

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

July 12, 2018

CALL TO ORDER

The meeting of the Nebraska Board of Nursing was called to order by Dawn Straub, Board President, at 8:36 a.m., July 12, 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
- Kristene Perrin, RN
- Kristin Ruiz, RN
- Dawn Straub, RN, *Board President*
- LaFonda Tanner, *Public Member*
- Rita Thalken, *Public Member*
- Karen Weidner, RN

The following Board members were absent: Louise LaFramboise, RN, Patricia Motl, RN, and Katherine Werth, APRN.

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*
- Ami Huff, *Assistant Attorney General*
- Susan Aerni, *Investigator*
- Jessica Bowman, *Investigator*
- Sharon Fitts, *Investigator*
- Patricia Lemke, *Investigator*
- Mendy Mahar-Clark, *Investigator*
- Dennis Scott, *Program Manager, Investigations*

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 July 12, 2018, Board of Nursing meeting.

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

These minutes were approved by the
Board of Nursing on August 9, 2018.

APPROVAL OF THE MINUTES

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

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

8:39 a.m. Meeting went into closed session.

9:34 a.m. Weidner left the meeting.

9:36 a.m. Weidner returned to the meeting.

10:03 a.m. Meeting went into recess.

10:14 a.m. Meeting reconvened.

11:02 a.m. Meeting returned to open session.

LICENSURE RECOMMENDATIONS**CHAZ N. GALLINGTON – RN APPLICANT**

MOTION: Andrew made the motion, seconded by Guy, to table Chaz N. Gallington's initial RN license application.

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

HALEY E. LACHNER – LPN APPLICANT

MOTION: Perrin made the motion, seconded by Weidner, to recommend issuing Haley Lachner an LPN 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 diagnosis of a substance use disorder and misdemeanor convictions rationally related to the profession.

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

SEAN D. SCHINSTOCK – RN REINSTATEMENT (NonDisciplinary)

MOTION: Dey made the motion, seconded by Thalken, to recommend issuing Sean Schinstock a Temporary RN License for the purpose of completing a refresher course within eighteen months and following successful completion of the refresher course, reinstating his 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 diagnosis of a substance use disorder and misdemeanor convictions rationally related to the profession.

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

ANDREW M. KUCERA– RN REINSTATEMENT FROM DISCIPLINE

MOTION: Thalken made the motion, seconded by Tanner, to recommend reinstating an unrestricted RN license to Andrew Kucera based on his active involvement in the substance abuse/addiction recovery process, his reported period of sobriety from July 10, 2016, positive letter of reference from employers, and recent evaluation with no additional treatment recommendations.

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

REBECCA L. KLASSEN – RN REINSTATEMENT FROM DISCIPLINE

MOTION: Weidner made the motion, seconded by Ruiz, to recommend reinstating Rebecca Klassen'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; 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 diagnosis of a substance use disorder, misdemeanor

convictions rationally related to the profession, and a felony conviction rationally related to the profession. The recommendation for probation is based on compliance with treatment recommendations, active involvement in the substance abuse/addiction recovery process, and positive letters of reference.

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

EDUCATION COMMITTEE

MOTION: The Education Committee moved that the Board of Nursing approve Creighton University's Traditional BSN Program course NUR 483: Capstone Practicum and Capstone Evaluation tool.

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

MOTION: The Education Committee moved that the Board of Nursing approve MidPlains Community College courses NURS 1102 Nursing Concepts I, NURS 1103 Clinical I, and NURS 1103 Clinical Evaluation Tool I.

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

MOTION: The Education Committee moved that the Board of Nursing approve UNMC College of Nursing's BSN course NRS 402: Veterans Unique Health Care Considerations.

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

MOTION: The Education Committee moved that the Board of Nursing approve Northeast Community College's ADN course NURS 2120: Pharmacology & Nursing Practice III

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

MOTION: The Education Committee moved that the Board of Nursing approve the site visit report for Kaplan University's BSN Program, Omaha, Nebraska, dated February 2018, the site visit reports for Northeast Community College's PN and ADN Programs, dated March, 2018, and the site visit report for College of St. Mary's BSN Program dated April, 2018.

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

PRACTICE COMMITTEE

MOTION: The Practice Committee moved that the Board of Nursing approve the revised Advisory Opinion *Patient Abandonment*.

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

MOTION: The Practice Committee moved that the Board of Nursing approve the revised Advisory Opinion *CPR: Nurses' Accountability to Perform Cardiopulmonary Resuscitation*.

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

MOTION: The Practice Committee moved that the Board of Nursing approve the revised Advisory Opinion *Deployment of Vascular Closure Devices*.

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

MOTION: The Practice Committee moved that the Board of Nursing retire the Advisory Opinion *RN and EMTALA Medical Screen Exam* in favor of the Decision-Making Model.

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

MOTION: The Practice Committee moved that the Board of Nursing approve the Advisory Opinion *Verbal Orders*.

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

MOTION: The Practice Committee moved that the Board of Nursing approve the Advisory Opinion *Team-Based Nursing Care Services*.

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

NCSBN ANNUAL CONFERENCE

Oertwich reported that she along with LaFramboise, Motl, Straub, Hoebelheinrich, and Reznicek will attend the National Council of State Boards of Nursing (NCSBN) Annual Meeting in August. Alice Kindschuh from the APRN Board will also attend.

MOTION: Andrew made the motion, seconded by Guy, to designate Dawn Straub and Patricia Motl as the Board of Nursing's voting delegates at the 2018 NCSBN Annual Conference.

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

STRATEGIC PLAN

Members reviewed a chart of the Board's recently developed strategic plan. Straub noted that the handout captured the Board's discussion and intentions, and that the next step would be for staff to further develop tactics for each goal. Weidner noted that it would be helpful to include timelines and target dates. Oertwich said she would like to have two versions of the strategic plan, a visually appealing version to distribute to the public and an Excel version to track progress towards meeting the goals. Regarding the idea of creating a test, in lieu of continuing education coursework or practice hours, for the purpose of assessing competency at renewal, Oertwich reported that some professions do have a jurisprudence exam that licensees must take in order to renew. Hampton noted that such an exam must be defensible. Straub said that at its August meeting, the Board might consider forming a strategic planning committee.

11:55 a.m. Meeting went into recess.

12:33 p.m. Meeting reconvened.

REGULATIONS GOVERNING THE PROVISION OF NURSING CARE

Members reviewed Oertwich's draft of a proposed replacement for 172 NAC 99, the Regulations Governing the Provision of Nursing Care. After discussion of the draft, Straub identified three topics that the Board might want to look at more in depth: 1) whether or not to include definitions of "adult" and "pediatric," 2)

whether or not to include a specific list of intravenous tasks that LPNs can or cannot do, and 3) how to define “competency.”

CENTER FOR NURSING (CFN)

Oertwich reported that she along with CFN Board President, Lisa Walters, and CFN contractors Juan Ramirez and Craig Moore, will be doing presentations on the Center’s workforce data model in Scottsbluff, North Platte, Norfolk, Lincoln and Omaha in late July. The first part of each presentation will be devoted to a demonstration of the model and regional workforce data. The second part will be a focus group aimed at learning more about how the Center can best partner with stakeholders to address nursing shortages.

COMMUNICATION

Legislative Updates – Oertwich reported that implementation plans for LB 299, which creates an Occupational Licensing Review Board, are expected to be available soon. She also reported that Nicole Livanos, from NCSBN, will speak to the APRN Coalition on July 19th to discuss the APRN Consensus Model. Oertwich noted that if Nebraska adopts the APRN Consensus Model, there is the possibility that it would eliminate the APRN Board, which might impact membership on the Board of Nursing.

Staff Updates – Reznicek reported that the majority of applications from spring graduates have been processed. She also noted that not all graduates from APRN education programs seem to be aware that they need to obtain a separate APRN license in order to practice in Nebraska.

Nursing News – Oertwich reported that the next edition of the newsletter will include an article on delegation and a second “Ask the Practice Consultant” article. Oertwich said she would like to include an article in a future edition about critical access models or other models that successfully incorporated EMS personnel.

CONCLUSION AND ADJOURNMENT

There being no further business, the meeting adjourned at 2:10 p.m.

Respectfully submitted,



Sherri Joyner
Health Licensing Coordinator