

**MINUTES OF THE MEETING**  
**of the NEBRASKA**  
**BOARD OF NURSING**  
**February 8, 2018**

**CALL TO ORDER**

The meeting of the Nebraska Board of Nursing was called to order by Dawn Straub, Board President, at 8:33 a.m., February 8, 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*
- Anne Dey, RN
- Maxine Guy, LPN
- Louise LaFramboise, RN
- Patricia Motl, RN
- Kristene Perrin, RN
- Kristin Ruiz, RN
- Dawn Straub, RN, *Board President*
- Rita Thalken, *Public Member*
- Karen Weidner, RN, *Secretary*

The following Board member arrived after roll call: Katherine Werth, APRN-NP (arrived at 8:40 a.m.).

The following Board member was absent: LaFonda Tanner, *Public Member*.

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*
- Sherri Joyner, *Health Licensing Coordinator*
- Kathy Hoebelheinrich, RN, *Nursing Practice Consultant*
- Jacci Reznicek, RN, *Nursing Education Consultant*
- Anna Harrison, *Compliance Monitor*
- Teresa Hampton, *Attorney*
- Lisa Anderson, *Assistant Attorney General*
- Ami Huff, *Assistant Attorney General*
- Susan Aerni, *Investigator*
- Sharon Fitts, *Investigator*
- Sherri Lovelace, *Investigator*
- Patricia Lemke, *Investigator*
- Mindy Mahar-Clark, *Investigator*
- Dennis Scott, *Program Manager, Investigations*

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 February 8, 2018, Board of Nursing meeting.

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

These minutes were approved by the  
Board of Nursing on March 15, 2018.

**APPROVAL OF THE MINUTES**

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

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

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

8:38 a.m. Meeting went into closed session. Anderson and Huff left the meeting.  
 8:40 a.m. Werth arrived to the meeting.  
 8:50 a.m. Hampton left the meeting. Anderson and Huff returned to the meeting.  
 9:35 a.m. Perrin left the meeting.  
 9:38 a.m. Perrin returned to the meeting.  
 10:45 a.m. Meeting went into recess.  
 11:03 a.m. Meeting reconvened.  
 11:08 a.m. Meeting returned to open session.

**LICENSURE RECOMMENDATIONS****EMMA J. SCATURRO – LPN APPLICATION**

**MOTION:** Andrew made the motion, seconded by Guy, to table Emma Scaturro's application.

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

**YAHCHICKA C. LEONARD – RN REINSTATEMENT (NON-DISCIPLINARY)**

**MOTION:** Motl made the motion, seconded by LaFramboise, to recommend denying Yahchicka Leonard's reinstatement application based on misdemeanor convictions rationally related to the profession and disciplinary action against license in another jurisdiction.

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

**LEANN M. REMMERS-HAMNER – RN REINSTATEMENT FROM DISCIPLINE**

**MOTION:** Perrin made the motion, seconded by Ruiz, to recommend releasing Leann Remmers-Hamner from probation and issuing her an unrestricted, reinstated license based on documentation of sobriety and successful completion of a Bachelors of Science in Nursing program.

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

**ADRIAN F. ROMERO – RN REINSTATEMENT FROM DISCIPLINE**

**MOTION:** Perrin made the motion, seconded by LaFramboise, to recommend releasing Adrian Romero from probation and issuing him an unrestricted, reinstated license based positive letters of reference and compliance with treatment recommendations.

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

### **LINDSEY M. JONES – RN APPLICATION**

**MOTION:** Weidner made the motion, seconded by Andrew, to recommend issuing Lindsey Jones an unrestricted RN license.

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

**MOTION:** Weidner made the motion, seconded by Andrew, that even though Lindsey Jones did not submit a formal request for early release from the probationary conditions on her LPN license, to recommend releasing her LPN license from probation. The motion is based on successful completion of an Associate Degree nursing program, no recent alcohol-related convictions, and successful completion of probationary conditions on her LPN license except for completion of practice hours.

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

### **EDUCATION COMMITTEE**

**Motion:** The Education Committee moved that the Board of Nursing approve the following **2016-2017 Annual School reports:** Bryan College of Health Sciences BSN Program; College of St Mary's LPN Program; Creighton University College of Nursing BSN Program; Kaplan University AD Program; Metropolitan Community College PN Program; Mid Plains PN Program; Mid Plains AD Program; Nebraska Methodist BSN Program; Northeast Community College PN Program; Northeast Community College AD Program; Southeast Community College PN Program; Southeast Community College AD Program; Union College BSN Program; UNMC College of Nursing BSN Program; Wesleyan University BSN Program; and Western Nebraska Community College ADN Program.

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

**Motion:** The Education Committee moved that the Board of Nursing approve the **Nebraska Wesleyan University BSN** program course NURS 4450 Community Health Nursing, which was previously approved by the Board on October 12, 2017, as NURS 4460 Community Health Nursing.

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

**Motion:** The Education Committee moved that the Board of Nursing approve the **Creighton University College of Nursing Traditional BSN** program's updated NUR 341 Syllabus and Topical Outline (revised), Traditional Program Skill Sequencing Table, and the following courses: NUR DDD Care Management Concepts I; NUR EEE Care Management Concepts Practicum I; NUR EEE Care management Concepts Practicum I Evaluation Form; NUR FFF Evidence-Based Practice I; NUR GGG Care Management Concepts II; NUR HHH Care Management Concepts Practicum II; NUR HHH Care Management Concepts Practicum II Evaluation Form; NUR III Professional Concepts II; and NUR JJJ Population Health I

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

**PRACTICE COMMITTEE**

**Motion:** The Practice Committee moved that the Board replace the Advisory Opinion, *Suturing and Skin Adhesives: Wound Closure and Anchoring* with ***Nonsurgical Wound Closure***.

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

**Motion:** The Practice Committee moved that the Board replace the Advisory Opinion, *Wound Care Techniques* with ***Wound Debridement***.

Weidner noted that some nurses reading the opinion might misunderstand who can and who cannot use sharp instruments to do wound debridement. Ruiz and LaFramboise suggested it might be helpful to include separate categories for non-sharp debridement and conservative sharp debridement

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

**Motion:** The Practice Committee moved that the Board replace the Advisory Opinion, *Low-Dose Ketamine* with ***Sub-Anesthetic Ketamine***.

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

**Motion:** The Practice Committee moved that the Board replace the Advisory Opinion, *Sedation*, with ***Procedural Sedation***.

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

**Motion:** The Practice Committee moved that the Board approve the revised **Casting** Advisory Opinion.

Dey reported that one of the references was out of date.

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

Perrin noted that the Practice Committee was not ready to make a motion on the draft *Team-Based Nursing Care Services* Advisory Opinion. Perrin and Hoebelheinrich said the Committee would review it again to determine if specific areas of the opinion warranted additional feedback from the Department's Legal Division. Weidner commented that it might be helpful if the opinion grouped together all information regarding delegation so that people who only read part of the document would not misinterpret a nurse's authority to delegate. Straub thought it was helpful to have citations from the statutes and regulations embedded in the document; the citations can help people understand that certain items are more than a matter of opinion.

12:00 p.m. Board went into recess.

12:37 p.m. Board reconvened.

**IMPLEMENTATION OF ENHANCED NURSE LICENSURE COMPACT (eNLC)**

The new Enhanced Nurse Licensure Compact went into effect on January 19<sup>th</sup>. Oertwich reported that Colorado and New Mexico joined the eNLC the day prior to the implementation date. Staff are now processing refunds for approximately 50 Colorado residents who had applied for Nebraska licensure when

it was uncertain whether Colorado would join the eNLC by January 19<sup>th</sup>. Oertwich reported that a number of states, including Kansas and Illinois, have introduced legislation to join the eNLC.

Straub reported that she viewed one of the eNLC Employer Webinar Forums. She found the presentation very helpful and recommended it to her human resources office. Webinars to introduce employers to the eNLC will also occur on February 14<sup>th</sup> and February 28<sup>th</sup>.

## **2018 LEGISLATION**

Oertwich reported on the hearing for LB687, the bill to adopt the Advanced Practice Registered Nursing Compact. Groups supporting the bill include the Platte Institute and the Chamber of Commerce. The bill was opposed by a group representing Nebraska anesthesiologists. Hoebelheinrich said that physicians were concerned that the bill might eliminate the requirement for nurse midwives to have collaborative agreements with physicians. Oertwich said that the bill will likely be amended with a specification that adoption of the compact does not change the APRN scope of practice Nebraska. The APRN Compact is based on the NCSBN's Consensus Model for regulating APRNs. Hoebelheinrich explained that normally a state would align its regulations with the Consensus Model prior to adopting the APRN Compact. Oertwich said that Nebraska would still be allowed to participate in the Compact prior to passing legislation to adopt the Consensus Model.

Straub reported that she testified on behalf of the Board at the hearing on LB924 in support of the two sections needed to fully implement the Enhanced Nurse Licensure Compact, but that she took a neutral position on the sections related to occupational therapists and spoke in opposition to parts of the proposed changes to the Emergency Medical Services Practice Act. Straub said her major concerns with LB924 were that it seemed to allow EMTs to work in hospital and clinical settings without the appropriate training and that it made reference to EMTs being supervised by RNs, which would be a violation of the Nurse Practice Act. Hoebelheinrich reported that she attended a meeting with DHHS staff, including Thomas Williams, the Director of the Division of Public Health, about the proposed changes. Hoebelheinrich reported that she thinks the parties involved now have a clearer understanding of the distinction between 'supervision' and 'direction', and that Dr. Williams is willing to clarify provisions in LB924 that suggest RNs might be held liable for the actions of EMTs. Straub said she thought some people interpreted the concerns raised by the Board and the Nebraska Nurses Association as a turf battle. Straub said the crux of the issue was not about turf but about clarity on who is responsible for patient care in the hospital setting and where do the EMS professions fit in. Oertwich noted the services provided by EMTs fall under medical care not nursing care.

Oertwich reported that a hearing is scheduled on February 21<sup>st</sup> for LB1127. LB1127 would provide funding for the Nebraska Coalition for Patient Safety by adding an annual \$10.00 fee to the license renewal fees for RNs, LPNs, and other health professions. Dey said that Board members want their communities to have better health care, but she was concerned that the bill might create a precedent that would lead to adding even more fees.

## **STRATEGIC PLANNING**

Straub provided a summary of the Board's strategic planning session held on February 7, 2018. The Board worked on its mission and vision statements. Using the concepts from Jim Collins' *Good to Great* program, the Board developed a "hedgehog" (what the board is most passionate about, what it is best at, and what drives its economic engine) and came up with some "Big Hairy Audacious Goals." The Board will review these items at its March meeting and then work on developing goals and tactics.

Motl, noting that members expressed very similar goals and visions, thought that there was a remarkable degree of consensus among the Board members at the strategic planning session.

## **COMMUNICATION**

NCSBN Midyear Meeting – Straub, Motl, Tanner, Hoebelheinrich, and Oertwich will attend the NCSBN Midyear Meeting in early March. Jenda Stauffer, a member of the APRN Board, will also attend.

Nursing News – Oertwich reported that the proofs for the next edition of *Nursing News* are being reviewed. The edition will include articles on ARPNs, Dialysis Techs, and a bio from Tanner. Hoebelheinrich said that issue will include profiles of three APRNs who will benefit from the APRN Compact along with data that she and Juan Ramirez, consultant for the Center for Nursing, put together regarding APRNs.

Staff Updates – Weidner asked if there were any updates on the development of regulations. Oertwich said that they can go forward with proposing new regulations and changes to existing regulations, but that there are still questions about the process that will be used for regulation development. Oertwich's understanding is that either the Department's Legal Division will draft regulations or that Legal will work in close collaboration with Licensure Unit staff to draft regulations. Oertwich identified regulations regarding LPNs as her highest priority, followed by changes in Chapter 101 (Regulations Governing the Practice of Nursing) and Chapter 97 (Regulations Governing the Approval of Programs of Professional Nursing).

Weidner also inquired about the status of the Department's analysis of disciplinary data, a project being led by Matt Gelvin. Straub noted that at the strategic planning session the previous day, members had discussed the need for more and better data and for working collaboratively with the Attorney General's Office and other DHHS units. Oertwich noted that the project Gelvin is working on is fairly specific to substance abuse-related discipline. Dey said she would like more data regarding practice, noting that she thought there was too much emphasis on issues that do not affect practice. Straub said that the Board might obtain more data from organizations such as the National Council of State Boards of Nursing. Straub noted that the Board does not exist just to do discipline, and that they can do things besides discipline to impact practice and to ensure competency. Oertwich introduced Holly Chandler, a doctoral student doing a preceptorship with Oertwich, and said the Chandler's work could involve some of these data-related issues

#### **CONCLUSION AND ADJOURNMENT**

There being no further business, the meeting adjourned at 1:43 p.m.

Respectfully submitted,



Sherri Joyner  
Health Licensing Coordinator