

NEBRASKA BOARD OF NURSING
MINUTES OF THE
TELECONFERENCE MEETING

June 11, 2020

CALL TO ORDER

The meeting of the Nebraska Board of Nursing was called to order by Patricia Motl, Board President, at 8:01 a.m., June 11, 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*
- 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 called in after roll call: Anne Dey, RN (called in at 8:07 a.m.).

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*
- Teresa Hampton, DHHS Attorney (arrived at 8:50 a.m.)
- Lisa Anderson, *Assistant Attorney General*
- Natalee Hart, *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*
- Brittany Bigham, *Investigator*
- Jessica Bowman, *Investigator*
- Sharon Fitts, *Investigator*
- Susan Held, *Investigator*
- Patricia Lemke, *Investigator*
- Mendy Mahar-Clark, *Investigator*

A quorum was present, and the meeting convened.

These minutes were approved by the Board
of Nursing on July 9, 2020.

ADOPTION OF THE AGENDA

MOTION: Andrew made the motion, seconded by Thalken, to adopt the agenda for the June 11, 2020, Board of Nursing meeting.

Voting Yes: Andrew, Herbek, Hoover, Kula, LaFramboise, Motl, Stones, Taylor, Thalken, and Werth.

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

APPROVAL OF THE MINUTES

Werth noted that the minutes did not reflect that she had not been present for some closed session items. Joyner said she would correct the omission.

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

Voting Yes: Andrew, Herbek, Hoover, Kula, LaFramboise, Motl, Stones, Taylor, Thalken, and Werth.

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

APRN CREDENTIALING REVIEW

Members reviewed the Board's application for a credentialing review (also called a 407 review) of Advanced Practice Registered Nurse licensure. Oertwich said that drafts of the document had been submitted to stakeholders and to the APRN professional associations, and that their feedback was incorporated into the application. Oertwich indicated that a central idea of the application is that all APRNs have the same core education, and that the four APRN roles [nurse practitioner, certified registered nurse anesthetist, certified nurse midwife, and clinical nurse specialist] should also have the same scope of practice. Oertwich said that if the proposals in the application are approved, the next step would be for a group to propose legislation to adopt the NCSBN Consensus Model. If the Consensus Model is adopted by Nebraska, Nebraska would be eligible to join the APRN Licensure Compact. Motl noted that physicians receive the same core medical education and then they receive further training in their chosen specialties, which she saw as analogous to the core education APRNs receive before they receive specialized education for their specific APRN roles.

MOTION: Stones made the motion, seconded by LaFramboise, to approve advancing the application for a 407 review of APRN licensure to the Credentialing Review Program.

Voting Yes: Andrew, Dey, Herbek, Hoover, Kula, LaFramboise, Motl, Stones, Taylor, Thalken, and Werth.

Voting No: None. Abstain: None. Absent: Ruiz. Motion carried.

CENTER FOR NURSING

Members reviewed the proposed budget for the Center for Nursing for Fiscal Year 2020-2021. Oertwich reported that budget reflects an increase in the salary for Juan Ramirez but is otherwise the same as the budget for the previous year. Oertwich noted that the Center for Nursing will not be able to use all the funds it was allocated for the current fiscal year. The Center's activities were curtailed due to delays in appointing new members to the Board and restrictions on meetings due to COVID-19. LaFramboise said that she thought the Board of Nursing had a responsibility to review the Center's spending in past years before approving future budgets.

MOTION: LaFramboise made the motion, seconded by Stones, to approve the 2020-21 budget for the Center for Nursing contingent on submitting a report on how the Center spent last year's budget.

Voting Yes: Andrew, Dey, Herbek, Hoover, Kula, LaFramboise, Motl, Stones, Taylor, Thalken, and Werth.

Voting No: None. Abstain: None. Absent: Ruiz. Motion carried.

NCSBN ANNUAL MEETING

Oertwich reported that the National Council of State Boards of Nursing (NCSBN) will hold a one-day delegate assembly on August 12, 2020, instead of the traditional three-day annual conference. Delegates will elect officers for the NCSBN's Board of Directors. There is also an item on the agenda for the proposed APRN Licensure Compact. The Nebraska Board of Nursing can be represented by two delegates at the meeting.

MOTION: Stones made the motion, seconded by Kula, to have Patricia Motl and Louise LaFramboise represent the Nebraska Board of Nursing at the NCSBN Delegate Assembly, with Katherine Werth serving as an alternative

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

EMERGENCY LICENSURE MEASURES

Under Executive Order 20-10, provisional licenses have been issued to new LPN and RN graduates before they take NCLEX. This waiver of the examination requirement will only be in effect until 30 days after the Governor lifts the COVID-19 emergency. Oertwich noted that some recent graduates are not finding testing dates until September, raising concern about the status of the provisional licenses when the emergency is lifted. She expressed hopes that another Executive Order will be issued to address the issue.

Reznicek reported that she and other staff are monitoring NCLEX testing availability daily. Recently, test dates in June have opened up. Reznicek reported that some Nebraska applicants are travelling to North Dakota and South Dakota to test. Nebraska graduates might also be willing to travel to temporary testing centers that are expected to open in Iowa and Minnesota. Oertwich and Reznicek noted that officials with NCSBN are working closely with Pearson VUE, the test provider, to ensure that Pearson VUE meets its obligations.

Oertwich said that the RN renewal deadline will not be October 31, 2020. Oertwich reported that after the COVID-19 emergency is lifted, renewal cards will be mailed to RNs within 30 days. Once the renewal cards are sent, RNs will need to renew within 90 days. Oertwich said that a blanket waiver of continuing education (CE) requirements is unlikely. She thinks RNs will be able to request a CE waiver during renewal if they were prevented from completing the CE requirement due to reasons beyond their control. Stones and other members noted that communicating the renewal information to the nursing public will be challenging. Oertwich said that details are still being developed, but that once the renewal plan becomes more focused, information will be published on the DHHS website, the Center for Nursing Facebook page, and the next edition of *Nursing News*.

Oertwich reported that the Nebraska State Patrol Office in Lincoln is taking appointments for fingerprinting but that the Omaha office will not take appointments until late June.

COMMUNICATION

Nursing Regulations Update – Oertwich reported that except for Chapter 97, the amended Nursing regulations are moving through the approval process.

Nursing News – Oertwich said that she was interested in have the next issue of *Nursing News* include an article on APRN practice and roles.

Staff Updates – Oertwich reported that she has interviews scheduled for the vacant Health Licensing Specialist position.

8:45 a.m. Meeting went into recess
9:00 a.m. Meeting reconvened

BOARD HEARING

The reinstatement hearing requested by Vanessa Miller, RN, convened at 9:05 a.m. Teresa Hampton, Department Attorney, served as the hearing officer. 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 presented, and testimony was provided by Kathy Hoebelheinrich, DHHS Nursing Practice Consultant, and Ms. Miller.

MOTION: Andrew made the motion, seconded by Kula, for the Board to go into closed session in order to deliberate upon the hearing.

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

10:18 a.m. Meeting went into closed session. Anderson, Hart, Hoebelheinrich, and Miller left the meeting.

10:50 a.m. Meeting returned to Open Session. Anderson, Hart, Hoebelheinrich, and Miller returned to the meeting.

MOTION: LaFramboise made the motion, seconded by Dey, to recommend reinstating Vanessa Miller'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 probation is based upon substance use disorder diagnoses, misdemeanor conviction, and violation of the Uniform Controlled Substances Act. The recommendation for reinstatement is based on applicant's current participation in recovery treatment, active involvement in the substance abuse/addiction recovery process, reported period of sobriety from May 29, 2018, reported attendance at support groups meetings and maintaining a sponsor, and positive letters of reference.

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

11:00 a.m. Meeting went into recess.

11:10 a.m. Meeting reconvened.

CLOSED SESSION

MOTION: Andrew made the motion, seconded by Kula, 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

11:10 a.m. Board went into Closed Session.
 12:50 p.m. Taylor left the meeting
 1:00 p.m. Taylor returned to the meeting.
 1:18 p.m. Meeting returned to Open Session.

LICENSURE RECOMMENDATIONS

DEANNA S. BROWN – LPN REINSTATEMENT FROM DISCIPLINE

MOTION: Dey made the motion, seconded by Stones, to recommend reinstating an unrestricted LPN license to Deanna Brown. The recommendation for reinstatement is based on applicant's compliance with treatment recommendations and positive letters of reference from employers.

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

ELVAMARIE "JEANNIE" HINS aka JEANNIE DUTRA – LPN REINSTATEMENT FROM DISCIPLINE

MOTION: Stones made the motion, seconded by Andrew, to recommend issuing Elvamarie Hins a Temporary License for the purpose of completing a refresher course within 18 months, and following successful completion of the course, issuing Hins an unrestricted LPN license. The recommendation for reinstatement is based on submission of adequate documentation that applicant's medical and behavioral conditions have been addressed.

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

ROXANNA M. PARTRIDGE – RN REINSTATEMENT FROM DISCIPLINE

MOTION: Dey made the motion, seconded by Stones, to recommend reinstating an unrestricted RN license to Roxanna M. Partridge. The recommendation for early release from probation is based on applicant's compliance with treatment recommendations, active involvement in the substance abuse/addiction recovery process, reported period of sobriety from September 11, 2014, and positive letters of reference from employer.

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

KRISTINA M. HOFFMANN aka KRISTINA M. BOLDT – RN REINSTATEMENT FROM DISCIPLINE

MOTION: LaFramboise made the motion, seconded by Stones, to deny Kristina Hoffmann's application for reinstatement based on diagnoses of substance use disorders, failure to comply with treatment recommendations, and 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

CAITLIN M. CLARK – RN APPLICANT

MOTION: LaFramboise made the motion, seconded by Andrew to recommend issuing Caitlin Clark an RN license on probation for three 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 diagnoses of substance use disorders and failure to comply with treatment recommendations.

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

LISA D. HADLEY –RN REINSTATEMENT (NonDisciplinary)

MOTION: Stones made the motion, seconded by Andrew, to recommend reinstating an unrestricted RN license to Lisa Hadley.

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

CONCLUSION AND ADJOURNMENT

There being no further business, the meeting adjourned at 1:25 p.m.

Respectfully submitted,



Sherri Joyner
Health Licensing Coordinator