

NEBRASKA BOARD OF NURSING
MINUTES OF THE
TELECONFERENCE MEETING

March 12, 2020

CALL TO ORDER

The meeting of the Nebraska Board of Nursing was called to order by Patricia Motl, Board President, 8:32 a.m., March 12, 2020. The central meeting location was at the Golds Building, Room 531, 1033 O Street, Lincoln NE 68508. 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. Joyner announced the location of an available copy of the Open Meetings Act within the room.

ROLL CALL

The following board members answered roll call via teleconference:

- Janet Andrew, LPN, *Board Vice-President*
- Angela Kula, LPN
- Tom Hoover, RN
- Tag Herbek, *Public Member*
- Louise LaFramboise, RN
- Patricia Motl, RN, *Board President*
- Kristin Ruiz, RN
- Linda Stones, RN
- Lana Taylor, RN
- Rita Thalken, *Public Member*

The following Board members were absent: Anne Dey, RN, and Katherine Werth, APRN-NP, *Board Secretary*.

The following staff members from the Department were present:

- 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*

The following staff members from the Department and the Attorney General's Office attended part or all of the meeting via teleconference:

- Lisa Anderson, *Assistant Attorney General*
- Natalee Hart, *Assistant Attorney General*
- Sharon Fitts, *Investigator*
- Susan Held, *Investigator*
- Patricia Lemke, *Investigator*
- Sherri Lovelace, *Investigator*
- Dennis Scott, *Investigations*

A quorum was present, and the meeting convened.

These minutes were approved by the Board
of Nursing one April 9, 2020.

ADOPTION OF THE AGENDA

MOTION: Andrew made the motion, seconded by Ruiz, to adopt the revised agenda for the March 12, 2020, Board of Nursing meeting.

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

APPROVAL OF THE MINUTES

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

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

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

8:34 a.m. Meeting went into closed session.
9:50 a.m. Meeting went into recess.
10:00 a.m. Meeting reconvened.
10:48 a.m. Meeting returned to Open Session.

LICENSURE RECOMMENDATIONS

CAITLIN M. CLARK – RN APPLICANT

MOTION: Stones made the motion, seconded by Andrew, to recommend denying Clark's application for an RN license based on diagnoses of multiple substance use disorders.

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

AMANDA K. SLAGLE – RN APPLICANT

MOTION: LaFramboise made the motion, seconded by Stones, to recommend denying Amanda Slagle's application for an RN license based on diagnosis of a substance use disorder, misdemeanor convictions rationally related to the profession, and disciplinary action against license in another jurisdiction.

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

ANDREW C. DALE – RN REINSTATEMENT (NonDisciplinary)

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

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

ERIKA C. NEWILL – LPN REINSTATEMENT FROM DISCIPLINE

MOTION: Andrew made the motion, seconded by LaFramboise, to deny Newill’s application for early release from licensure probation based on there being no due cause for early termination of probation, and insufficient evidence presented to substantiate a change in circumstances.

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

MEGAN M. PHELPS – RN REINSTATEMENT FROM DISCIPLINE

MOTION: Stones made the motion, seconded by LaFramboise, to deny Phelps’ application for reinstatement based on diagnosis of a substance use disorder, misdemeanor convictions rationally related to the profession, and insufficient evidence presented to substantiate a change in circumstances.

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

RENAE M. TROMBINO –RN REINSTATEMENT FROM DISCIPLINE

MOTION: Andrew made the motion, seconded by Stones, to table Trombino’s application for reinstatement in order to obtain additional information.

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

CREDENTIALING REVIEW

Oertwich reported that the Department approved the Board’s request to conduct a Credentialing Review (also called a “407 Review”) for APRN licenses to examine combining the separate statutes for the four APRN roles and aligning their scopes of practice. Oertwich and Hoebelheinrich have begun working on the next step, which is to write a detailed application. Oertwich said that she will email Board members a draft of the application for their feedback.

2020 LEGISLATIVE UPDATES

Oertwich reported that LB893, which would create categories for community paramedics and critical care paramedics, has been amended into LB 1003. Oertwich and Hoebelheinrich noted that Senator Howard’s office added language to the bill that specifies tasks, such as telephone triage, that could be performed by community or critical care paramedics. Oertwich and Hoebelheinrich said that they had advised against including “laundry lists” in statutes because they can become outdated quickly with changes in health care technology and practice. Oertwich and Hoebelheinrich recommended that scope of practice should be determined by education, certification, and licensure.

COMMUNICATION

Regulations Updates – Oertwich said that the proposed changes to Chapter 97 [172 NAC 97 – Regulations Governing the Approval of Programs of Professional Nursing} are still being reviewed by the Governor’s Policy Research Office. The other nursing regulations are still pending approval by

the Board of Health. Oertwich was uncertain when this might happen because the Board of Health's March 16th meeting may need to be canceled due to the COVID-19 outbreak.

Staff Updates – Oertwich reported that she hopes to receive applications for the vacant Health Licensing Specialist position soon. She said that the Department is considering plans for some staff to work at home due to concerns with COVID-19.

April 2020 Issues Forum – Oertwich noted that it was uncertain when the Board would next be able to meet in person and that doing an Issues Forums over the phone might not be effective. Board members agreed to postpone the Issues Forum that had been scheduled for April 9, 2020.

Board Hearing – Joyner reported that Vanessa Miller has requested a hearing to appeal the Board's denial of her reinstatement application. The hearing has been scheduled for the Board's May 14, 2020, meeting.

CONCLUSION AND ADJOURNMENT

There being no further business, the meeting adjourned at 11:18 a.m.

Respectfully submitted,



Sherri Joyner
Health Licensing Coordinator