

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

June 14, 2018

CALL TO ORDER

The meeting of the Nebraska Board of Nursing was called to order by Dawn Straub, Board President, at 8:33 a.m., June 14, 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
- Kristin Ruiz, RN
- Dawn Straub, RN, *Board President*
- Rita Thalken, *Public Member*
- Karen Weidner, RN
- Katherine Werth, APRN

The following Board member arrived after roll call: LaFonda Tanner, *Public Member* (arrived at 8:44 a.m.).

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*
- Lisa Anderson, *Assistant Attorney General*
- Susan Aerni, *Investigator*
- Jessica Bowman, *Investigator*
- Sharon Fitts, *Investigator*
- Patricia Lemke, *Investigator*
- Sherri Lovelace, *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 June 14, 2018, Board of Nursing meeting.

Voting Yes: Andrew, Dey, Guy, LaFramboise, Motl, Perrin, Ruiz, Straub, Thalken, Weidner, and Werth.

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

These minutes were approved by the
Board of Nursing on July 12, 2018.

APPROVAL OF THE MINUTES

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

Voting Yes: Andrew, Dey, Guy, LaFramboise, Motl, Perrin, Ruiz, Straub, Thalken, Weidner, and Werth.

Voting No: None. Abstain: None. Absent: Tanner. 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, Thalken, Weidner, and Werth.

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

8:35 a.m. Meeting went into closed session.
 8:36 a.m. Straub left the meeting.
 8:44 a.m. Tanner arrived to the meeting.
 8:46 a.m. Straub returned to the meeting.
 10:05 a.m. Werth left the meeting.
 10:10 a.m. Werth returned to the meeting.
 10:45 a.m. Meeting went into recess.
 10:55 a.m. Meeting reconvened.
 11:43 a.m. Meeting returned to open session.

LICENSURE RECOMMENDATIONS**ASHLEY J. PEPPMULLER – RN APPLICANT**

MOTION: Motl made the motion, seconded by Dey, to recommend issuing Ashley Peppmuller an RN license on probation for three years with the following terms and conditions: abstain from alcohol; 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.

Discussion followed regarding the basis for the probation recommendation. Motl, with the agreement of Dey, requested that the motion be withdrawn.

MOTION: Motl made the motion, seconded by Dey, to recommend issuing Ashley Peppmuller an RN license on probation for three years with the following terms and conditions: abstain from alcohol; 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 and misdemeanor convictions rationally related to the profession.

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

RACHAEL M. DIAZ – LPN REINSTATEMENT (NonDisciplinary)

MOTION: Dey made the motion, seconded by LaFramboise, to recommend issuing Rachael Diaz a temporary license for the purpose of completing a refresher course within 18 months, and following successful completion of the course, reinstating Rachael Diaz's license without restrictions.

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

SHANNON E. DYER – LPN REINSTATEMENT FROM DISCIPLINE

MOTION: LaFramboise made the motion, seconded by Andrew, to recommend reinstating Shannon Dyer's license without restrictions based on her active involvement in the substance abuse/addiction recovery process and reported period of sobriety from February 2013.

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

PAUL O. ADEKUNLE – LPN REINSTATEMENT FROM DISCIPLINE

MOTION: Ruiz made the motion, seconded by Motl, to recommend reinstating Paul Adekunle's LPN 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 a substance use disorder, misdemeanor convictions rationally related to the profession, and a felony conviction rationally related to the profession. The recommendation for reinstatement is based on applicant's active involvement in the substance abuse/addiction recovery process.

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

REBECCA L. KLASSEN – RN REINSTATEMENT FROM DISCIPLINE

MOTION: Weidener made the motion, seconded by Thalken, to table the reinstatement application from Rebecca Klassen in order to obtain more information to make an 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.

TEAM-BASED NURSING CARE ADVISORY OPINION

Members and staff reviewed a draft advisory opinion regarding team-based nursing care services. Hampton noted that language in the draft that indicated that dentists and optometrists have no authority to delegate was not entirely accurate. Hampton also noted that a task cannot be delegated to an unlicensed person if a license is required in order to perform the task. Members will review that draft again at the Board's July meeting.

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

12:53 p.m. Meeting reconvened.

REGULATIONS GOVERNING THE PROVISION OF NURSING CARE

Members reviewed proposed changes to 172 NAC 99, the Regulations Governing the Provision of Nursing Care ("Chapter 99"). The proposed changes primarily address the LPN scope of practice regarding intravenous therapy. At the May 2018 Board meeting, members discussed the difficulty of defining a pediatric client. Oertwich proposed removing definitions of pediatric and adult clients and replacing them with "special populations as defined by facility." Hampton said that from a legal perspective it was problematic to use "as defined by the facility" in regulations governing practice. Members noted that additional research needed to be done to determine if the commonly used definition of a pediatric client as being under 35 kg was evidenced based.

Hampton reported that based on instructions from the Governor's office, regulations should not repeat or restate language that is already in statute. Regulations for professions should consist of the essential, bottom-line rules which if not obeyed could result in disciplinary action. Hampton noted that Chapter 99 currently has a lot of content that serves more as helpful guidance rather than being truly regulatory. The Secretary of State has also issued new formatting guidelines for regulations. Given these changes, Hampton advised that rather than trying to revise the current version of Chapter 99, it might be best to repeal the current Chapter and introduce replacement regulations. Oertwich said she, Hoebelheinrich, and Reznicek, would work on developing the bottom-line rules for nursing practice. Oertwich said that they plan to bring drafts of their new version of Chapter 99 to the Board of Nursing each month.

Weidner asked for a general timeframe on how long it would take before the new Chapter 99 was approved. Hampton said it was very difficult to estimate, but she thought two years might be a reasonable timeframe.

NCSBN ANNUAL CONFERENCE

Straub, LaFramboise, and Motl expressed interest in attending the National Council of State Boards of Nursing conference to be held August 15-17, 2018, in Minneapolis. Perrin and Werth said they would contact Oertwich about attending after they checked their schedules.

CENTER FOR NURSING

Oertwich reported that she along with Lisa Walters, the Center for Nursing Board President, and Juan Ramirez, the Center's statistical consultant, recently attended the National Forum of State Nursing Workforce Center's annual conference. Ramirez gave a poster presentation based on data from the Center's new workforce model.

Craig Moore, who developed the Center's workforce model will give presentations on the model in late July in Scottsbluff, North Platte, Kearney, Lincoln, Norfolk, and Omaha. Oertwich said that the first half-hour of each presentation will provide background information on the role and history of the Center. The second half-hour will provide nursing workforce data focusing on the particular region of Nebraska where the presentation is being held. The last hour will be a dialogue with participants on how the Center can help them address current and/or future nursing shortages.

Oertwich showed samples of license plate designs that were developed for the Center for Nursing Foundation for use as a potential specialty license plate. In order to proceed with the plates, the Foundation would need to find a legislator to sponsor legislation and 250 people would need to submit prepaid applications for the specialty plates.

SAFE INJECTION CHAMPION PROGRAM

Members reviewed a flyer promoting the Department's Safe Injection Champions program. Persons who work in healthcare facilities can become Safe Injection Champions by completing online training and then monitoring and educating their co-workers on safe injection practices. The training can be accessed through the program's website [<http://dhhs.ne.gov/publichealth/HAI/Pages/SafeInjection.aspx>]. Oertwich noted that the online training is free and can be used to meet continuing education requirements.

COMMUNICATION

2018 Legislative Updates – Oertwich reported that the APRN Coalition is retooling and plans to promote legislation in 2019 to adopt the APRN Licensure Compact. Oertwich said there would need to be dialogue on what the Board wants the Board composition to look like.

Weidner asked about the impact of the Occupational Licensing Review Board, which was created by 2018 legislation. Oertwich said that she has not received much information, but that it appears that the primary impact on licensing boards will be the need to periodically submit reports.

Staff Updates – Straub reported on the recent NCSBN teleconference for board presidents. Kansas and Louisiana have passed legislation to join the Enhanced Nurse Licensure Compact. Straub said legislation to adopt the Compact failed in Illinois and Minnesota due in part to opposition from labor unions. The American Medical Association recently voted to oppose the APRN Licensure Compact because it would expand APRN scope of practice to include diagnostic and prescriptive authority. NCSBN is still a year away from its decision whether or not to go forward with implementing "next generation" NCLEX. Trends noted during the call included the large number of states that have passed legislation on telehealth and Narcan and also concerns regarding the availability of work visas for nurses under NAFTA.

2:00 p.m. *Tanner left the meeting.*

Nursing News – Oertwich summarized the contents of the recently published issue of *Nursing News*. Hoebelheinrich will do a regular "Ask the Practice Consultant" column for the newsletter. Oertwich reported that plans for future articles include the Team-Based Nursing Care Advisory Opinion and the results of the customer-satisfaction surveys currently being sent to newly-licensed RNs and LPNs. LaFramboise and Straub noted that for the past several years, new graduates have been receiving their licenses much more quickly than in the past.

CONCLUSION AND ADJOURNMENT

There being no further business, the meeting adjourned at 2:20 p.m.

Respectfully submitted,



Sherri Joyner
Health Licensing Coordinator