

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

July 11, 2019

CALL TO ORDER

The meeting of the Nebraska Board of Nursing was called to order by Patricia Motl, Board President, at 8:34 a.m., July 11, 2019, at Best Western Plus Lincoln Inn and Suites, Lincoln NE 68521. 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
- Louise LaFramboise, RN
- 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: Anne Dey, RN, Tag Herbek, *Public Member*, and Karen Weidner, RN, *Board Secretary*.

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*
- Kathy Hoebelheinrich, RN, *Nursing Practice Consultant*
- Anna Harrison, *Compliance Monitor*
- Lisa Anderson, *Assistant Attorney General*
- Ami Huff, *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 July 11, 2019, Board of Nursing meeting.

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

APPROVAL OF THE MINUTES

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

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

These minutes were approved by the Board
of Nursing on August 8, 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, LaFramboise, Motl, Perrin, Ruiz, Stones, Thalken, and Werth. Voting No: None. Abstain: None. Absent: Dey, Herbek, and Weidner. Motion carried.

8:37 a.m. Meeting went into closed session. Werth left the meeting.
 8:44 a.m. Werth returned to the meeting.
 8:51 a.m. Perrin left the meeting.
 8:52 a.m. Perrin returned to the meeting.
 9:04 a.m. Perrin left the meeting.
 9:07 a.m. Perrin returned to the meeting.
 9:13 a.m. Werth left the meeting.
 9:22 a.m. Werth returned to the meeting.
 9:23 a.m. Meeting went into recess.
 9:33 a.m. Meeting reconvened.
 9:34 a.m. Perrin left the meeting.
 9:37 a.m. Perrin returned to the meeting.
 10:04 a.m. Meeting returned to Open Session. Huff left the meeting.

LICENSURE RECOMMENDATIONS (INITIAL APPLICATIONS)**CHUKWUDI E. ANOLIEFO – RN APPLICANT**

MOTION: Andrew made the motion, seconded by Ruiz, to recommend issuing an unrestricted RN license to Chukwudi Anoliefo.

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

SARAH A. KETTELHUT– RN APPLICANT

MOTION: Perrin made the motion, seconded by LaFramboise, to recommend issuing Sarah Kettelhut an 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; 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 criminal conviction and diagnosis of a substance use disorder.

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

JENNIFER R. GREINER – RN APPLICANT

MOTION: Ruiz made the motion, seconded by LaFramboise, to recommend issuing an unrestricted, single-state RN license to Jennifer Greiner.

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

JULIE K. CULLY – RN NONDISCIPLINARY REINSTATEMENT

MOTION: Werth made the motion, seconded by Thalken, to recommend issuing Julie Cully a Temporary License on probation for the purpose of completing a refresher course within eighteen (18) months, and if the refresher course is successfully completed, reinstating Julie Cully's RN license on probation for four (4) 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 (7) 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 criminal convictions and diagnoses of multiple substance use disorders.

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

EDUCATION COMMITTEE

MOTION: The Education Committee moved that the Board of Nursing approve Nebraska Wesleyan University BSN Courses: NURS 4300 Medical/Surgical Nursing IV Critical Care and Leadership; NURS 2800 Compassionate Care; and NURS 3510 Insight into Death, Dying & Grief.

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

MOTION: The Education Committee moved that the Board of Nursing approve the Nebraska Wesleyan University site visit report for the site visit conducted April 17-18, 2019.

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

MOTION: The Education Committee moved that the Board of Nursing approve the Purdue University Global site visit report for the site visit conducted March 6-8, 2019.

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

PRACTICE COMMITTEE UPDATES

Stones reported that the Practice Committee will ask the Board to retire the *Casting* Advisory Opinion. The Practice Committee is also continuing its work on aesthetic issues and dental sedation. They are working on a revision to the *Sedation* Advisory Opinion. Motl noted that it would be helpful to keep consistent definitions for "minimal sedation" and other terminology.

STRATEGIC PLAN UPDATES

LaFramboise asked about a timeline for revisiting the Board's discipline guidelines for applicants and licensees with substance use disorders. Oertwich said she would follow up with the program manager for the Alcohol and Drug Counseling Board, as she had asked that board to provide feedback on the minutes of the Board of Nursing's Issue Forum on substance use disorders. Oertwich also noted that the NCSBN is expected to release a report on discipline issues at the Annual Conference in August. Oertwich offered to draft proposed language for new disciplinary guidelines, but Board members expressed interest in waiting until the NCSBN report is released. LaFramboise suggested that it might be reasonable to re-evaluate the Board's discipline guidelines at the October 2019 meeting.

Oertwich said she is still working on a process improvement plan for investigation reports. LaFramboise said that it was helpful when investigation reports cite which statute or regulations has allegedly been violated. Anderson noted that disciplinary action can be taken on any violation revealed in the report, not just the violation on which the complaint was based. Motl said that she would find it helpful to know more about how Investigations screens complaints. She noted that she is the designated board consultant, but she has only been contacted by Investigations one time regarding a complaint. Reznicek suggested that Investigations' staff might not be aware of all the resources available to them from the NCSBN, such as monthly teleconferences on discipline issues. LaFramboise asked if investigators had guidelines on whom they need to interview given the particularities of a case. Anderson said the Attorney General's Office trains investigators on such topics. Anderson said that she has suggested that the Investigations Unit compile a training manual, which might be especially useful to new investigators. Oertwich said she would like to provide investigators with training in the Nurse Licensure Compact.

Motl noted that one item the Board might consider on its strategic plan is implementation of an alternative to discipline program. In order to make this goal feasible, Motl stressed that importance of gathering as much information as possible regarding discipline and keeping the information in a standardized format.

COMMUNICATION

NCSBN Annual Conference – Oertwich reported that five of the six people planning to attend the NCSBN Conference on August 21-23, 2019 have been approved for funding. They are still waiting for funding approval for LaFramboise. Oertwich explained that NCSBN will cover travel and conference expenses for two representatives from the Board of Nursing and two representatives from the APRN Board. Nebraska can apply to the NCSBN Resource Fund to cover expenses for additional board members and/or staff. Oertwich said that there are indications that obtaining resource funding to attend NCSBN conferences might become more competitive in the future.

LPN Renewal Preparations – Oertwich reported that the LPN renewal period is tentatively scheduled to begin in early August. She noted that starting renewals on August 1st might not be advisable given that staff are still dealing with a high number of applications from new graduates. Reznicek asked Andrew and Cuffe, who will serve as beta testers, to take notes of the renewal process and particularly to note if they encounter problems when printing their renewal confirmations. Reznicek said there would be an article in the next edition of *Nursing News* regarding LPN renewals. Oertwich said that two versions of postcards will be prepared to notify LPNs of the renewal period – one version will be sent to LPNs who have met the IV education requirements and the other version will be sent to those who still need to submit the required documentation.

Implementation of 2019 Legislation – Werth asked about the status of legislation to register scrub techs. Oertwich said that the legislation did not pass in 2019, but that she expects it will be reintroduced in the future. Hoebelheinrich noted that the major issue with the scrub tech bill seems to be delegation to unlicensed persons.

Draft Nursing Regulations – Oertwich reported that DHHS Legal has reviewed all of the draft nursing regulations and that the drafts will now go to the next step of the approval process. The affected regulations include Chapters 97, 98, 99, and 101 from Title 172, all of which have been revised. The separate

regulations for the four APRN roles – Chapters 100, 103, 104, and 107 – have been combined into the draft for Chapter 98. If the revised Chapter 98 is approved, the separate regulations for each APRN role will be repealed. Oertwich said she also had to submit draft regulations for 183 NAC 5 (Nursing Student Loan Program) and 183 NAC 6 (Nursing Faculty Student Loan Program) even though neither program has been funded since 2008.

Oertwich said that they might know by August or September when the public hearings for the nursing regulations are scheduled. At the hearings, stakeholders and other members of the public can provide comments on the draft. The State can change the draft regulations based on public comments. Board members asked if they needed to be present. Oertwich said that she would check with other program managers who have had regulations go to public hearing to find out whether it is helpful to have Board members present.

Oertwich said that the change to Chapter 97 that she thought had the most potential to create controversy was the requirement that nursing education programs have national accreditation. At the Nursing Educator's Conference at Southeast Community College in June, however, attendees seemed supportive of the national accreditation requirement.

Oertwich confirmed that once the hearing dates are set, copies of the draft regulations can be sent to members of the public. Stones noted that people can sign up on the DHHS website to be notified of upcoming hearings and to be sent draft regulations

Nursing News – Oertwich said that staff are thinking of focusing on telehealth for the next issue of Nursing News. Reznicek said that the edition will also include data from the 2018 RN renewal surveys.

Staff Updates – Oertwich announced that the Center for Nursing will meet on July 19, 2019. The speaker will be Tom Rauner from the DHHS Office of Rural Health. Oertwich said that members of the Board of Nursing are invited to attend. Oertwich said she thought Rauner could give the Center for Nursing and the Center's Foundation good feedback on effective ways to use their resources.. LaFramboise suggested developing a media campaign to attract nurses to underserved areas, particularly a campaign that appeals to people's sense of altruism. Stones described a meeting she recently attended at a small hospital that has successfully attracted physicians to a rural area by focusing on the concept of "mission" and also by fostering support systems within the community for the physicians.

Stones reported that she attended the American Nurses Association's Membership Assembly and Hill Day events in June. Stones said she shared the Center for Nursing's workforce report with Senators Deb Fischer and Adrian Smith and also with an aide for Ben Sasse. Other items they focused on were Title 8 funding for repayment of student loans for health care worker, enabling Nurse Practitioners to write orders for home health care, and addressing violence against nurses in the workplace.

Oertwich announced that Reznicek would soon be awarded a doctorate. Reznicek briefly described her capstone project, a population health study on vaping among teen-agers.

CONCLUSION AND ADJOURNMENT

There being no further business, the meeting adjourned at 12:15 p.m.

Respectfully submitted,



Sherri Joyner
Health Licensing Coordinator