

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

February 14, 2019

CALL TO ORDER

The meeting of the Nebraska Board of Nursing was called to order by Patricia Motl, Board President, at 8:33 a.m., February 14, 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. 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*
- Anne Dey, RN
- Louise LaFramboise, RN
- Patricia Motl, RN, *Board President*
- Kristene Perrin, RN
- Kristin Ruiz, RN
- Linda Stones, RN
- Rita Thalken, *Public Member*
- Karen Weidner, RN, *Board Secretary*
- Katherine Werth, APRN

The following Board members were absent: Angela Cuffe, LPN, and Tag Herbek, *Public Member*.

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 11:35 a.m.)
- Lisa Anderson, *Assistant Attorney General*
- Ami Huff, *Assistant Attorney General*
- Jessica Bowman, *Investigator*
- Sharon Fitts, *Investigator*
- Susan Held, *Investigator*
- Patricia Lemke, *Investigator*
- Sherri Lovelace, *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 14, 2019, Board of Nursing meeting.

Voting Yes: Andrew, Dey, LaFramboise, Motl, Perrin, Ruiz, Stones, Thalken, Weidner, and Werth.

Voting No: None. Abstain: None. Absent: Cuffe and Herbek. Motion carried.

APPROVAL OF THE MINUTES

Werth requested that the Practice Committee minutes be removed from the consent agenda. Werth expressed concerns that wording in the minutes about who can complete instrument and supply counts in a circulating nurse cath lab might be misinterpreted. Hoebelheinrich said the Practice Committee will review the issue and resubmit the minutes for approval at a later meeting.

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

MOTION: Andrew made the motion, seconded by Ruiz, to approve the consent agenda with the revised Board of Nursing minutes and the Education Committee minutes.

Voting Yes: Andrew, Dey, LaFramboise, Motl, Perrin, Ruiz, Stones, Thalken, Weidner, and Werth.

Voting No: None. Abstain: None. Absent: Cuffe and Herbek. Motion carried.

CLOSED SESSION

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

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

10:15 a.m. Meeting went into recess.

10:37 a.m. Meeting reconvened.

11:35 a.m. Anderson and Huff left the meeting. Hampton entered the meeting.

11:51 a.m. Perrin left the meeting.

11:58 a.m. Perrin returned to the meeting

12:30 p.m. Meeting returned to open session. Meeting went into recess. Hampton left the meeting.

Anderson and Huff returned to the meeting.

1:03 p.m. Meeting reconvened. LaFramboise was not present.

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

1:03 p.m. Meeting went into closed session.

1:05 p.m. LaFramboise returned to the meeting.

1:30 p.m. Meeting returned to open session.

LICENSURE RECOMMENDATIONS

MARIA G. CERVEN – RN NONDISCIPLINARY REINSTATEMENT

MOTION: Andrew made the motion, seconded by Ruiz, to recommend reinstating an unrestricted RN license to Maria Cerven.

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

JAMES M. CLARY – RN APPLICANT

MOTION: LaFramboise made the motion, seconded by Stones, to recommend denying James Clary's application for an RN license based on disciplinary action against license in another jurisdiction, misrepresentation of material facts on a license application, and unprofessional conduct as defined in 172 NAC 101-007.03(20).

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

MOLLY M. BURTCH – RN APPLICANT

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

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

LOLITA D. ESPARZA – RN APPLICANT

MOTION: Dey made the motion, seconded by Ruiz, to table Lolita Esparza’s application for an RN license in order to obtain additional information.

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

HEATHER M. PENEVA – LPN APPLICANT

MOTION: Weidner made the motion, seconded by LaFramboise, to recommend issuing an unrestricted LPN license to Heather Peneva.

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

TETYANA I. LEDUC – LPN APPLICANT

MOTION: Ruiz made the motion, seconded by Andrew, to recommend issuing an unrestricted LPN license to Tetyana Leduc.

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

AMANDA M. KAUP (aka AMANDA RHOADS) – RN REINSTATEMENT FROM DISCIPLINE

MOTION: Dey made the motion, seconded by Ruiz, to recommend issuing Amanda Kaup a temporary license for the purpose of completing a refresher course within 18 months, and following successful completion of the refresher course, reinstating her RN license without restrictions based on her active involvement in the substance abuse/addiction recovery process and positive letters of reference.

Voting Yes: Andrew, Dey, LaFramboise, Motl, Ruiz, Stones, Thalken, and Werth. Voting No: Weidner. Abstain: Perrin. Absent: Cuffe and Herbek. Motion carried.

CHERYL A. LANGE – RN REINSTATEMENT FROM DISCIPLINE

MOTION: Weidner made the motion, seconded by Perrin, to table Cheryl Lange’s RN application in order to obtain additional information.

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

SUZANNE SINTEK (aka SUZANNE NOONAN) – LPN REINSTATEMENT FROM DISCIPLINE

MOTION: Ruiz made the motion, seconded by Andrew, to recommend issuing Suzanne Sintek an temporary license for the purpose of completing a refresher course within 18 months, and following successful completion of the refresher course, reinstating her license on probation for three (3) years with the following 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 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 Substance Use Disorder diagnosis and history of license surrender. The recommendation for reinstatement is based on current participation in treatment, reported period of sobriety from May 4, 2017, and positive letters of reference from sponsor and counselor.

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

KALLIE J. BREWER (aka KALLIE J. GERTSCH) – RN REINSTATEMENT FROM DISCIPLINE

MOTION: Perrin made the motion, seconded by Weidner, to recommend reinstating Kallie Brewer's RN license without restrictions based on her completion of outpatient treatment, compliance with treatment recommendations, active involvement in the substance abuse/addiction recovery process, and positive letters of reference from employer.

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

1:39 p.m. *Dey left the meeting.*

EDUCATION COMMITTEE

MOTION: The Education Committee moved that the Board of Nursing approve Central Community College's ADN courses: NURS 2100 Lifespan III; Nurse 2100 Lifespan III Clinical Evaluation Tool; NURS 2200 Pathopharm III; NURS 2300 Nursing Judgment III; NURS 2500 Lifespan IV; NURS 2600 Pathopharm IV; NURS 2700 Nursing Judgment IV; NURS 2500 Lifespan IV Clinical Evaluation Tool.

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

MOTION: The Education Committee moved that the Board of Nursing approve MidPlains Community College courses NURS 2101 Nursing Concepts V: Care of Patients Across the Lifespan with Complicated Conditions, and NURS 2101 Clinical V.

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

MOTION: The Education Committee moved that the Board of Nursing approve Southeast Community College's ADN courses: NURS 1410 Fundamentals of Nursing; NURS 1415 Fundamentals of Nursing Clinical; NURS 2100 Medical Surgical Nursing; NURS 2105 Medical Surgical Nursing Clinical; NURS 2200 Obstetrics and Gynecological Nursing; NURS 2205 Obstetrics and Gynecological Nursing Clinical; NURS 2220 Mental Health Nursing, and NURS 2225 Mental Health Nursing Clinical.

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

MOTION: The Education Committee moved that the Board of Nursing approve Southeast Community College's LPN courses: LPNS 1115 Practical Nursing Lab 1; LPNS 1112 Practical Nursing Clinical 1; and LPNS 1118 Holistic Nursing 1.

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

MOTION: The Education Committee moved that the Board of Nursing approve the Nebraska Methodist College site visit report and grant continued program approval.

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

PRACTICE COMMITTEE

Hoebelheinrich reported that the Practice Committee interviewed Melissa O'Neill, APRN-NP, via videoconference regarding cosmetic and dermatologic procedures. O'Neill is a nurse practitioner who specializes in dermatology. One of the subjects O'Neill discussed was collaborative practice with physicians especially in cases where a dermatologic procedure becomes an emergency situation. Hoebelheinrich has sent invitations for interviews to everyone who has contacted her with a practice inquiry regarding cosmetic and dermatologic procedures.

DRAFT REGULATIONS

Oertwich reported that draft regulations for all regulations that were identified in 2017 as needing updating must be submitted by the end of the year. These regulations include the Regulations Governing the Approval of Nursing Programs (172 NAC 97) and the Regulations Governing the Practice of Nursing (172 NAC 101). Do to the urgency of the deadline, Oertwich said that there will not be much time for wordsmithing. LaFramboise noted that NANDD (Nebraska Assembly of Nursing Deans and Directors) would appreciate seeing the draft for 172 NAC 97. Oertwich said she will make the draft available to NANDD.

COMMUNICATION

Staff Updates – Oertwich reported that Connie Wagner, Supervisor for Nursing Support, will retire at the end of February.

Nursing News – Oertwich reported that the next edition of *Nursing News* will probably be mailed in mid-March. Perrin said that she has heard positive feedback from other nurses for the recently published articles on delegation. Oertwich reported that she and Hoebelheinrich had attended a Board of Medicine meeting to talk about delegation. They found the Board of Medicine to be receptive to the topic and the Board of Medicine expressed interest in the team-based delegation grid developed by Hoebelheinrich.

CONCLUSION AND ADJOURNMENT

There being no further business, the meeting adjourned at 2:00 p.m.

Respectfully submitted,



Sherri Joyner
Health Licensing Coordinator