

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

**June 13, 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., June 13, 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*
- Angela Cuffe, LPN
- Anne Dey, RN
- Tag Herbek, *Public Member*
- Louise LaFramboise, RN
- Patricia Motl, RN, *Board President*
- Kristene Perrin, RN
- Kristin Ruiz, RN
- Linda Stones, RN
- Rita Thalken, *Public Member*
- Karen Weidner, RN, *Secretary*

The following Board members were absent: Katherine Werth, APRN-NP.

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*
- Jacci Reznicek, RN, *Nursing Education Consultant*
- Anna Harrison, *Compliance Monitor*
- Lisa Anderson, *Assistant Attorney General*
- Jessica Bowman, *Investigator*
- Sharon Fitts, *Investigator*
- Susan Held, *Investigator*
- Sherri Lovelace, *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 June 13, 2019, Board of Nursing meeting.

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

**APPROVAL OF THE MINUTES**

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

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

These minutes were approved by the Board  
of Nursing on July 11, 2019.

**CLOSED SESSION**

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

8:33 a.m. Meeting went into closed session.  
9:17 a.m. Andrew left the meeting.  
9:20 a.m. Andrew returned to the meeting.  
9:43 a.m. Andrew left the meeting.  
9:46 a.m. Andrew returned to the meeting.  
10:03 a.m. Meeting returned to Open Session. Meeting went into recess.  
10:23 a.m. Meeting reconvened.

**LICENSURE RECOMMENDATIONS (INITIAL APPLICATIONS)****MAURICE E. BLACKBIRD – RN APPLICANT**

**MOTION:** Weidner made the motion, seconded by LaFramboise to recommend issuing an unrestricted RN license to Maurice Blackbird.

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

**KELSEY M. HOPKINS – RN APPLICANT**

**MOTION:** Andrew made the motion, seconded by Ruiz, to recommend issuing an unrestricted RN license to Kelsey Hopkins.

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

**NCLEX REPORT**

Reznicek reported that in the first quarter of 2019, the pass rate for first-time test takers was 90.63% for graduates of Nebraska PN programs and 93.72% for graduates of RN programs. For first-time candidates educated outside of the United States, the NCLEX-RN pass rate was 47.6%. Reznicek also reported that the pass rates for Purdue Global's AD and BSN programs have improved.

**CLOSED SESSION**

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

10:27 a.m. Meeting went into closed session.  
10:38 a.m. Meeting returned to open session.

**CREDENTIALING REVIEW FOR APRN LICENSURE**

Oertwich reported that the Board of Nursing was a co-applicant with the nurse midwives for a Credentialing Review (also known as a 407 Review). Senator Howard requested that APRN-Certified Nurse Midwives

undergo a Credentialing Review in response to LB730, which would have aligned Nebraska's statutes with the NCSBN's APRN Consensus Model. Adopting the Consensus Model is a prerequisite for joining the APRN Compact. Oertwich said that she thought it would be prudent to expand the 407 Review to all four APRN roles to ensure that future legislation could apply consistent standards to all four groups in accordance with the Consensus Model. Oertwich did not think that legislation to adopt the Consensus Model would go forward until 2021. She said she has sent an email to the four APRN professional associations to inform them of the plan to expand the 407 Review. Anderson asked about the position of the APRN Board, noting that the 407 review board might ask why the APRN Board was not a co-applicant. Oertwich said that Alice Kindschuh would represent the APRN Board during the process. Oertwich also expressed concerns that the three physicians on the APRN Board might oppose the proposal.

*10:47 a.m. Dey left the meeting.*

Weidner asked if the Board will form a sub-committee for the Credentialing Review process. Oertwich said she did not think it would be necessary, but will welcome constituent input and board member feedback on draft work.

**MOTION:** Weidner made the motion, seconded by Perrin, to approve sending a letter of intent for a Credentialing Review of the four APRN roles.

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

### **NATIONAL COUNCIL OF STATE BOARDS OF NURSING (NCSBN) CONFERENCES**

Anderson reported on the NCSBN Discipline Conference, which was held June 10<sup>th</sup>-12<sup>th</sup>. She noted that many of the state representatives at the conference did not support pharmaceutical treatment for addiction, which seems to run counter to the advice of most addictionologists. Another topic covered involved sexual or romantic relationships with former patients. Some states have regulations that prohibit sexual or romantic involvement with a former patient for five or ten years, while Nebraska and other states do not have such a specification. One issue that was not covered was voluntary surrender of multistate licenses, a practice that can prevent a state where a violation occurred from taking disciplinary action. Anderson said that the conference next year will be held June 1-3, 2020. She noted that all presentations at the conference are taped. Oertwich said she would email Board members the link to the webpage where they can view the presentations.

Oertwich said that Nebraska has two delegate seats for the Board of Nursing and two delegate seats for the APRN Board at the NCSBN Annual Conference, which will be held August 21<sup>st</sup>-23<sup>rd</sup> in Chicago. Motl and Oertwich plan to attend. LaFramboise expressed interested in attending, as did Weidner and Perrin if space permitted. Reznicek said that it was her understanding that no APRN Board members have expressed interest in attending. Oertwich suggested that LaFramboise and Motl could be delegates for the Board of Nursing and that she and Kathy Hoebelheinrich might serve as delegates for the APRN Board.

**MOTION:** Stones made the motion, seconded by Andrew, to approve designating Motl and LaFramboise as the Board of Nursing's delegates for the NCSBN Annual Meeting and designating Weidner as a backup delegate.

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

### **COMMUNICATION**

New Meeting Location – Oertwich reported that the remaining Board meetings for 2019 will be held at Best Western Plus Lincoln Inn & Suites.

2019 Legislative Session – Oertwich noted that she had already discussed LB730. She said that the bill that waives initial licensing fees for military families, persons under 25, and persons with low-income will

be implemented around September 1<sup>st</sup>. She clarified that the waivers only apply to initial licenses, not renewals. Reznicek mentioned that some independent boards in other states have voluntarily waived initial licensing fees. Motl said that the Tennessee board lowered their licensing fees due to a cap on how much revenue they could carry over from one year to the next.

Draft Nursing Regulations – Oertwich reported that DHHS Legal requested that she make minor changes to the draft of Chapter 99 (172 NAC 99) in order to standardize language. The draft will be sent back to DHHS Legal and then to the Governor’s Policy and Research Office, after which a hearing date will be set. Due to the high volume of regulations that need to be approved, Oertwich said that stakeholders might need to wait until the regulations are set for hearing before they will have an opportunity to review the drafts. LaFramboise noted the importance of making the drafts available to stakeholders. Weidner said that Chapter 99 was discussed at the Nurse Educators Conference and that participants seemed satisfied with the proposed changes. Weidner added that efforts by staff and members to educate stakeholders on the NCSBN’s model rules for educational programs has helped. Weidner also noted the importance of communicating with employers and Directors of Nursing about the proposed changes so that they can update their policies if necessary. Motl said that the responsibility for determining what a nurse can do has shifted more towards the employer. Oertwich gave an example of a caller who asked whether the scope of practice for her license allowed her to perform a particular task; Oertwich encouraged the caller to focus more on competency and whether she had enough training to perform the task competently.

11:45 a.m. Meeting went into recess.

12:15 p.m. Meeting reconvened.

Staff Updates – Oertwich distributed a list of NCSBN committee vacancies. Perrin said she would consider applying for the NCLEX committee again. Oertwich reported that Werth had interviewed for Area II director, but was told that she did not have enough NCSBN experience. Louise said that it was frustrating to take the time to complete the application process for NCSBN positions only to be later told that you do not qualify. Oertwich pointed out that states that do not have term limits on board member appointments have a greater opportunity to participate in NCSBN activities.

Oertwich reported that the Licensure Unit was looking for LPNs willing to serve as beta testers for the online LPN renewal process. Cuffe and Andrew volunteered, and Andrew suggested contacting former Board member Maxine Guy.

Nursing News – Oertwich reported that the next edition of *Nursing News* is expected to be published in the next several weeks. The focus of the issue is disaster nursing. LaFramboise praised the direction of recent issues of the newsletter. She said that nurses are more interested in the content and that they are directing students to read particular articles. Motl said that she provided her supervisor with the three recent articles on delegation. Her supervisor mentioned that the information in the article was exactly what she needed and she was pleased that she did not need to “reinvent the wheel” on the topic. Reznicek noted that schools have called her requesting additional copies of the newsletters for their students.

Oertwich suggested that Herbek submit a bio and a photo of himself for inclusion in an upcoming issue. Oertwich also reported that Kathy Hoebelheinrich and Juan Ramirez are extrapolating data for a future article on APRNs.

## **CONCLUSION AND ADJOURNMENT**

Oertwich reported that Juan Ramirez and Lisa Walters gave a presentation on the Nebraska nursing workforce model at the annual conference of the National Forum of State Nursing Workforce Centers.

Weidner asked about an email she received from a company regarding continuing education (CE) audits. Oertwich said that such companies provide an online portal for nurses to store their CE. Reznicek added that by promoting certain CE offerings, the companies can provide the service to nurses for free. Oertwich said that the Department is looking into the possibility of using a third-party to conduct CE audits, but that it would need to be a Department decision.

Stones reported that the Nebraska Hospital Association is forming a group to study violence against health care workers. They have asked that a representative from the Nebraska Nurses Association (NNA) join the group. Stones noted that encouraging facilities to develop violence prevention plans is a priority issue for the American Nurses Association (ANA). Other issues the ANA and NNA are interested in include reauthorization of federal legislation for scholarships and loans for health care workers and removing barriers to nurse practitioners' ability to prescribe for home health care.

There being no further business, the meeting adjourned at 12:35 p.m.

Respectfully submitted,

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

Sherri Joyner  
Health Licensing Coordinator