

NEBRASKA BOARD OF ADVANCED PRACTICE REGISTERED NURSES

MINUTES OF THE MEETING HELD

February 7, 2020

CALL TO ORDER

The meeting of the Nebraska Board of Advanced Practice Registered Nurses was called to order by Timothy Glidden, Board President, at 1:07 p.m. on February 7, 2020, at Best Western Plus, 2201 Wildcat Circle, Lincoln, Nebraska. 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. Glidden announced that a current copy of the Open Meetings Act was in the room.

ROLL CALL

The following board members were present and answered roll call:

- Barbara Foss, APRN-NP
- Timothy Glidden, APRN-CRNA, *President*
- Stephen Jackson, *Public Member*
- Alice Kindschuh, APRN-CNS, *Vice-President*
- Michael Skoch, MD
- Jenda Stauffer, APRN-CNM

The following Board members arrived after roll call: Sheila Ellis, MD, Secretary (*arrived at 1:14 p.m.*) and Jenna Fiala, MD (*arrived at 1:17 p.m.*)

The following Board member was absent: Michael Losee, *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, RN, *Nursing Practice Consultant*
- Sherri Joyner, *Health Licensing Coordinator*
- Jacci Reznicek, RN, *Nursing Education Consultant*
- Anna Harrison, RN, *Compliance Monitor*
- Patricia Lemke, *Investigator*
- Sherri Lovelace, *Investigator*
- Mendy Mahar-Clark, *Investigator*
- Lisa Anderson, *Assistant Attorney General*

A quorum was present, and the meeting convened.

ADOPTION OF THE AGENDA

MOTION: Kindschuh made the motion, seconded by Skoch, to adopt the agenda for the February 7, 2020, APRN Board meeting.

Voting Yes: Foss, Glidden, Jackson, Kindschuh, Skoch, and Stauffer. Voting No: None. Abstain: None. Absent: Ellis, Fiala, and Losee. Motion carried.

APPROVAL OF THE MINUTES

MOTION: Foss made the motion, seconded by Jackson, to approve the minutes of the October 31, 2019, Board meetings.

Voting Yes: Foss, Glidden, Jackson, Kindschuh, Skoch, and Stauffer. Voting No: None. Abstain: None. Absent: Ellis, Fiala, and Losee. Motion carried.

These minutes were approved by the
APRN Board on March 20, 2020.

CLOSED SESSION

MOTION: Kindschuh made the motion, seconded by Foss, 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: Foss, Glidden, Jackson, Kindschuh, Skoch, and Stauffer. Voting No: None. Abstain: None.
Absent: Ellis, Fiala, and Losee. Motion carried.

1:09 p.m. Meeting went into closed session.
1:14 p.m. Ellis arrived to the meeting.
1:17 p.m. Fiala arrived to the meeting.
1:19 p.m. Hoebelheinrich left the meeting.
1:29 p.m. Hoebelheinrich returned to the meeting.
1:32 p.m. Meeting returned to open session.

LICENSURE RECOMMENDATIONS**JOHN B. FORTNER – APRN-CRNA APPLICANT**

MOTION Fiala made the motion, seconded by Skoch, to recommend issuing John Fortner an APRN-CRNA license on probation with the same probation terms and conditions specified in the Board of Nursing's offer dated January 10, 2020.

Voting Yes: Ellis, Fiala, Foss, Glidden, Jackson, Kindschuh, Skoch, and Stauffer. Voting No: None.
Abstain: None. Absent: Losee. Motion carried.

PUBLIC NOTICE OF MEETINGS

The APRN Board notifies the public of its meetings by posting agendas at the Nebraska State Office Building, posting agendas on the Department's website, and emailing agendas to persons on an interested parties list.

MOTION: Kindschuh made the motion, seconded by Glidden, to continue using the same method to notify the public of APRN Board meetings.

Voting Yes: Ellis, Fiala, Foss, Glidden, Jackson, Kindschuh, Skoch, and Stauffer. Voting No: None.
Abstain: None. Absent: Losee. Motion carried.

Jackson asked if there was information on the DHHS website on how members of the public could sign up for the interested parties list. Joyner said that she did not know and would look into the matter.

ELECTION OF 2020 BOARD OFFICERS

MOTION: Foss made the motion, seconded by Skoch, to re-elect Glidden as Board President, Kindschuh as Board Vice-President, and Ellis as Board Secretary

Voting Yes: Ellis, Fiala, Foss, Glidden, Jackson, Kindschuh, Skoch, and Stauffer. Voting No: None.
Abstain: None. Absent: Losee. Motion carried.

PER DIEMS

Per the Uniform Credentialing Act, members of the APRN Board and other boards covered by the Act shall "receive a per diem for each day actually engaged in the discharge of his or her duties, including compensation for the time spent in traveling to and from the place of conducting business," and that the "compensation per day shall not exceed fifty dollars and shall be determined by each board with the approval of the department."

MOTION: Skoch made the motion, seconded by Fiala, that APRN Board members receive a \$50 per diem for days on which they attend Board meetings.

Voting Yes: Ellis, Fiala, Foss, Glidden, Jackson, Kindschuh, Skoch, and Stauffer. Voting No: None.
Abstain: None. Absent: Losee. Motion carried.

PHARMACEUTICAL CARE AGREEMENTS

To meet the notification requirements of the Pharmacy Practice Act, practice agreements between 1) Karsen Duncan, RP, and Karen Bohaty, APRN-NP, and 2) Karsen Duncan, RP, and Katrina Dannewitz, APRN-NP were provided to the Board. Hoebelheinrich said that as a Nurse Practitioner who has worked with diabetic patients, she appreciated the potential benefits of collaborative agreements between pharmacists and providers for the management of diabetes. Fiala said she would be interested in learning more about the outcomes of the agreements.

LASER THERAPY IN NURSE PRACTITIONER PRACTICE

Hoebelheinrich reviewed items she had gathered in response to the Board's request for additional information on the use of ablative lasers by nurse practitioners to perform "laser vaginal rejuvenation," also known as the "Mona Lisa" procedure. The request came after Robin Khan had contacted Hoebelheinrich about employing a nurse practitioner at a medical spa to perform the procedure, followed by Khan and Ellen Wengert, APRN-NP, speaking at the Board's October 31, 2019, meeting.

Hoebelheinrich reported that the draft *Cosmetic-Aesthetic Procedures Advisory Opinion*, which is currently being reviewed by DHHS Legal, would support the use of fractional ablative/pigment nonselective lasers by nurse practitioners to perform cosmetic procedures under certain circumstances if appropriate, peer-reviewed education, training, and competency assessment has been completed. Hoebelheinrich noted that according to the National Council of State Boards of Nursing's 2008 *Consensus Model for APRN Regulation*, nurse practitioners are accountable for practice that is aligned with the NP's graduate education, board certification, and licensed practice role with one or more population foci. Hoebelheinrich also noted that in the Scope of Nursing Practice Decision-Making Framework, which was approved by the Board in 2017, one of the questions asked to determine whether an activity is within a particular nurse's scope of practice is whether "performing the activity, intervention, or role consistent with evidence-based nurse and health care literature."

Members expressed that they did not wish to endorse Wengert's use of ablative lasers to perform the procedure described at the October 31, 2019, Board meeting based on the following: it is not a cosmetic procedure; the nurse practitioner does not have sufficient training and knowledge; there is a lack of FDA support for the procedure, and there is a lack of support in the literature for the procedure. Hoebelheinrich said she would draft a letter to Robin Khan summarizing the Board's feedback.

NCSBN MEETINGS

Oertwich report that she, Hoebelheinrich, and Reznicek will attend the National Council of State Boards of Nursing's MidYear meeting, along with Patricia Motl and Janet Andrew from the Nebraska Board of Nursing. Hoebelheinrich will also attend the NCSBN's APRN Roundtable in April. Kindschuh is on the wait list for the APRN Roundtable event.

COMMUNICATION

Year of the Nurse and Nurse Midwife – Board members were provided with an article from NCSBN's *In Focus* magazine about the World Health Organization's declaration of 2020 as the International Year of the Nurse and Midwife.

Regulations – Oertwich reported that the amended APRN regulations, which the Board approved in October, are still pending review by the Board of Health. The Board of Health’s January 27th meeting was cancelled due to lack of quorum. The next Board of Health meeting is scheduled for March 16, 2020.

2020 Legislative Session – Oertwich reported on several bills introduced in the current legislative session. LB893 would legitimize community paramedics and critical care paramedics. Oertwich said that some groups are watching this bill due to the potential impact of community paramedics on home health care. LB883 would allow physicians to “assign” tasks to unlicensed persons. Hoebelheinrich noted that the bill is important because it establishes a statutory relationship between physicians and unlicensed staff. Anderson reported that LB887 would authorize pharmacists to make changes in prescriptions for Schedule 3-5 controlled substances, including under some circumstances, making changes in quantity or substituting another drug.

MOTION: Fiala made the motion, seconded by Foss, send a letter in opposition to LB887 to the legislature.

Voting Yes: Ellis, Fiala, Foss, Glidden, Jackson, Kindschuh, Skoch, and Stauffer. Voting No: None.
Abstain: None. Absent: Losee. Motion carried.

CONCLUSION AND ADJOURNMENT

There being no further business, the meeting adjourned at 2:58 p.m.

Respectfully submitted,



Sherri Joyner
Health Licensing Coordinator