

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

May 9, 2019

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., May 9, 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
- Tag Herbek, *Public Member*
- Patricia Motl, RN, *Board President*
- Kristene Perrin, RN
- Kristin Ruiz, RN
- Linda Stones, RN
- Rita Thalken, *Public Member*
- Katherine Werth, APRN-NP

The following Board members were absent: Angela Cuffe, LPN, Louise LaFramboise, RN, and Karen Weidner, 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*
- Lisa Anderson, *Assistant Attorney General*
- Ami Huff, *Assistant Attorney General*
- Sharon Fitts, *Investigator*
- Susan Held, *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 May 9, 2019, Board of Nursing meeting.

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

APPROVAL OF THE MINUTES

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

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

These minutes were approved by the Board
of Nursing on June 13, 2019.

CLOSED SESSION

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

8:33 a.m. Meeting went into closed session. Werth left the meeting.
 8:43 a.m. Werth returned to the meeting.
 8:45 a.m. Werth left the meeting.
 8:55 a.m. Werth returned to the meeting.
 9:03 a.m. Werth left the meeting.
 9:10 a.m. Werth returned to the meeting.
 9:35 a.m. Meeting went in recess.
 9:55 a.m. Meeting reconvened.
 10:12 a.m. Werth left the meeting.
 10:20 a.m. Werth returned to the meeting.
 10:38 a.m. Meeting returned to Open Session.

LICENSURE RECOMMENDATIONS (INITIAL APPLICATIONS)**KERRY L. KIRBY– LPN REINSTATEMENT FROM DISCIPLINE**

MOTION: Perrin made the motion, seconded by Thalken, to deny Kerry Kirby's application for reinstatement based in insufficient evidence presented to substantiate a change in circumstances.

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

KRISTA L. MORGAN – RN REINSTATEMENT FROM DISCIPLINE

MOTION: Perrin made the motion, seconded by Thalken, to recommend reinstating Krista Morgan's RN 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; practice under direct RN supervision for one (1) year, followed by practicing under indirect RN supervision for one (1) year; have no access to controlled substances in the course of nursing employment for one (1) year, followed by access to controlled substances under direct supervision for one (1) year; 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 reinstatement is based on applicant's current participation in treatment, completion of treatment, compliance with treatment recommendations, active involvement in the substance abuse/addiction recovery process, reported period of sobriety from January 2018, documented attendance at support groups meetings and maintaining a sponsor, and positive letters of reference from co-workers and sponsors.

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

NANCY A. MORAVEC – RN REINSTATEMENT FROM DISCIPLINE

MOTION: Dey made the motion, seconded by Andrew, to recommend issuing Nancy Moravec a temporary license on probation for the purpose of completing a refresher course within 18 months, and following successful completion of the course, reinstating her RN license on probation for 2 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; practice under direct RN supervision for six (6) months, followed by practicing under indirect RN supervision for six (6) months; 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 on a substance use disorder diagnosis and diversion of controlled substances.

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

REBECCA A. OWEN – RN REINSTATEMENT FROM DISCIPLINE

MOTION: Perrin made the motion, seconded by Andrew, to recommend reinstating an unrestricted RN license to Rebecca Owen based on her completion of treatment, compliance with treatment recommendations, active involvement in the substance abuse/addiction recovery process, reported period of sobriety July 17, 2015, documented attendance on support group meetings and maintaining a sponsor, and positive letters of reference from co-workers and employers.

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

CHERYL A. LANGE – RN REINSTATEMENT FROM DISCIPLINE

MOTION: Ruiz made the motion, seconded by Andrew, to recommend issuing a temporary license to Cheryl Lange for the purpose of completing a refresher course within 18 months, and following successful completion of the course, reinstating her RN license without restrictions. The recommendation for reinstatement is based on the applicant's compliance with treatment recommendations, active involvement in the substance abuse/addiction recovery process, reported period of sobriety from 2006, and positive letters of reference from employers.

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

10:45 a.m. Huff left the meeting.

NCSBN APRN ROUND TABLE

Hoebelheinrich reported that she had no new information to share regarding the APRN Round Table meeting.

STRATEGIC PLAN UPDATES

Oertwich distributed updates to the Board's strategic plan. Motl asked about the tactic for completing a literature review of current, evidence-based guidance on discipline. Motl noted that there is not much literature on the topic. Oertwich said that her preceptee is currently doing a literature review, which has been expanded a bit by including other professions. She is also surveying other states. She expects to complete the project next term.

LEGISLATION

Oertwich reported that LB730, which would create one practice act for the four APRN roles, is stalled in the HHS Committee. Oertwich said that Sen. Howard has requested a Credentialing Review before eliminating the requirement that Certified Nurse Midwives have a signed agreement with a physician. Oertwich expressed concerns that the request for the Credentialing Review was a stalling tactic. She said that DHHS staff will meet the following day to discuss expanding the Credentialing Review to all four APRN roles and requesting full prescriptive authority for all four roles. Oertwich said the idea was to make Nebraska's law consistent with the NCSBN's APRN Consensus Model so that Nebraska could join the APRN Compact.

Hoebelheinrich remarked that among the four APRN roles, Certified Registered Nurse Anesthetists seemed more inclined to maintain the status quo. She noted two recent instances when she heard CRNAs state that they do not have prescriptive authority. Perrin noted that when CRNAs write an order in a hospital that they are prescribing. Oertwich noted that CRNAs opposed eliminating the APRN Board, which has been part of the Board of Nursing's strategic plan as well as streamlining the five statutes into one APRN law.

[See below for further discussion of the Legislation agenda item.]

CENTER FOR NURSING

Lisa Walters, Center for Nursing Board President, reported on the Center's activities during the past year. She said that the Center's current strategic plan focuses on three primary goals: data, collaboration, and promotion. Under the data goal, the Center did regional presentations in July to disseminate data from the Center's new workforce model. Data from the model was also included in the Center's recently published biennial report. Future initiatives regarding data include a presentation of workforce data at the Nurse Educator Conference on June 7th and at the National Forum of State Nursing Workforce Centers meeting on June 12th-14th.

Under the collaboration goal, the Center will co-sponsor the Midwest Regional Health Policy Conference in June and the Nebraska Action Coalition's leadership conference in the fall. The Center is also looking at working with the Nebraska Nurses Association to organize a summit for nurses to discuss workforce data and develop strategies for preventing nursing shortages. They would like to hold two summits for nurses in different regions of Nebraska.

Under the promotion goal, Walters reported that the Center's website and Facebook page have proven to be valuable resources. The Center's Foundation is currently gathering applications specialty license plates for the Center for Nursing. The need to receive 250 applications before the plates will be minted. Oertwich said she will work with Juan Ramirez to promote the applications. Walters reported that the Center will also sponsor the Nurses Making a Difference Awards this fall.

Oertwich reported that applications are being accepted for an LPN position and two RN positions on the Center for Nursing Board. She said that applications for these positions can be found on the DHHS website by clicking the link for board vacancies.

Oertwich said that Center is trying to address intergenerational issues in its strategic plan. Walters observed that some millennial-generation nurses have chosen to work part time because they know they can pick up extra shifts at a higher pay rate when they want to. Werth noted that her employer is reconsidering 12-hour shifts, which are not a good fit for all nurses. Motl noted that she once had a job where staff schedules overlapped by one hour, which gave nurses time at the end of their shifts to complete paperwork. Dey said that she is finding more new RNs expressing eagerness to pursue APRN roles.

11:30 a.m. Ruiz left the meeting.

Perrin suggested that the Center might consider providing stipends to nurses who were interested in increasing their education by obtaining certifications. Walters said that future plans for the Center do include raising grant monies, which might allow the Center to pursue the project. Stones noted that the Future of Nursing report, which encouraged all nurses to pursue additional education, might have sent a message to bedside nurses that their jobs were not permanent careers.

Walters brought up the misperception that the solution to a nursing shortage is simply to educate more nurses. Walters said this simplification does not acknowledge the constraints posed by education budgets, faculty shortages, and shortage of clinical sites. Werth noted that her employer simply does not have enough staff to implement a Dedicated Education Unit (DEU) for nursing clinical rotations. Dey said that it is hard to find staff who have the BSN degree and two-years of experience required to serve as a preceptor for nursing students. Motl pointed out that hospitals now longer have ownership of nursing education programs and are less likely to provide clinicals for students from their associated programs.

Members reviewed the Center's budget request of \$140,000.00 for fiscal year 2019-20. Oertwich noted that the Center is asking for \$10,000.00 more than it received last year to cover the salary increase for the Center's statistical consultant.

MOTION: Stones made the motion, seconded by Perrin, to approve the Center for Nursing's budget request for fiscal year 2019-2020.

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

11:53 a.m. Meeting went into recess.

12:30 p.m. Meeting reconvened.

LEGISLATION (Continued)

Oertwich reported that there has been no movement on the bill to create a Surgical Technician Registry. She said that the Department is working on implementation of LB112, which waives the fee for initial licenses for some groups of people.

COMMUNICATION

Draft Nursing Regulations – Oertwich reported that she will submit the drafts of 172 NAC 97 and 172 NAC 101, which the Board approved at its April 10th meeting, to Becky Wisell. After Wisell reviews them, they will be submitted to Department Legal. If changes are made, the drafts will be resubmitted to the Board.

NCSBN Discipline Conference – Anderson reported that she will attend the NCSBN Discipline Conference scheduled for June 10th-12th. Anderson noted that the topics to be covered – including medication assisted treatment of substance use disorders and understanding automated dispensing machine reports – would

be particularly relevant to board members. Anderson said that most of the attendees at previous conferences have been members from other state boards

Perrin expressed interest in attending. Oertwich said she would find out if there was still enough time to register for the conference. Oertwich also noted that the Board meeting scheduled on June 13th creates scheduling difficulties.

Staff Updates – Oertwich reported that in July the Board of Nursing would move its meeting location to the Best Western Plus Lincoln Inn & Suites north of the current meeting location.

Nursing News – Oertwich reported that the late spring edition of *Nursing News* has been mailed out. She said the next edition will focus on disaster nursing. Motl noted that one topic currently being addressed in disaster preparedness discussions is the limited number of burn beds in U.S. hospitals. Pediatrics and radiation are other topics under discussion. Stones noted that in the Las Vegas mass shooting, many injured people were transported to hospitals by cars, which led to injuries of staff who had limited experience with transporting people out of cars. Hospitals did call in all of their clinical staff in response to the crisis but learned that due to amount of bleeding, they also needed environmental services staff.

Nurse Licensure Compact – Oertwich reported that the Nurse Licensure Compact just announced that Indiana and Alabama have passed legislation to join the Compact. Other states still have legislation pending.

CONCLUSION AND ADJOURNMENT

There being no further business, the meeting adjourned at 12:25 p.m.

Respectfully submitted,