

MINUTES OF THE MEETING
of the NEBRASKA
BOARD OF NURSING
March 15, 2018

CALL TO ORDER

The meeting of the Nebraska Board of Nursing was called to order by Dawn Straub, Board President, at 8:35 a.m., March 15, 2018, at the Gold's Building, Room 534, 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. 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*
- 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*
- Katherine Werth, APRN-NP

The following Board member arrived after roll call: LaFonda Tanner, *Public Member* (arrived at 9:12 a.m.).

The following Board member was absent: Anne Dey, 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*
- 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*
- Jessica Bowman, *Investigator*
- Sharon Fitts, *Investigator*
- Sherri Lovelace, *Investigator*
- Patricia Lemke, *Investigator*
- Mendy Mahar-Clark, *Investigator*
- Dennis Scott, *Program Manager, Investigations*
- Russ Fosler, *Unit Administrator, 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 March 15, 2018, Board of Nursing meeting.

These minutes were approved by the
Board of Nursing on April 12, 2018.

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

APPROVAL OF THE MINUTES

MOTION: Guy made the motion, seconded by Weidner, to approve the consent agenda.

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

8:37 a.m. Meeting went into closed session.
 9:00 a.m. Andrew left the meeting.
 9:07 a.m. Andrew returned to the meeting.
 9:12 a.m. Tanner arrived to the meeting.
 9:50 a.m. Werth left the meeting.
 9:53 a.m. Werth returned to the meeting.
 9:57 a.m. Werth left the meeting.
 10:03 a.m. Werth returned to the meeting.
 10:35 a.m. Motl left the meeting.
 10:40 a.m. Motl returned to the meeting.
 10:47 a.m. Andrew left the meeting.
 10:55 a.m. Andrew returned to the meeting. Meeting went into recess.
 11:18 a.m. Meeting reconvened. Hampton arrived to the meeting. Anderson and Huff left the meeting.
 11:55 a.m. Ruiz left the meeting.
 12:00 p.m. Hampton left the meeting. Anderson and Huff returned to the meeting.
 12:08 p.m. Ruiz returned to the meeting.
 12:15 p.m. Meeting went into recess. Perrin left the meeting.
 12:47 p.m. Meeting reconvened
 1:30 p.m. Meeting returned to open session. Werth left the meeting.

LICENSURE RECOMMENDATIONS

EMMA J. SCATURRO – LPN APPLICANT

MOTION: LaFramboise made the motion, seconded by Motl, to recommend issuing Emma Scaturro a censured LPN license based on violation of the Uniform Controlled Substances Act.

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

1:32 p.m. Werth returned to the meeting.

SAMANTHA WEST – LPN APPLICANT

MOTION: Werth made the motion, seconded by Motl, to recommend issuing Samantha West a LPN license on probation for two years with the following terms and 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 2080 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 diagnoses of Substance Use Disorders and misdemeanor convictions rationally related to the profession.

Voting Yes: Andrew, Guy, LaFramboise, Motl, Ruiz, Straub, Tanner, Thalken, Weidner, and Werth.

Voting No: None. Abstain: None. Absent: Dey and Perrin. Motion carried.

CORINNE S. BENDER – LPN APPLICANT

MOTION: Andrew made the motion, seconded by Guy, to recommend issuing Corinne Bender an unrestricted LPN license.

Voting Yes: Andrew, Guy, LaFramboise, Motl, Ruiz, Straub, Tanner, Thalken, Weidner, and Werth.

Voting No: None. Abstain: None. Absent: Dey and Perrin. Motion carried.

REBECCA A. OWEN – RN APPLICANT

MOTION: Werth made the motion, seconded by Motl, to recommend issuing Rebecca Owen a RN license on probation for two years with the following terms and conditions: 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; have no access to controlled substances in the course of nursing employment for six (6) months, followed by access to controlled substances under direct supervision for six (6) months; active practice for 2080 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 a diagnosis of a Substance Use Disorder, disciplinary action against license in another jurisdiction, and violation of the Uniform Controlled Substances Act.

Voting Yes: Andrew, Guy, LaFramboise, Motl, Ruiz, Straub, Tanner, Thalken, Weidner, and Werth.

Voting No: None. Abstain: None. Absent: Dey and Perrin. Motion carried.

TERI M. BOYER – RN REINSTATEMENT FROM DISCIPLINE

MOTION: Weidner made the motion, seconded by Andrew, to recommend issuing Teri Boyer a Temporary License for the purpose of completing a refresher course within eighteen months, and following successful completion of the course, reinstating Teri Boyer's RN license on probation for two years with the following terms and conditions: abstain from controlled substances and other prescription drugs unless prescribed

by the treating practitioner; have no access to controlled substances in the course of nursing employment for six (6) months, followed by access to controlled substances under direct supervision for six (6) months; active practice for 2080 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 previous history of licensure discipline. The recommendation for reinstatement is based on applicant's active involvement in the substance abuse/addiction recovery process.

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

Laurie A. Longsine – LPN Reinstatement from Discipline

MOTION: LaFramboise made the motion, seconded by Andrew, to recommend issuing Laurie Longsine a Temporary License for the purpose of completing a refresher course within eighteen months, and following successful completion of the course, reinstating her LPN license without restrictions based on no significant convictions since her license was revoked.

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

Lindsey M. Jones– LPN Reinstatement from Discipline

MOTION: Guy made the motion, seconded by Andrew, to recommend releasing Lindsey M. Jones' LPN license from probation based on successful completion of all probationary requirement except practice hours and completion of an Associate Degree of Nursing program.

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

Cash G. Bratetic– RN Reinstatement from Discipline

MOTION: Thalken made the motion, seconded by Weidner, to deny Cash Bratetic's request for early termination of probation based on insufficient time spent on probation.

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

Jolene M. Freel– RN Reinstatement from Discipline

MOTION: Motl made the motion, seconded by LaFramboise, to deny Jolene Freel's request for early termination of probation based on no due cause for early termination of probation and insufficient time spent on probation.

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

ASHLEY D. RUBLE– RN REINSTATEMENT FROM DISCIPLINE

MOTION: Thalken made the motion, seconded by LaFramboise, to recommend releasing Ashley Ruble’s RN license from probation based on compliance with probationary requirements and completion of 4 ½ years of probation.

Voting Yes: Andrew, Guy, LaFramboise, Motl, Ruiz, Straub, Tanner, Thalken, Weidner, and Werth.

Voting No: None. Abstain: None. Absent: Dey and Perrin. Motion carried.

2018 LEGISLATION

Oertwich reported that LB299 has advanced to general file. Oertwich noted that concerns have been raised that the bill, which would create a board to supervise occupational licensing, might enable persons to practice nursing without a license. LB360 has also advanced to general file. Oertwich said that the Nebraska Nurses Association is expected to take a position on the bill, which would create a registry for surgical technologists and would allow physicians to delegate to licensed and unlicensed persons. LB924, the Department bill, has advanced with numerous amendments. Oertwich said she is fairly confident that provisions for critical care paramedics and community paramedics would require a 407 Review process. She also reported that the bill to adopt the APRN Compact will not move forward this session, but she expects work will be done to reintroduce legislation in future years.

NCSBN MIDYEAR MEETING

Tanner, Motl, Hoebelheinrich, Oertwich, and Straub reported on their experiences at the National Council of State Boards of Nursing (NCSBN) Midyear Conference. Notable topics included marijuana regulatory guidelines, the use of simulation labs, antiregulatory sentiments, and the need for nurses to be more vocal in discussions regarding healthcare policy.

STRATEGIC PLANNING

Straub reviewed the work done by the Board during its February 7th strategic planning session. Members expressed satisfaction with the proposed mission statement: “Protect the health, safety and welfare of the public related to the provision of nursing care.” Members were also satisfied with identifying 1) protect the public, 2) safe practice of nursing, and 3) fair and consistent discipline as the three components of the Board’s “hedgehog.” Straub defined “hedgehog” as an organization’s unwavering commitment or what it uses to focus all its work. Straub asked members to think of possible vision statements that they could share at the next strategic planning session, noting that a vision statement should be crisp and short. Oertwich suggested “a competent workforce” as a potential vision statement. In addition to working on a vision statement, Straub said that the Board would focus the next strategic planning session on developing goals. Straub recommended that members look over the NCSBN Environmental Scan and the Road to 2030 prior to the session.

COMMUNICATION

April Issues Forum – Members agreed that the Issues Forum scheduled for April 11th should be used for strategic planning.

Nursing Regulations –Reznicek reported that the Department has established a new twelve-step process for developing regulations. Oertwich said that they have received approval from the Chief Medical Officer to proceed with the process for repealing Chapter 102 (Regulations Governing the Practice of Licensed Practical Nurses – Certified) and for revising Chapter 99 (Regulations Governing the Provision of Nursing Care) to accommodate the elimination of the LPN-C credential.

Elimination of LPN-C Credential – Reznicek noted that she recently participated in a NCSBN conference call that discussed an article about the reintroduction of LPNs into the hospital setting. She recommended distributing the article to Board members.

Disciplinary Data Project – Oertwich said she was unable to obtain an update on the Department’s project to analyze disciplinary terms. Straub noted that the Board needs data to verify that its disciplinary recommendations are appropriate and effective.

Staff Updates – Reznicek reported that the Licensure Unit is accepting applications from nursing students up to ninety days prior to their expected graduation date. Last year, applications were accepted sixty days prior to the graduation date. Staff hope this change will reduce the amount of time between when students graduate and when they receive their authorizations to take NCLEX.

Nursing News – Oertwich noted Hoebelheinrich’s work in putting together the feature on APRNs in the last edition of *Nursing News*. Oertwich said that she had signed up Nebraska for the NCSBN’s next campaign to promote the APRN Consensus Model.

CONCLUSION AND ADJOURNMENT

There being no further business, the meeting adjourned at 2:50 p.m.

Respectfully submitted,



Sherri Joyner
Health Licensing Coordinator