

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

**February 13, 2020**

**CALL TO ORDER**

The meeting of the Nebraska Board of Nursing was called to order by Patricia Motl, Board President, at 8:30 a.m., February 13, 2020, at Best Western Plus Lincoln Inn and Suites, Lincoln NE 68521. 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. Motl 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 Kula, LPN
- Anne Dey, RN
- Tom Hoover, RN
- Tag Herbek, *Public Member*
- Louise LaFramboise, RN
- Patricia Motl, RN, *Board President*
- Kristin Ruiz, RN
- Linda Stones, RN
- Rita Thalken, *Public Member*
- Katherine Werth, APRN-NP

The following Board member was absent: Lana Taylor, RN.

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*
- Jacci Reznicek, RN, *Nursing Education Consultant*
- Kathy Hoebelheinrich, RN, *Nursing Practice Consultant*
- Anna Harrison, *Compliance Monitor*
- Lisa Anderson, *Assistant Attorney General*
- Natalee Hart, *Assistant Attorney General*
- Jessica Bowman, *Investigator*
- Trevor Klaassen, *Investigator*
- Sharon Fitts, *Investigator*
- Patricia Lemke, *Investigator*
- Mendy Mahar-Clark, *Investigator*

A quorum was present, and the meeting convened.

**ADOPTION OF THE AGENDA**

**MOTION:** Andrew made the motion, seconded by Ruiz, to adopt the agenda for the February 13, 2020, Board of Nursing meeting.

Voting Yes: Andrew, Dey, Herbek, Hoover, Kula, LaFramboise, Motl, Ruiz, Stones, Thalken, and Werth.  
Voting No: None. Abstain: None. Absent: Taylor. Motion carried.

**APPROVAL OF THE MINUTES**

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

Voting Yes: Andrew, Dey, Herbek, Hoover, Kula, LaFramboise, Motl, Ruiz, Stones, and Thalken. Voting No: None. Abstain: Werth. Absent: Taylor. Motion carried.

These minutes were approved by the Board  
of Nursing on March 12, 2020.

**CLOSED SESSION**

**MOTION:** Andrew 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: Andrew, Dey, Herbek, Hoover, Kula, LaFramboise, Motl, Ruiz, Stones, Thalken, and Werth.  
Voting No: None. Abstain: None. Absent: Taylor. Motion carried.

8:35 a.m. Meeting went into closed session.  
8:39 a.m. Motl left the meeting.  
8:43 a.m. Motl returned to the meeting.  
9:03 a.m. Motl left the meeting.  
9:04 a.m. Motl returned to the meeting. Stones left the meeting.  
9:07 a.m. Stones returned to the meeting.  
9:17 a.m. Motl left the meeting.  
9:20 a.m. Dey left the meeting.  
9:32 a.m. Dey and Motl returned to the meeting.  
9:35 a.m. Stones left the meeting.  
9:41 a.m. Stones returned to the meeting.  
10:03 a.m. Kula left the meeting.  
10:05 a.m. Kula returned to the meeting. Meeting went into recess.  
10:18 a.m. Meeting reconvened.  
11:08 a.m. Meeting returned to Open Session.

**LICENSURE RECOMMENDATIONS****KENZIE M. LUEDERS – RN APPLICANT**

**MOTION:** Ruiz made the motion, seconded by Andrew, to recommend issuing Lueders an unrestricted RN license.

Voting Yes: Andrew, Dey, Herbek, Hoover, Kula, LaFramboise, Motl, Ruiz, Stones, Thalken, and Werth.  
Voting No: None. Abstain: None. Absent: Taylor. Motion carried.

**NICOLLE B. NELLSON – RN APPLICANT**

**MOTION:** Dey made the motion, seconded by Andrew to recommend issue Nellson an RN license on probation for three years with the following terms and conditions: abstain from alcohol; 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 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 misdemeanor convictions rationally related to the profession and a diagnosis of a substance use disorder.

Voting Yes: Andrew, Dey, Herbek, Hoover, Kula, LaFramboise, Motl, Ruiz, Stones, Thalken, and Werth.  
Voting No: None. Abstain: None. Absent: Taylor. Motion carried.

**TASHA A. TRAYLOR– RN APPLICANT**

**MOTION:** Andrew made the motion, seconded by Ruiz, to recommend issuing Traylor an unrestricted RN license.

Voting Yes: Andrew, Dey, Herbek, Hoover, Kula, LaFramboise, Motl, Ruiz, Stones, Thalken, and Werth.  
Voting No: None. Abstain: None. Absent: Taylor. Motion carried.

**LAURA D. FOSTER – RN APPLICANT**

**MOTION:** LaFramboise made the motion, seconded by Thalken, to recommend issuing Foster an unrestricted RN license.

Voting Yes: Andrew, Dey, Herbek, Hoover, Kula, LaFramboise, Motl, Ruiz, Stones, Thalken, and Werth.  
Voting No: None. Abstain: None. Absent: Taylor. Motion carried.

**STACY L. ARKFELD – RN REINSTATEMENT FROM DISCIPLINE**

**MOTION:** Ruiz made the motion, seconded by Andrew, to recommend reinstating Arkfeld's RN license without restrictions based on compliance with treatment recommendations, active involvement in the substance/abuse/addiction recovery process, reported period of sobriety from February 2015, and positive letters of reference from coworkers and nurse managers.

Voting Yes: Andrew, Dey, Herbek, Hoover, Kula, LaFramboise, Motl, Ruiz, Stones, Thalken, and Werth.  
Voting No: None. Abstain: None. Absent: Taylor. Motion carried.

**MIRANDA E. FARRENS – LPN REINSTATEMENT FROM DISCIPLINE**

**MOTION:** Werth made the motion, seconded by LaFramboise, to recommend reinstating Farrens' LPN license on probation to complete the probationary terms and conditions from the February 12, 2014, Order. The recommendation for probation is based upon diagnosis of a substance use disorder and failure to complete probation terms and conditions ordered by Chief Medical Officer on February 12, 2014. The recommendation for reinstatement is based on applicant's compliance with treatment recommendations, active involvement in the substance abuse/addiction recovery process, reported period of sobriety from 2018, and positive letters of reference.

Voting Yes: Andrew, Dey, Herbek, Hoover, Kula, LaFramboise, Motl, Ruiz, Stones, Thalken, and Werth.  
Voting No: None. Abstain: None. Absent: Taylor. Motion carried.

**PUBLIC NOTICE OF MEETINGS**

**MOTION:** Thalken made the motion, seconded by Andrew, to continue notifying the public of Board of Nursing meetings by posting agendas at the Nebraska State Office Building, posting agendas on the Department's website, and emailing agendas to an interested parties list.

Voting Yes: Andrew, Dey, Herbek, Hoover, Kula, LaFramboise, Motl, Ruiz, Stones, Thalken, and Werth.  
Voting No: None. Abstain: None. Absent: Taylor. Motion carried.

**PER DIEMS**

The Uniform Credentialing Act states that members of the Board of Nursing 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:** Stones made the motion, seconded by LaFramboise, that Board of Nursing members be paid a \$50.00 per diem for days on which they attend Board meetings, days on which they travel to and from Board meetings, and days on which they review license applications and engage in other activities to prepare for meetings, with a maximum of one prep-day per diem for each Board meeting.

Voting Yes: Andrew, Dey, Herbek, Hoover, Kula, LaFramboise, Motl, Ruiz, Stones, Thalken, and Werth.  
Voting No: None. Abstain: None. Absent: Taylor. Motion carried.

## **EDUCATION COMMITTEE**

**MOTION:** The Education Committee moved that the Board of Nursing approve Nebraska Methodist College BSN courses: NRS 102 Population Health I & Clinical Evaluation Tool; NRS 200 Population Health II & Clinical Evaluation Tool; NRS 300 Population Health III & Clinical Evaluation Tool; NRS 400 Population Health IV & clinical Evaluation Tool; NRS 401 Global Health (Traditional), and NRS 405 Healthcare Collaboration and Leadership/Global Health (Accelerated)

Voting Yes: Andrew, Dey, Herbek, Hoover, Kula, LaFramboise, Motl, Ruiz, Stones, Thalken, and Werth.  
Voting No: None. Abstain: None. Absent: Taylor. Motion carried.

**MOTION:** The Education Committee moved that the Board of Nursing approve Bryan College of Health Sciences BSN courses: NURS\*\*\* Clinical Judgment in Nursing & Clinical Evaluation Tool; NURS\*\*\* Family Health Nursing & Clinical Evaluation Tool; NURS\*\*\* Nursing Leadership and Management & Clinical Evaluation Tool; NURS\*\*\* Issues and Trends in Professional Nursing II; NURS \*\*\* Preparation for Licensure; and NURS\*\*\*Nursing Capstone & Clinical Evaluation Tool.

Voting Yes: Andrew, Dey, Herbek, Hoover, Kula, LaFramboise, Motl, Ruiz, Stones, Thalken, and Werth.  
Voting No: None. Abstain: None. Absent: Taylor. Motion carried.

**MOTION:** The Education Committee moved that the Board of Nursing approve the following Site Visit Reports: Mid Plains Community College site visit conducted 10/16/19 & 10/17/19, and Western Nebraska Community College site visit conducted 10/29/19 & 10/30/19

Voting Yes: Andrew, Dey, Herbek, Hoover, Kula, LaFramboise, Motl, Ruiz, Stones, Thalken, and Werth.  
Voting No: None. Abstain: None. Absent: Taylor. Motion carried.

**MOTION:** The Education Committee moved that the Board of Nursing approve the following Annual Program Reports: Bryan College of Health Sciences (BSN); Central Community College (ADN); Central Community College (LPN); Clarkson College (BSN); College of St. Mary (LPN); College of St. Mary (BSN); Creighton University (BSN); Nebraska Methodist College (BSN); Nebraska Wesleyan University (BSN); Metropolitan Community College (ADN); Metropolitan Community College (PN); Midland University (BSN); Mid-Plains Community College (ADN); Mid-Plains Community College (LPN); Northeast Community College (ADN); Northeast Community College (PN); Purdue University Global (BSN); Purdue University Global (ADN); Southeast Community College (ADN); Southeast Community College (PN); Union College (BSN); UNMC (BSN); Western Nebraska Community College (ADN), and Western Nebraska Community College (PN).

Voting Yes: Andrew, Dey, Herbek, Hoover, Kula, LaFramboise, Motl, Ruiz, Stones, Thalken, and Werth.  
Voting No: None. Abstain: None. Absent: Taylor. Motion carried.

Reznicek reported that graduates of Nebraska LPN programs who took NCLEX-PN for the first time in 2019 had a pass rate of 87.41%, which was above the national pass rate of 85.63%. For Nebraska RN programs, the pass rate was 91.04%, which was also above the nation pass rate of 88.18%.

**PRACTICE COMMITTEE**

Hoebelheinrich reported that the Cosmetic-Aesthetic Advisory Opinion is still being reviewed by DHHS Legal.

**NCSBN MIDYEAR MEETING**

Andrew, Hoebelheinrich, Motl, Oertwich, Reznicek, and Ruiz will attend the National Council of State Boards of Nursing's MidYear meeting in Boston on March 3<sup>rd</sup> through March 5<sup>th</sup>, 2020.

11:45 a.m. Meeting went into recess.

12:17 p.m. Meeting reconvened.

**2020 LEGISLATIVE SESSION**

Oertwich summarized several bills that have been introduced in the Unicameral during the 2020 session. LB 893 would create categories for "community paramedicine" and "critical care paramedic." Oertwich expressed concerns regarding how community paramedics might affect home health care. LB 887 would authorize pharmacists to modify the quantity and dosage form of prescriptions under certain circumstances. LB 883 would allow physicians to "assign" tasks to unlicensed persons. Oertwich and Hoebelheinrich expressed satisfaction with the use of the term "assign." Hoebelheinrich said that there was a need for education around which tasks could be assigned, noting that in-scope duties could not be assigned.

**CENTER FOR NURSING UPDATES**

Oertwich reported that the Center for Nursing met on January 24, 2020. Two new members were recently appointed to board to replace board members whose terms expired in June 2019. Oertwich reported that the Center is now regrouping after having to cancel several meetings in 2019 due to lack of quorum. The Center for Nursing Foundation is working on a grant to provide educational support for rural nursing. Oertwich also reported that the Nebraska Action Coalition (NAC) is still interested in resuming talks to associate NAC with the Center's Foundation.

**COMMUNICATION**

Nursing Regulations – The amended nursing regulations were scheduled for review at the January 27, 2020, Board of Health meeting. Oertwich reported that the meeting was cancelled due to lack of quorum.

Nursing News – Oertwich reported that staff are finishing the final copy for the next Nursing News. The edition will include articles on international nursing as well as a reprint of an NCSBN article on the International Year of the Nurse and Midwife.

Staff Updates – Oertwich reported that Amy Keller, the Health Licensing Specialist for APRN licenses, has moved to another position in the Licensure Unit. Oertwich has initiated the process to find a replacement.

12:30 p.m. Herbek left.

**BOARD STRATEGIC PLANNING**

Members reviewed the Board's 2018-20 Strategic Plan. Members made a minor revision to the Board's mission statement. The amended mission statement reads, "Protect the health, safety and welfare of the public related to the provision of nursing services. Members expressed approval for keeping the vision statement as is: "Advancing nursing regulatory excellence for Nebraska." Members also expressed approval for keeping the plan's three goals: 1) Promote a unified professional identity for all nursing roles, 2) Enhanced public safety, and 3) Promote regulatory effectiveness. Ruiz noted that these goals are still relevant and the Board has made substantial progress on its tactics.

Goal # 1 – One of the tactics in the 2018-20 Strategic plan for this goal was to implement the APRN Compact. Oertwich noted that achieving this tactic was delayed after the Consensus Model Bill was dropped and Senator Howard requested a Credentialing Review for Certified Nurse Midwives. Members noted that articles published in Nursing News were very effective in meeting the tactics for educating nurses on their roles, scopes, and delegation. Hoebelheinrich noted that when the amended nursing regulation are approved there will be a need to educate the nursing public regarding the changes. The fifth tactic for Goal # 1 was in response members interest in strengthening the relevancy of continuing education. Oertwich reported that she and staff have made some inquiries regarding third-party companies that compile continuing education for nurses, noting that use of such services might make it more feasible to track alternative types of continuing education.

Goal # 2 – Oertwich noted that a Process Improvement Plan is currently being conducted with DHHS Investigations, fulfilling one of the Board's tactics for enhancing public safety. Oertwich suggested adding a tactic for title protection. Motl expressed interested in interviewing other states that created alternative to discipline programs in order to better understand what might be required to start similar programs in Nebraska. Ruiz asked how many other states have alternative to discipline programs. Oertwich did not know the exact number, but she thought a majority of states had alternative programs. Dey noted that in terms of public safety, it was also important to address poor nursing practices, such as not wearing gloves, but that it can be challenging to get employers to report these types of practices. Motl and Stones both noted that the Administrative Law course they are taking through the NCSBN's International Center for Regulatory Scholarship has led to rich discussions with members of other state boards and deepened their understanding of nursing regulation.

Goal # 3 – Oertwich noted that the Board did achieve the tactic of reviewing and updating nursing regulations for effectiveness, and that she expects the amended regulations to be approved within a year. Motl suggested adding a tactic for researching courses that could be used for discipline cases, noting that there might be suitable offering besides the ones offered by NCSBN. Dey noted that without the ability to assess a nurse, it is difficult to find a course that specifically target's the deficiencies in knowledge that might have led to disciplinary actions. Motl also suggested adding a tactic to for facility education because facilities sometimes do not know what they are required to report to Investigations. Dey suggested contacting the Board of Pharmacy to see if they wish to work collaboratively with the Board on Nursing on the issue of diversion. Motl noted that in cases of diversion, even if discipline is taken against the nurse, there may not have been anything done that effectively changes the nurse's behavior. Stones questioned whether or not in some instances it would be more effective to address facility leadership rather than just address the individual nurse. Stones also mentioned the need for better metrics in order to better assess the Board's effectiveness on disciplinary matters.

## **CONCLUSION AND ADJOURNMENT**

There being no further business, the meeting adjourned at 1:47 p.m.

Respectfully submitted,



Sherri Joyner  
Health Licensing Coordinator