, LPN, *Board Vice-President*
- Angela Cuffe, LPN
- Anne Dey, RN
- Tag Herbek, *Public Member*
- Louise LaFramboise, RN
- Patricia Motl, RN, *Board President*
- Kristene Perrin, RN
- Kristen Ruiz, RN
- Linda Stones, RN
- Rita Thalken, *Public Member*
- Karen Weidner, RN, *Board Secretary*
- Katherine Werth, APRN

No Board members were absent.

The following staff members from the Department and the Attorney General's Office were also present during all or part of the meeting:

- Ann Oertwich, RN, *Executive Director*
- Sherri Joyner, *Health Licensing Coordinator*
- Kathy Hoebelheinrich, RN, *Nursing Practice Consultant*
- Jacci Reznicek, RN, *Nursing Education Consultant*
- Anna Harrison, *Compliance Monitor*
- Teresa Hampton, *DHHS Attorney* (arrived at 9:26 a.m.)
- Ami Huff, *Assistant Attorney General*
- Jessica Bowman, *Investigator*
- Sharon Fitts, *Investigator*
- Sherri Lovelace, *Investigator*

A quorum was present, and the meeting convened.

ADOPTION OF THE AGENDA

MOTION: Andrew made the motion, seconded by Perrin, to adopt the agenda for the January 10, 2019, Board of Nursing meeting.

Voting Yes: Andrew, Cuffe, Dey, Herbek, LaFramboise, Motl, Perrin, Ruiz, Stones, Thalken, Weidner, and Werth. Voting No: None. Abstain: None. Absent: None. Motion carried.

APPROVAL OF THE MINUTES

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

Voting Yes: Andrew, Cuffe, Dey, Herbek, LaFramboise, Motl, Perrin, Ruiz, Stones, Thalken, Weidner, and Werth. Voting No: None. Abstain: None. Absent: None. Motion carried.

These minutes were approved by the Board
of Nursing on February 14, 2019.

CLOSED SESSION

MOTION: Andrew made the motion, seconded by Cuffe, 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: Andrew, Cuffe, Dey, Herbek, LaFramboise, Motl, Perrin, Ruiz, Stones, Thalken, Weidner, and Werth. Voting No: None. Abstain: None. Absent: None. Motion carried.

8:36 a.m. Meeting went into closed session.
 8:37 a.m. Weidner left the meeting.
 8:46 a.m. Weidner returned to the meeting.
 9:20 a.m. Meeting went into recess.
 9:26 a.m. Meeting reconvened. Hampton entered the meeting. Huff left the meeting.
 9:44 a.m. Werth left the meeting.
 9:53 a.m. Werth returned to the meeting.
 10:20 a.m. Huff returned to the meeting. Hampton left the meeting.
 10:26 a.m. Meeting returned to open session.

LICENSURE RECOMMENDATIONS**LORI S. POINTS (aka LORI S. WALKER) – RN NONDISCIPLINARY REINSTATEMENT**

MOTION: Andrew made the motion, seconded by Perrin, to recommend reinstating an unrestricted license to Lori Points.

Voting Yes: Andrew, Cuffe, Dey, Herbek, LaFramboise, Motl, Perrin, Ruiz, Stones, Thalken, Weidner, and Werth. Voting No: None. Abstain: None. Absent: None. Motion carried.

MCKENNA J. MURPHY – RN REINSTATEMENT FROM DISCIPLINE

MOTION: LaFramboise made the motion, seconded by Weidner, to deny McKenna Murphy's application for reinstatement based on substance use disorder diagnosis, violation of Uniform Controlled Substances Act, failure to comply with treatment recommendations, failure to cooperate with a Department investigation, and insufficient evidence presented to substantiate a change in circumstances.

Voting Yes: Andrew, Cuffe, Dey, Herbek, LaFramboise, Motl, Perrin, Ruiz, Stones, Thalken, Weidner, and Werth. Voting No: None. Abstain: None. Absent: None. Motion carried.

ANDREW J. MATTES – RN REINSTATEMENT FROM DISCIPLINE

MOTION: Dey made the motion, seconded by Thalken, to recommend reinstating Andrew Mattes' privilege to practice without restrictions based on completion of treatment, compliance with treatment recommendations, reported period of sobriety from April 2016, positive letters of reference from employer, and completion of probation in Iowa.

Voting Yes: Andrew, Cuffe, Dey, Herbek, LaFramboise, Motl, Perrin, Ruiz, Stones, and Thalken. Voting No: Weidner. Abstain: Werth. Absent: None. Motion carried.

BARBARA A. HALL – LPN REINSTATEMENT FROM DISCIPLINE

MOTION: Andrew made the motion, seconded by Weidner, to deny Barabara Hall’s application for reinstatement based on violation of Uniform Controlled Substances Act, failure to comply with treatment recommendations, and insufficient evidence presented to substantiate a change in circumstances.

Voting Yes: Andrew, Cuffe, Dey, Herbek, LaFramboise, Motl, Perrin, Ruiz, Stones, Thalken, Weidner, and Werth. Voting No: None. Abstain: None. Absent: None. Motion carried.

KIMBERLY S. BRIDGES – RN REINSTATEMENT FROM DISCIPLINE

MOTION: Perrin made the motion, seconded by LaFramboise, to deny Kimberly Bridge’s application for reinstatement based on insufficient evidence presented to substantiate a change in circumstances and failure to provide information required in Order dated February 23, 2018.

Voting Yes: Andrew, Cuffe, Dey, Herbek, LaFramboise, Motl, Perrin, Ruiz, Stones, Thalken, Weidner, and Werth. Voting No: None. Abstain: None. Absent: None. Motion carried.

NCLEX PASS RATES

Members reviewed charts showing annual NCLEX pass rates for Nebraska LPN and RN programs from 2014 to 2018. Members of the Education Committee reported that MidPlains Community College has implemented a new curriculum to address the program’s low NCLEX-RN pass rates. They expressed optimism that the changes will result in higher pass rates in upcoming years. Dey asked about the improved passing rates for Purdue University Global. Reznicek said the program has changed its admission criteria and its criteria for eligibility to test.

Reznicek also noted that College of St Mary has improved its NCLEX-RN pass rate, and that Nebraska Wesleyan’s 2018 pass rate is what one would expect for a new program. Reznicek reported the Purdue University Global will close its BSN program.

Weidner reported that a new NCLEX-RN test plan will be implemented this year. Although she does not expect to see major changes in the test, she noted that that it is not unusual for passing rates to drop when new plans go into effect. LaFramboise noted that the new test plans come out in January and are implemented in March, which does not give schools much time to prepare their students for changes in the exam.

PUBLIC NOTICE OF MEETINGS

In recent years the public has been notified of Board of Nursing meetings by 1) posting meeting agendas in the Nebraska State Office Building, 2) posting agendas on the Department’s website, and 3) emailing agendas to an interested parties list. Members asked about posting meetings on social media. Oertwich and Joyner said they thought social media postings would need to go through the Department’s Communications Office.

MOTION: Perrin made the motion, seconded by LaFramboise, to continue using the Board’s current method of giving public notice of its meetings.

Voting Yes: Cuffe, Dey, Herbek, LaFramboise, Motl, Perrin, Ruiz, Stones, Thalken, Weidner, and Werth. Voting No: None. Abstain: Andrew. Absent: None. Motion carried.

NCSBN MIDYEAR MEETING

Motl, Perrin, Weidner, and Werth expressed interest in attending the National Council of State Boards of Nursing’s MidYear Meeting, which will be held March 26-28, 2019, in San Antonio, Texas.

Reznicek said that members who cannot attend the meeting can watch live feeds or view recordings of the sessions. She said she would send Board members information on how to access these resources.

Nebraska Board of Nursing
Minutes of the January 10, 2019, Meeting

ISSUES FORUM

Oertwich reported that she has asked Department staff about holding an all-board meeting to discuss discipline guidelines. Based on the feedback she has received, Oertwich does not think the meeting will be feasible. Instead, Oertwich recommended devoting the Board's February Issues Forum to best practices for licensure discipline. Oertwich reported that she has reached out to Todd Stull, an addictionologist, and other specialists in Lincoln about the possibility of presenting at the February 13th meeting.

Perrin asked about the possibility of using a diversion program in Nebraska. Huff said that such a program would require statutory changes.

Weidner asked about the possibility of finding someone at NCSBN who has access to national data and who would be willing to present to the board by a videoconference. Huff reported that based on a previous contact with NCSBN, she thinks NCSBN does have people with access to relevant data. Oertwich said she would make inquiries with NCSBN.

LaFramboise thought it would be helpful to include representatives from the Attorney General's Office at the Issues Forum because of the guidance they provide during Board meetings.

DISCIPLINE GUIDELINES

Members reviewed the guidelines used by staff to determine if a licensure application needs to go to the Board for a recommendation. Weidner noted that the section for "category two" convictions differentiates between convictions that happened 5-10 years ago and convictions that are more than 10 years old, while the section for the more serious "category three" convictions only differentiates between convictions that are less than 5 years old and those that are more than 5 years old. Members requested that the licensure guidelines be placed on a future agenda after the Board's February Issues Forum.

Members reviewed the NCSBN Guidelines for Complaints Involving Marijuana. Weidner asked if any marijuana-related legislation would be introduced this year in Nebraska. Oertwich reported that Senators Morfeld and Wishart are starting a petition to legalize medical marijuana, but she is not sure if legislation will be introduced this session. LaFramboise and others noted that legalized marijuana raises questions about how to determine whether a health care worker is impaired; there are no guidelines for judging marijuana-related impairment as there are for alcohol. Motl noted that the report indicated that testing cannot determine when cannabis was ingested. Weidner asked how Colorado is dealing with nurses who test positive for THC. Oertwich said she could try to find out.

BOARD MEMBER ORIENTATION

Oertwich gave a presentation on the Licensure Unit's Orientation Manual for new board members. Members will be emailed the PowerPoint slides for the manual. Information provided in the manual includes links to the statutes and regulations governing nursing, the Board's position within the DHHS organizational structure, an overview of the discipline process, information on mandatory reporting, resources available on the Licensure Unit's webpages, and information on the performance policy for board members.

12:08 p.m. *Board went into recess.*

12:38 p.m. *Board reconvened.*

STRATEGIC PLAN UPDATES

Members reviewed the Board's strategic plan. The first goal – "Promote a Unified Professional Identity for All Nursing Roles" – includes a tactic for combining all nursing licenses under one board. Motl noted that Nebraska is the only state with a separate APRN board. Oertwich said that she expects legislation to adopt the APRN Consensus Model to be introduced in the legislature within the next ten days. She noted that NCSBN has hired a lobbyist on the issue. Hoebelheinrich said that opposition to the bill will come from those opposing the removal of practice agreement requirements for certified nurse midwives. Oertwich noted that prescriptive authority for APRNs can also prompt opposition. Oertwich said that if the APRN

Consensus Model legislation is passed, Nebraska can then move forward with efforts to join the APRN licensure compact.

Another tactic under the strategic plan's first goal is to ensure nurses delegate, direct, and assign care as members of the healthcare team and provide leadership in management of care. Progress on this tactic has been made by publishing a three-part series in *Nursing News* on delegation. The articles have prompted inquiries to staff regarding the role of medical assistants, with some thinking that they cannot use medical assistants. Oertwich said that employers do not need to stop using medical assistants, but that if nursing care is being delegated to a medical assistant, the delegation needs to be made by an RN.

The Board has made progress on the plan's second goal – "Enhanced Public Safety" – by its recent review of disciplinary data and relapse rates. As part of the third goal – "Promote Regulatory Effectiveness" – the Board wants to address the effectiveness of continuing competency requirements for nursing licensure.

CENTER FOR NURSING BIENNIAL REPORT

Members reviewed the Center for Nursing's 2017-2018 Biennial Report. Oertwich reported that Lisa Walters, Center for Nursing Board President, is working to distribute the report to members of the Legislature's Health and Human Services Committee.

2019 LEGISLATION

Weidner asked about the status of the 407 Credentialing Review for physician assistants. Joyner reported that the Credentialing Review webpage shows that no technical committee meetings have yet been scheduled.

Stones reported that the Nebraska Nurses Association's Nurses Day at the Legislature will be held on February 28th.

COMMUNICATION

RN Renewals – Oertwich reported on the customer satisfaction survey that was sent to RNs after they renewed their Nebraska licenses. Of the comments received, 26 were negative and 8 were positive. Negative feedback included remarks that the online renewal system was cumbersome to use. Some nurses feel that their license numbers should not be publicly available.

Hoebelheinrich reported that over 1,200 RNs were audited to verify that they met the continuing competency requirements. Of the nurses who were audited, thirteen decided to place their licenses on inactive status, and another thirteen did not respond to the audit notice. If these nurses do not respond to a second mailing, their licenses will be expired.

Nursing News – Oertwich reported that the issue scheduled to be published in mid-December is finally getting mailed out. It includes articles on LPNs and IV therapy, school nursing, and the advisory opinion on verbal orders. Content for the next issue is due at the publisher on January 15th. Cuffe agreed to submit a bio for publication in the next edition. Stones said she might also be able to submit her bio.

CONCLUSION AND ADJOURNMENT

There being no further business, the meeting adjourned at 1:30 p.m.

Respectfully submitted,



Sherri Joyner
Health Licensing Coordinator