

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

**August 8, 2019**

**CALL TO ORDER**

The meeting of the Nebraska Board of Nursing was called to order by Patricia Motl, Board President, at 8:32 a.m., August 8, 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
- Tag Herbek, *Public Member*
- Louise LaFramboise, RN
- Patricia Motl, RN, *Board President*
- Linda Stones, RN
- Rita Thalken, *Public Member*
- Karen Weidner, *Board Secretary*
- Katherine Werth, APRN-NP

The following Board members arrived after roll call: Anne Dey, RN (arrived at 8:39 a.m.) and Kristene Perrin, RN (arrived at 8:46 a.m.).

The following Board member was absent: Kristin Ruiz, RN.

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*
- Jessica Bowman, *Investigator*
- Sharon Fitts, *Investigator*
- Susan Held, *Investigator*
- Patricia Lemke, *Investigator*
- Mendy Mahar-Clark, *Investigator*

A quorum was present, and the meeting convened.

**ADOPTION OF THE AGENDA**

**MOTION:** Andrew made the motion, seconded by Werth, to adopt the agenda for the August 8, 2019, Board of Nursing meeting.

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

**APPROVAL OF THE MINUTES**

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

These minutes were approved by the Board  
of Nursing on September 12, 2019.

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

### **CLOSED SESSION**

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

8:35 a.m. Meeting went into closed session.  
 8:39 a.m. Dey arrived at the meeting. Weidner and Werth left the meeting  
 8:45 a.m. Weidner and Werth returned to the meeting. Dey and Motl left the meeting.  
 8:46 a.m. Perrin arrived at the meeting.  
 8:50 a.m. Dey and Motl returned to the meeting.  
 10:12 a.m. Meeting returned to Open Session. Meeting went into recess.  
 10:23 a.m. Meeting reconvened with Perrin not present.

### **EDUCATION COMMITTEE**

**MOTION:** The Education Committee moved that the Board of Nursing approve Southeast Community College Courses: NURS 2210 Pediatric Nursing; NURS 2215 Pediatric Nursing Clinical; NURS 2230 Gerontological Nursing; NURS 2235 Gerontological Nursing Clinical; NURS 2300 Advanced Medical Surgical Nursing; NURS 2305 Advanced Medical Surgical Clinical; NURS 2310 Leadership in Nursing; NURS 2315 Leadership in Nursing Clinical; and the RN/LPN Refresher Course.

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

**MOTION:** The Education Committee moved that the Board of Nursing approve the Nebraska Wesleyan University BSN Program course NU 4450 Population Health.

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

### **PRACTICE COMMITTEE UPDATES**

10:27 a.m. Perrin returned to the meeting.

**MOTION:** The Practice Committee moved that the Board of Nursing retire the Casting Advisory Opinion.

Weidner asked if retiring the Advisory Opinion would mean that nurses could no longer split or spread a cast for evidence of neurovascular compromise when a provider is not immediately available. Dey explained that there was not a blanket “yes or no” answer to the question. The Practice Committee was recommending retiring the Opinion in favor of the Decision-Making Model, and nurses should use the model to determine whether or not they can perform a particular task. Stones noted that not all nurses have the competence to do the tasks specified in the Opinion.

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

**LICENSURE RECOMMENDATIONS (INITIAL APPLICATIONS)****STACEY R. MONELL – RN REINSTATEMENT (NonDisciplinary)**

**MOTION:** Werth made the motion, seconded by Andrew, to request a pre-reinstatement investigation in order to make a more informed decision.

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

**ASHLEY J. DAVIS– RN REINSTATEMENT FROM DISCIPLINE**

**MOTION:** Andrew made the motion, seconded by Perrin, to recommend reinstating an unrestricted RN license to Ashley Davis. The recommendation for reinstatement is based on active involvement in the substance abuse/addiction recovery process, reported period of sobriety from September 16, 2016, and positive letters of reference from co-workers and employers.

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

**NCLEX SECOND QUARTER REPORTS**

Reznicek reported that 686 first-time candidates who graduated from Nebraska RN programs took NCLEX-RN during the second quarter of 2019, with a pass rate of 91.84%. The only RN program with a 100% pass rate for the second quarter was Purdue Global's BSN program. The NCLEX-RN pass rate for foreign-educated, first-time candidates during this period was 46.44%.

For Nebraska LPN programs, 100 first-time candidates took NCLEX-PN in the second quarter, with a pass rate of 94.0%. Northeast Community College, Metro Community College, and the College of Saint Mary had a 100% pass rate for their first-time candidates. The NCLEX-PN pass rate for foreign-educated, first-time candidates was 60.0%.

Perrin noted that Nebraska's pass rates are above the national average. Reznicek said that 19 jurisdictions had higher NCLEX-RN pass rates. LaFramboise noted that Nebraska usually ranks higher.

Weidner said that the Practice Committee has concerns about the recent quarterly pass rates for some programs, but that it was difficult to make assessments based on just one or two quarters. When the annual results are known, the Education Committee will review the data to determine if site visits to programs with low pass rates are warranted

**2020 BOARD MEETINGS**

Oertwich noted that although the Practice Committee and Education Committee are not mandated by the Nurse Practice Act, the Board has historically had these committees and they have traditionally met on the Wednesday prior to Board meetings. Oertwich said that attendance at committee meetings is an expectation. Because recent Board meetings have ended earlier than previously, she suggested that members might consider holding committee meetings in the afternoon on the same days the Board meets.

LaFramboise said that holding meetings on the same day might not work for the Education Committee, given that some of their meetings last all day. Weidner suggested that it might be feasible to hold Issues Forums in the afternoons following Board meetings. Weidner also wondered if the recent reduction in the number of investigation cases reviewed by the Board was temporary or a cause for concern.

Stones and Motl reported that they were unaware that they would need to attend committee meetings in addition to the monthly Board meetings until after their appointments to the Board. Both said that the two-day per month time commitment should be clearly communicated to prospective Board members during the interview process.

Members discussed potential strategies for streamlining meeting processes and discussions.

Dey said she wanted to meet with other Practice Committee members before making any decisions on the Committee's 2020 schedule. She suggested that the committees hold huddles to discuss the matter further.

Members agreed to continue holding full Board meetings in 2020 on the second Thursday of each month with the exception of August. The August meeting will be held August 20, 2020, to avoid a time conflict with the NCSBN Annual Meeting.

[Discussion of Board Meetings is continued below.]

### **CENTER FOR NURSING UPDATES**

Oertwich, Stones, and other persons who attended the July 19, 2019, Center for Nursing Board meeting reported on the presentation by Tom Rauner from the DHHS Office of Rural Health.

Oertwich noted that when they asked Rauner about how the Center could be most effective, Rauner replied that the best thing the Center could do is focus on data. Hoebelheinrich said that it was helpful to see that the Center's primary role was to assist people who are trying to address nursing workforce issues rather than to be the entity responsible for solving every problem.

Hoebelheinrich and Reznicek mentioned that they have both found it useful to stress that "nurses are in demand" in rural areas rather than use terms such as "there's a shortage of nurses."

LaFramboise noted that rural nursing is a specialty with unique knowledge and skill sets that nurses in other settings do not typically use. Stones said that she has requested that the Nebraska Nurses Association (NNA) reach out to the American Nurses Association (ANA) about creating a specialty or certification in rural nursing, which might raise the status of the role. LaFramboise suggested creating awards specifically for rural nursing. Weidner noted that the AHEC Scholars Program has been successful in equipping students with the resources needed to provide care in rural areas. Motl recommended creating continuing education opportunities geared specifically for rural nursing.

### **COMMUNICATION**

NCSBN Annual Conference – Oertwich reported that she along with Hoebelheinrich, LaFramboise, Motl, Reznicek, and Weidner have all been approved for funding through NCSBN to attend the Annual Meeting on August 21-23, 2019. Because Motl will serve on the Election Committee she cannot be a delegate. Oertwich will serve as a delegate in her place, with Reznicek serving as an alternate.

LPN Renewal Preparations – Reznicek reported that the LPN renewal website is expected to go live within a week. Post cards will be mailed to all LPNs informing them of the renewal period. The post cards will also indicate whether or not the Licensure Unit has received documentation that the nurse has met the IV therapy education requirement.

APRN Credentialing Review – Oertwich said that she and Hoebelheinrich recently participated in a Robert Wood Johnson Foundation webinar that covered issues relevant to APRN licensure and the connections between the four roles. She would like to incorporate concepts from the webinar into the Letter of Intent that needs to be submitted to the Credentialing Review Program to request a review of the proposal to align Nebraska's statutes with the APRN Consensus Model. Oertwich said the goal is to have the Credentialing Review completed in time for the 2021 legislative session, as she was told that completing the process for the 2020 session was not feasible.

Implementation of 2019 Legislation – Oertwich reported that LB112 will go into effect on January 1, 2020. The new law waives the license application fee for a number of professions, including nursing, for persons 25 and younger, members of military families, and/or person with low income. Fees will only be waived for initial license applications not for license renewals.

Draft Nursing Regulations – Oertwich reported that the draft regulations for nursing education programs had to be reformatted prior to review by the Governor’s Policy Review Office (GPRO) but that no changes to content were made. All of the draft nursing regulations have been approved by DHHS Legal and have moved forward to GPRO. After GPRO approves the drafts, public hearings will be scheduled. Oertwich said that Board members do not need to attend the hearings. Reznicek asked if people would receive sufficient advanced notice for the hearings. Stones said she had just received email notifications for other proposed regulations, and that the hearings for those regulations were scheduled for September 20<sup>th</sup>.

Nursing News – Oertwich said that the next issue of the newsletter will focus on telehealth and the 2018 RN renewal survey report. Members praised Stones’ Member Bio and the interview with Motl on disaster nursing, which appeared in the most recently published issue.

Staff Updates – Oertwich reported that the Nursing Support section currently has three vacant Health Licensing Specialist positions after one Specialist recently accepted a higher-paying position and two others retired.

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

12:15 p.m. Meeting reconvened.

### **2020 BOARD MEETINGS (CONTINUED)**

Members met with their respective committees to discuss scheduling of committee meetings for 2020. The Practice Committees set meeting dates for Wednesdays from 2:00 to 4:00 p.m. on the following days in 2020: January 8<sup>th</sup>, March 11<sup>th</sup>, June 10<sup>th</sup>, July 8<sup>th</sup>, September 9<sup>th</sup>, and December 9<sup>th</sup>. The Education Committee decided to continue meeting on the Wednesdays prior to Board meetings with a variable start time based on the workload for the meeting. The meeting normally held in November will be tentatively rescheduled to October 7, 2020, due to observance of Veterans Day on November 11, 2020. Members and staff agreed to plan on holding the upcoming October Issues Forum on Thursday, October 10, 2019, after the regular Board meeting.

### **CONCLUSION AND ADJOURNMENT**

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

Respectfully submitted,



Sherri Joyner  
Health Licensing Coordinator