

MINUTES OF THE MEETING
of the
NEBRASKA BOARD OF NURSING
January 11, 2018

CALL TO ORDER

The meeting of the Nebraska Board of Nursing was called to order by Dawn Straub, Board President, at 8:35 a.m., January 11, 2018, at Staybridge Suites, 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. Straub 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*
- Maxine Guy, LPN
- Louise LaFramboise, RN
- Patricia Motl, RN
- Kristene Perrin, RN
- Kristin Ruiz, RN
- Dawn Straub, RN, *Board President*
- LaFonda Tanner, *Public Member*
- Karen Weidner, RN, *Secretary*

The following Board members were absent: Anne Dey, RN, Rita Thalken, Katherine Werth, APRN-NP.

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

- Ann Oertwich, RN, *Executive Director*
- Kathy Hoebelheinrich, RN, *Nursing Practice Consultant*
- Jacci Reznicek, RN, *Nursing Education Consultant*
- Anna Harrison, *Compliance Monitor*
- Teresa Hampton, *Attorney* (arrived at 10:40 a.m.)
- Ami Huff, *Assistant Attorney General*
- Pat Lemke, *Investigator*
- Sherri Lovelace, *Investigator*

A quorum was present, and the meeting convened.

ADOPTION OF THE AGENDA

MOTION: Guy made the motion, seconded by Andrew, to adopt the agenda for the January 11, 2018, Board of Nursing meeting.

Voting Yes: Andrew, Guy, LaFramboise, Motl, Perrin, Ruiz, Straub, Tanner, and Weidner. Voting No: None. Abstain: None. Absent: Dey, Thalken, and Werth. Motion carried.

APPROVAL OF THE MINUTES

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

Voting Yes: Andrew, Guy, LaFramboise, Motl, Perrin, Ruiz, Straub, Tanner, and Weidner. Voting No: None. Abstain: None. Absent: Dey, Thalken, and Werth. Motion carried.

These minutes were approved by the
Board of Nursing on February 8, 2018.

CLOSED SESSION

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

8:40 a.m. Meeting went into closed session.

10:30 a.m. Meeting went into recess.

10:40 a.m. Meeting reconvened. Hampton entered the meeting. Huff left the meeting.

11:55 a.m. Meeting returned to open session. Huff returned to the meeting.

LICENSURE RECOMMENDATIONS**GERARD FUH – LPN APPLICATION**

MOTION: Ruiz made the motion, seconded by LaFramboise, to recommend issuing Gerard Fuh a LPN license with a censure and on probation for sixty (60) days with the following terms and conditions: complete a Professional Accountability & Legal Liability course and the Disciplinary Actions: What Every Nurse Should Know course; 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 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 based on unprofessional conduct, failure to report loss of employment, practicing nursing without a current license, and misrepresentation of material facts on a licensure application.

Voting Yes: Andrew, Guy, LaFramboise, Motl, Perrin, Ruiz, Straub, Tanner, and Weidner. Voting No: None. Abstain: None. Absent: Dey, Thalken, and Werth. Motion carried.

SUSAN R. RAE – RN APPLICATION

MOTION: Motl made the motion, seconded by Weidner, to recommend issuing Susan Rae an unrestricted RN license.

Voting Yes: Andrew, Guy, LaFramboise, Motl, Perrin, Ruiz, Straub, Tanner, and Weidner. Voting No: None. Abstain: None. Absent: Dey, Thalken, and Werth. Motion carried.

TINA M. HILTS – RN REINSTATEMENT (NONDISCIPLINARY)

MOTION: Weidner made the motion, seconded by LaFramboise, to recommend reinstating Tina Hilts' RN license on probation for five years 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 3120 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 (7) days; pay any costs associated with ensuring compliance, and appear at any meetings of the Board of Nursing when requested. The recommendation is based on a diagnosis of a Substance Use Disorder and practice of the profession while impaired.

Voting Yes: Andrew, Guy, LaFramboise, Motl, Perrin, Ruiz, Straub, Tanner, and Weidner. Voting No: None. Abstain: None. Absent: Dey, Thalken, and Werth. Motion carried.

KERRY L. SYLVESTER – LPN REINSTATEMENT FOLLOWING DISCIPLINARY ACTION

MOTION: Perrin made the motion, seconded by Tanner, to recommend reinstating Kerry Sylvester's LPN license on probation for five years 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 3120 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 (7) days; pay any costs associated with ensuring compliance, and appear at any meetings of the Board of Nursing when requested. The recommendation is based on a diagnosis of a Substance Use Disorder and previous disciplinary action against the license.

Voting Yes: Andrew, Guy, LaFramboise, Motl, Perrin, Ruiz, Straub, Tanner, and Weidner. Voting No: None. Abstain: None. Absent: Dey, Thalken, and Werth. Motion carried.

PUBLIC NOTICE OF MEETINGS

MOTION: Ruiz made the motion, seconded by Weidner, that the board continue to notify the public of its meetings by posting the agenda at the Nebraska State Office Building, posting the agenda on the Department's website, and emailing the agenda to an interested parties list.

Voting Yes: Andrew, Guy, LaFramboise, Motl, Perrin, Ruiz, Straub, Tanner, and Weidner. Voting No: None. Abstain: None. Absent: Dey, Thalken, and Werth. Motion carried.

COMMITTEE CHAIRS

Andrew reported that Perrin has agreed to serve as Chair for the Practice Committee. Weidner has accepted reappointment as Chair for the Education Committee.

TEMPORARY LICENSES FOR MILITARY SPOUSES

Members reviewed the sections in the Uniform Credentialing Act that provide for the issuance of temporary credentials to military spouses. These provisions were part of LB88, which was passed by the Legislature in 2017.

MOTION: LaFramboise made the motion, seconded by Andrew, that the Department be allowed to make the initial determination whether credentials meet the standards required for the temporary licensure of military spouses.

Voting Yes: Andrew, Guy, LaFramboise, Motl, Perrin, Ruiz, Straub, Tanner, and Weidner. Voting No: None. Abstain: None. Absent: Dey, Thalken, and Werth. Motion carried.

IMPLEMENTATION OF ENHANCED NURSE LICENSURE COMPACT (eNLC)

Of the prior Compact states that have not yet entered the Enhanced Nurse Licensure Compact (eNLC), the number of endorsement applications from Colorado residents for single-state licensure in Nebraska have had the most significant impact on Licensure staff workload. Applications are being held until the January 1/19/18 implementation date. Colorado and New Mexico both have pending legislation to join the eNLC and there is a possibility that they will join the new compact prior to the implementation date.

Employers have received notice of a NCSBN webinar on the eNLC regarding their responsibilities following implementation. Board members were encouraged to forward the website link to anyone who may benefit from the information.

Licensee inquiries regarding the eNLC have increased following the NCSBN mailing suggesting interest in understanding and complying with Compact rules.

LB924 introduced in the Legislature this past week includes a provision that will allow for Criminal Background Checks (CBCs) on reinstatement applications. This is necessary for compliance with Uniform Licensing Requirements (ULRs) for the eNLC.

When the eNLC goes into effect on January 19, 2018, any licenses that were issued after the July 20, 2017, grandfathering date will need to be converted to single-state if the licensee does not meet the Compact's uniform licensure requirements. Staff expect that approximately ten licenses will need to be converted to single-state because the licensee has a felony conviction, is currently in an alternative to discipline program, or has no Social Security Number on record.

Motl noted that the *Trust for America's Health* organization has cited participation in the Compact as an important indicator of preparedness for public health emergencies because it allows nurses to practice across state lines in times of emergency.

PROPOSED 2018 LEGISLATION

Oertwich reported that Senator Blood has introduced three licensure compact proposals: Physical Therapists (LB681), Psychologists (LB686), and APRNs (LB687).

A hearing on LB687, the APRN Compact bill, is scheduled for January 18, 2018, before the Health and Human Services Committee. Radcliffe & Associates has been retained by the National Council State Boards of Nursing (NCSBN) to represent the APRNs.

MOTION: Weidner made the motion, seconded by Motl, that the Board of Nursing submit a letter to the Health and Human Services Committee in support of the APRN Compact and LB687.

During discussion on the motion, some members indicated that they had not yet read the bill.

Voting Yes: Motl and Weidner. Voting No: Andrew, Guy, LaFramboise, Perrin, Ruiz, and Straub. Abstain: Tanner Absent: Dey, Thalken, and Werth. Motion failed

Members and staff reviewed the introduced copy of the Department's bill. LB924. Sections 11 and 12 of LB924 would change provisions in the Uniform Credentialing Action regarding criminal background checks. These two sections were determined to be necessary so that nurses applying for licensure reinstatement could be eligible for multistate licensure under the Enhanced Nurse Licensure Compact.

Staff and members also discussed the sections in LB924 that propose changes to the Emergency Medical Services Practice Act. It was noted that a Credentialing Review has not been completed on the proposed expansion of EMS practice into hospital and clinic settings. Concerns were also raised about expanding the EMS scope of practice without any accompanying changes in education and testing requirements.

12:10 p.m. Meeting recessed for lunch.
 12:40 p.m. Meeting reconvened.

Sections 43, 44, and 45 of LB924 would amend the Occupational Therapy Practice Act. Board members did not think they needed to take a position on these three sections.

MOTION: Perrin made the motion, seconded by LaFramboise, that the Board of Nursing provide testimony at the hearing for LB924 supporting Sections 11 and 12, taking a neutral position on Sections 43, 44, and 45, and opposing the sections that propose changes in EMS services on the basis of concerns for public safety.

Voting Yes: Andrew, Guy, LaFramboise, Motl, Perrin, Ruiz, Straub, Tanner, and Weidner. Voting No: None. Abstain: None. Absent: Dey, Thalken, and Werth. Motion carried.

STRATEGIC PLANNING

The Board's Issues Forum on February 7, 2018, will be dedicated to developing a three-to-five year strategic plan for the Board. Suggestions were made to include the following information during the planning session: NCSBN Strategic Plan, NCSBN Environmental Scan, Center for Nursing Strategic Plan, DHHS discipline outcomes data, APRN Consensus Model, and legislative updates.

ELIMINATION OF LPN-C CREDENTIAL

Oertwich reported that the hold that was placed on the development of new regulation by the Governor's Executive Order ended on December 31, 2017. No extension of the hold is anticipated. She expects that Nursing Licensure will move ahead with the planned retirement of the LPN-C regulations and the revisions to Chapter 99 (Regulations Governing the Provision of Nursing Care) that are needed to support the expansion of LPN practice to include IV therapy skills.

COMMUNICATION

NCSBN Midyear Meeting – Motl, Straub, and Tanner have expressed interest in attending the NCSBN Midyear Meeting in March. Jenda Stauffer from the APRN Board has also indicated interest in attending.

Staff Updates – Perrin reported that nursing colleagues are interested in learning more about the content distribution and client needs categories for NCLEX testing.

Nursing News – Oertwich reported that the submission deadline for the next edition of *Nursing News* is January 15th. Planned features include the APRN Compact, implementation of the eNLC, an article with further discussion on LPNs and IV therapy, and a biography introducing LaFonda Tanner as the newest Board member.

CONCLUSION AND ADJOURNMENT

There being no further business, the meeting adjourned at 1:15 p.m.

[These minutes were compiled based on notes taken by Kathy Hoebelheinrich and Ann Oertwich.]

Respectfully submitted,



Sherri Joyner
 Health Licensing Coordinator