

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

April 12, 2018

CALL TO ORDER

The meeting of the Nebraska Board of Nursing was called to order by Dawn Straub, Board President, at 8:30 a.m., April 12, 2018, 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. 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*
- LaFonda Tanner, *Public Member*
- Rita Thalken, *Public Member*
- Karen Weidner, RN, *Secretary*
- Katherine Werth, APRN-NP

No Board members were absent.

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*
- Ami Huff, *Assistant Attorney General*
- Susan Aerni, *Investigator*
- Jessica Bowman, *Investigator*
- Sharon Fitts, *Investigator*
- Sherri Lovelace, *Investigator*
- Patricia Lemke, *Investigator*
- Mendy Mahar-Clark, *Investigator*

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 April 12, 2018, Board of Nursing meeting.

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

APPROVAL OF THE MINUTES

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

These minutes were approved by the
Board of Nursing on May 10, 2018.

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

8:34 a.m. Meeting went into closed session.
 9:30 a.m. Perrin left the meeting.
 9:33 a.m. Perrin returned to the meeting.
 9:39 a.m. Weidner left the meeting.
 9:40 a.m. Ruiz left the meeting.
 9:42 a.m. Ruiz and Weidner returned to the meeting.
 9:53 a.m. Werth left the meeting.
 9:58 a.m. Werth returned to the meeting.
 10:10 a.m. Meeting went into recess.
 10:20 a.m. Meeting reconvened.
 10:45 a.m. Meeting returned to open session.

EDUCATION COMMITTEE

Motion: The Education Committee moved that the Board of Nursing approve the annual school reports for the following programs: Central Community College PN Program, Central Community College ADN Program, Clarkson College-BSN Program, College of Saint Mary's BSN Program, Kaplan University BSN Program, Metropolitan Community College ADN Program, Midland University BSN Program, and Western Nebraska Community College PN Program

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

Motion: The Education Committee moved that the Board of Nursing approve the following Creighton University College of Nursing Traditional BSN Curriculum Courses: Updated Traditional Program of Study, Updated Traditional Plan of Study, BSN Program Outcomes, NUR KKK-Care Management concepts III-Fall Senior Course, NUR LLL- Care Management concepts Practicum III-Fall Senior Course, NUR LLL- Care Management concepts III Clinical Evaluation Tool, NUR MMM-Population-Based Health II-Fall Senior Course, NUR 474 –Applied Nursing Ethics-Fall Senior Course, NUR NNN-Professional Concepts III-Spring Senior Course, and NUR OOO- Evidence-Based Practice II-Spring Senior Course

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

Motion: The Education Committee moves that the Board of Nursing approve the following Bryan College of Health Sciences BSN courses: NURS 404 Nursing Care IV, and NURS 405 Community Health Nursing

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

PRACTICE COMMITTEE

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

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

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

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

Motion: The Practice Committee moved that the Board approve the revised Advisory Opinion *Wound Care Techniques*, and rename the Opinion *Wound Debridement*.

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

Perrin reported that the Practice Committee does not wish to make a motion to approve the *Team-Based Nursing Care Services* .Advisory Opinion until Teresa Hampton has time to review the proposed Opinion.

LEGISLATIVE UPDATES

Oertwich reported that the Department bill, which includes language to authorize fingerprint-based criminal background checks for reinstatement applications, and LB299, which would create a board to oversee occupational licensing, are on final reading. Oertwich also reported that an amendment that had been added to the Surgical Technologist Registry bill to allow physicians to delegate to unlicensed persons had been withdrawn. Oertwich said she had drafted a letter prior to the withdrawal of the amendment voicing the Board's position that to ensure patient safety only RNs should be able to delegate nursing care, noting the episodic nature of medical care.

Weidner said that she thought it was important for someone from nursing to attend the 407 Review meetings on the proposed expansion of EMS scope of practice. Weidner also requested that the Board be notified of any updates on the 407 Review as they become available.

CLOSED SESSION

MOTION: Guy made the motion, seconded by LaFramboise, 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, Tanner, Thalken, Weidner, and Werth. Voting No: None. Abstain: None. Absent: None. Motion carried.

11:26 a.m. Meeting went into closed session. Huff left the meeting.
11:33 a.m. Meeting returned to open session. Huff returned to the meeting.

LICENSURE RECOMMENDATIONS

HALEY E. LACHNER – LPN APPLICANT

MOTION: Weidner made the motion, seconded by Motl, to request a pre-licensure investigation in order to make a more informed decision.

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

JEANETTE L. MITCHELL – LPN APPLICANT

MOTION: Motl made the motion, seconded by Dey, to recommend issuing Jeanette Mitchell a single-state LPN license on probation for five 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 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 a diagnosis of a substance use disorder.

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

MOLLY R. O'NEILL – RN REINSTATEMENT (NonDisciplinary)

MOTION: Andrew made the motion, seconded by Guy, to recommend reinstating an unrestricted license to Molly O'Neill.

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

JENEE M. BLUNDELL – LPN REQUEST FOR EARLY RELEASE FROM PROBATION

MOTION: Ruiz made the motion, seconded by Guy, to recommend reinstating Jenee Blundell's license without restrictions based on her current participation in treatment, compliance with treatment recommendations, active involvement in the substance abuse/addiction recovery process, documented attendance at support group meetings and maintaining a sponsor, and positive letters of reference from employer.

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

REGULATIONS GOVERNING THE PROVISION OF NURSING CARE

Members reviewed proposed changes to 172 NAC 99, the Regulations Governing the Provision of Nursing Care. A major impetus of the proposed changes was the elimination of the LPN-C credential, which made it necessary to include minimum standards for LPNs performing intravenous therapy into the Provision of Nursing Care regulations. Oertwich reviewed the proposed changes, which include adding language to distinguish between intravenous medications and intravenous solutions, and adding language about RNs providing direction to licensed health care professionals who are part of a care team, in addition to the current language about RNs providing direction to LPNs and unlicensed persons. Oertwich noted that the changes are still conceptual and that it might not be appropriate at this time to proofread or wordsmith the draft. Other stakeholders will still need to weigh in on the proposed changes.

Oertwich and members discussed the difficulty of defining "pediatric client." Regarding references to "continuous infusion or bolus methods" in the draft, Weidner asked if "bolus" might be too narrow, noting that a new delivery method might be introduced. Members suggested that "intermittent" might be preferable to "bolus." Weidner also noted that a major issue that comes up with LPNs performing IV therapy is peripheral versus central lines. Oertwich said that the issue still needs to be addressed in the proposed changes.

Hampton said that the Department has not yet notified her office about which regulations will receive priority in the revision process. She said it was likely that regulations governing Emergency Medical Services will

be given high priority. Hampton also noted that the Secretary of State has a new format to be used for regulations.

12:15 p.m. Meeting went into recess.

12:55 p.m. Meeting reconvened.

BOARD HEARING

The reinstatement hearing requested by Megan Phelps, RN, convened at 12:55 p.m. Teresa Hampton, Department Attorney, served as the hearing officer. Ms. Phelps was not represented by counsel. The Department was represented by Ami Huff, Assistant Attorney General. A court reporter was present. Exhibits were presented, and testimony was provided by Ann Oertwich, Halli Partridge, and Ms. Phelps.

MOTION: Tanner made the motion, seconded by LaFramboise, for the Board to go into closed session for the purpose of deliberating upon the hearing.

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

1:30 p.m. Meeting went into closed session. Huff, Oertwich, Phelps, and Partridge left the meeting.

2:08 p.m. Meeting returned to open session. Huff, Oertwich, Phelps, and Partridge returned to the meeting.

MOTION: LaFramboise made the motion, seconded by Motl, to deny Megan Phelps' application for licensure reinstatement based on a diagnosis of Alcohol Use Disorder, Severe, in early remission, insufficient evidence of sustained sobriety, and insufficient evidence of a sustainable sobriety plan.

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

2:10 p.m. Hearing closed. Phelps and Partridge left the meeting.

COMMUNICATION

Implementation of eNLC – Joyner reported that installation of software updates to accommodate the Enhanced Nurse Licensure Compact is nearing completion. Weidner asked if Nebraska is in violation of the new compact for not doing criminal background checks on reinstatement applicants. Joyner said it is not a violation because reinstatement applicants are being issued single-state licenses, but that it does pose an inconvenience to nurses who apply for reinstatement and want a multistate license so that they work temporary assignments in other states. Oertwich reported that Kansas will join the eNLC on July 1, 2019.

Staff Updates – Oertwich announced that Perrin has been nominated to serve on the NCLEX Panel of Judges, which recommends exam passing standards to the National Council of State Boards of Nursing. Oertwich also noted that the Center for Nursing will bring its proposed budget to the May Board of Nursing meeting. Oertwich and Holly Chandler, a graduate student doing a preceptorship with Oertwich, are working on nursing jurisprudence exams for continuing education modules. They are planning two modules, one for LPNs and RNs and the other for APRNs. Chandler and Hoebelheinrich are also developing questions to be included on the surveys completed by APRNs during renewal. Hoebelheinrich said they would like better data on the numbers of APRNs practicing in shortage areas. Reznicek reported that staff are busy with the initial processing of applications from nursing students expected to graduate in May. At the end of the graduation rush, they will gather data for process improvement purposes.

Nursing News – Oertwich reported that Reznicek and Hoebelheinrich are pulling together articles for the next edition of Nursing News, but that the edition does not yet have a theme. Oertwich said that Chandler might write an article about the opioid crisis.

CONCLUSION AND ADJOURNMENT

There being no further business, the meeting adjourned at 2:45 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sherri Joyner".

Sherri Joyner
Health Licensing Coordinator