

NEBRASKA BOARD OF NURSING
MINUTES OF THE
TELECONFERENCE MEETING

May 14, 2020

CALL TO ORDER

The meeting of the Nebraska Board of Nursing was called to order by Patricia Motl, Board President, at 9:35 a.m., May 14, 2020. The central meeting location was at the Licensure Unit Conference Room, Nebraska State Office Building, 1st Floor, 301 Centennial Mall South, 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. Motl announced that copies of the Open Meetings Act were available at the meeting locations.

ROLL CALL

The following board member was present at the central meeting location and answered roll:

- Patricia Motl, RN, *Board President*

The following board members answered roll call via teleconference:

- Janet Andrew, LPN, *Board Vice-President*
- Anne Dey, RN
- Tom Hoover, RN
- Tag Herbek, *Public Member*
- Angela Kula, LPN
- Louise LaFramboise, RN
- Linda Stones, RN
- Lana Taylor, RN
- Rita Thalken, *Public Member*
- Katherine Werth, APRN-NP, *Secretary*

The following Board member was absent: Kristin Ruiz, RN.

The following staff members from the Department were present:

- Ann Oertwich, RN, *Executive Director*
- Sherri Joyner, *Health Licensing Coordinator*
- Kathy Hoebelheinrich, RN, *Nursing Practice Consultant*
- Lisa Anderson, *Assistant Attorney General*

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

- Jacci Reznicek, RN, *Nursing Education Consultant*
- Anna Harrison, *Compliance Monitor*
- Natalee Hart, *Assistant Attorney General*
- Jessica Bowman, *Investigator*
- 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 Stones, to adopt the agenda for the May 14, 2020, Board of Nursing meeting.

These minutes were approved by the Board
of Nursing on June 11, 2020.

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

APPROVAL OF THE MINUTES

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

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

EMERGENCY LICENSURE MEASURES

Oertwich said that NCLEX testing centers nationwide are at half capacity. She has not received information on the testing capacity at Nebraska locations. She and Reznicek are participating in regular meetings with the National Council of State Boards of Nursing regarding NCLEX availability.

Oertwich reported that staff have begun issuing Provisional Temporary RN and LPN licenses to new graduates under the authorization of the Governor's Executive Order 20-10, which allows for issuance of licenses prior to passing professional examinations. Provisional licenses are being issued to graduates once the office receives a complete application, transcripts showing graduation from an approved program, and verification that the applicant has registered for NCLEX. Oertwich reported that the office has received a number of inquiries asking how provisional licensees should list their credentials when they sign documents. Because the provisional license is not a restricted license, staff recommend using "RN" or "LPN."

Stones noted that there seems to be confusion on the supervision requirements for provisional licensees. Oertwich said that a nurse with a provisional license should be treated similarly as other new nurses. Oertwich also reported that more information on the topic will be included in the upcoming issue of *Nursing News*. Werth reported that her facility is informing provisional licensees that if they have not passed NCLEX after their six-week orientation that they will need to stay on orientation until they pass.

Oertwich reported that licenses have been reinstated to approximately 20 nurses who would have been required to take a refresher course had Executive Order 20-10 not been in effect. LaFramboise wondered if allowing nurses to practice without taking a refresher course might pose a greater safety risk than working short-staffed.

Oertwich said it was possible that another Executive Order affecting licensure might be issued. If one is, Oertwich expressed hope that it would include a waiver of continuing education requirements for the upcoming RN renewal cycle. Motl reported that many nurses have told her that conferences they had planned to attend for continuing education have been cancelled. Nurses have expressed that they feel they will be doing online continuing education just to complete the required hours rather than attend in-person event that will be more useful to them. Motl also noted that some certification bodies are waiving continuing education requirements.

CREDENTIALING REVIEW

Oertwich reported that she and Hoebelheinrich are finishing up the draft application for the DHHS Credentialing Review Program to request that Nebraska's APRN statutes be aligned with the APRN Consensus Model. She will email the draft to Board members when it is completed.

COMMUNICATION

Center for Nursing Updates – Oertwich reported that she will bring the Center for Nursing's proposed budget for the next fiscal year to the Board of Nursing's June meeting. The Center has several vacancies on its board. The Center's Foundation is still in talks with the Nebraska Action Coalition (NAC) over how NAC

might operate under the Foundation's leadership. Oertwich also reported that Juan Ramirez is close to finishing the Center's biennial report.

Nursing Regulations Update – Oertwich reported that the Board of Health approved forwarding all of the revised nursing regulations, except for Chapter 97, to the next step in the approval process. Chapter 97 (Regulations Governing the Approval of Programs of Professional Nursing) is still at the Governor's Policy Research Office (GPRO), and has not yet been reviewed by the Board of Health.

Nursing News – Oertwich reported that the next edition of *Nursing News* is currently being printed. The issue focuses on the World Health Organization's declaration of 2020 as the Year of the Nursing and on the COVID-19 emergency. Articles will include an environmental scan of nurses throughout Nebraska and how their communities have been impacted by COVID-19. Oertwich said that the nurses she spoke with reported that they were not experiencing the severe shortage of personal protective equipment (PPE) that nurses in some other states are facing.

Staff Updates – Oertwich reported that she is still trying to fill two Health Licensing Specialist vacancies for the Licensure Unit's Nursing Section. She noted that since the COVID-19 emergency began, fewer people seem to be applying for openings. Oertwich also announced the Becky Wisell, the Licensure Unit Administrator, is currently serving an interim Deputy Director for DHHS's Public Health Division, a position that became vacate with the retirement of Darrell Klein.

CLOSED SESSION

MOTION: Andrew made the motion, seconded by Stones, 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, Hoover, Kula, LaFramboise, Motl, Stones, Taylor, Thalken, and Werth.
Voting No: None. Abstain: None. Absent: Ruiz. Motion carried

10:00 a.m. Meeting went into closed session.
10:20 a.m. Werth left the meeting.
11:14 a.m. Hoebelheinrich, Joyner, and Oertwich left the meeting.
11:17 a.m. Hoebelheinrich, Joyner, and Oertwich returned to the meeting.
11:37 a.m. Taylor left the meeting.
11:40 a.m. Hoover left the meeting.
11:45 a.m. Meeting returned to Open Session. Meeting went into recess.
1:00 p.m. Meeting reconvened. Taylor, Hoover, and Werth returned to the meeting.

BOARD HEARING

The reinstatement hearing requested by Vanessa Miller, RN, convened at 1:04 p.m. Rachel O'Toole, Department Attorney, served as the hearing officer via teleconference. Ms. Miller attended via teleconference and confirmed that she was not represented by counsel. The Department was represented by Lisa Anderson, Assistant Attorney General. A court reporter was present. Exhibits were entered. O'Toole asked Miller if she had had an opportunity to review the exhibits. Miller indicated that she had seen exhibits 22-25, but not exhibits 1-21. O'Toole asked Miller if she wanted to proceed without reviewing the exhibits or continue the hearing to the next Board meeting. Miller requested a continuance. After confirming that both parties would be available, O'Toole announced that the hearing would be continued to June 11, 2020.

LICENSURE RECOMMENDATIONS**NANCY L. COSTELLO –LPN REINSTATEMENT FROM DISCIPLINE**

MOTION: Stones made the motion, seconded by Andrew, to deny Nancy Costello's application for reinstatement based on insufficient evidence presented to substantiate a change in circumstances.

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

NICOLE K. SMITH – LPN REINSTATEMENT FROM DISCIPLINE

MOTION: Dey made the motion, seconded by Stones, to recommend issuing Nicole Smith a Temporary License for the purpose of completing a refresher course within 18 months, and following successful completion of the course, issuing Smith an unrestricted LPN license. The recommendation for reinstatement is based on applicant's payment in full of an assessed administrative penalty.

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

RENAE M. TROMBINO – RN REINSTATEMENT FROM DISCIPLINE

MOTION: Stones made the motion, seconded by Andrew, to recommend reinstating Renae Trombino's RN 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; 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 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 substance use disorder diagnoses, violation of the Uniform Controlled Substances Act, and previous disciplinary action against license. The recommendation for reinstatement is based on applicant's completion of treatment, active involvement in the substance abuse/addiction recovery process, reported period of sobriety from January 2018, and positive letters of reference.

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

PAMELA K. LOCKE – RN APPLICANT

MOTION: LaFramboise made the motion, seconded by Andrew, to recommend denying Pamela Locke's application for an RN license based on misdemeanor convictions rationally related to the profession and disciplinary licensure actions in Colorado and Alaska.

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

CAITLIN M. CLARK – RN APPLICANT

MOTION: LaFramboise made the motion, seconded by Kula, to table Caitlin Clark's application for an RN license in order to obtain additional information.

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

CONCLUSION AND ADJOURNMENT

There being no further business, the meeting adjourned at 1:20 p.m.

Respectfully submitted,



Sherri Joyner
Health Licensing Coordinator