

MINUTES OF THE MEETING
of the NEBRASKA
BOARD OF NURSING
August 9, 2018

CALL TO ORDER

The meeting of the Nebraska Board of Nursing was called to order by Dawn Straub, Board President, at 8:34 a.m., August 9, 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, RN
- Kristin Ruiz, RN
- Dawn Straub, RN, *Board President*
- Rita Thalken, *Public Member*
- Karen Weidner, RN, *Board Secretary*
- Katherine Werth, APRN

The following Board member was absent: LaFonda Tanner, *Public Member*.

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*
- Teresa Hampton, *DHHS Attorney* (arrived at 11:10 a.m.)
- Lisa Anderson, *Assistant Attorney General*
- Ami Huff, *Assistant Attorney General*
- Jessica Bowman, *Investigator*
- Sharon Fitts, *Investigator*
- Patricia Lemke, *Investigator*
- Sherri Lovelace, *Investigator*
- Mendy Mahar-Clark, *Investigator*
- Dennis Scott, *Program Manager, Investigations*

A quorum was present, and the meeting convened.

ADOPTION OF THE AGENDA

MOTION: Andrew made the motion, seconded by Guy, to adopt the agenda for the August 9, 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 September 13, 2018.

APPROVAL OF THE MINUTES

MOTION: Weidner made the motion, seconded by LaFramboise, to approve the minutes of the July 11, 2018, Education Committee meeting with corrections.

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

MOTION: Thalken made the motion, seconded by Motl, to approve the minutes of the July 12, 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.

MOTION: Andrew made the motion, seconded by Dey, to approve the minutes of the July 11, 2018, Practice Committee meeting.

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: Guy made the motion, seconded by Andrew, 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.

8:42 a.m. Meeting went into closed session.
9:00 a.m. Straub left the meeting.
9:05 a.m. Straub returned to the meeting.
9:30 a.m. Straub left the meeting.
9:34 a.m. Straub returned to the meeting
9:50 a.m. Meeting went into recess.
10:01 a.m. Meeting reconvened.
10:06 a.m. Andrew left the meeting.
10:12 a.m. Andrew returned to the meeting.
10:23 a.m. Weidner left the meeting.
10:25 a.m. Weidner return to the meeting.
10:29 a.m. Meeting returned to open session.

EDUCATION COMMITTEE

MOTION: The Education Committee moved that the Board of Nursing approve Central Community College ADN program (with PN exit option) courses: NURS 1100 Lifespan I, NURS 1200 Pathopharm I, and NURS 1300 Nursing Judgment I.

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

MOTION: The Education Committee moved that the Board of Nursing approve MidPlains Community College courses: NURS 1202 Nursing Concepts II Family Health Nursing; NURS 1203: Nursing Concepts III: Mental Health and Gerontology Nursing; NURS 1203 Clinical II; NURS 1401 LPN to ADN Transition course; and NURS 1402 LPN to ADN Transition clinical course.

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

MOTION: The Education Committee moved that the Board of Nursing approve Southeast Community College's new LPN curriculum plan and Southeast Community College course LPNS 1010 Introduction into Practical Nursing.

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

PRACTICE COMMITTEE

MOTION: The Practice Committee moved that the Board of Nursing approve the revised Advisory Opinion *Safety to Practice: Fitness to Practice*.

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

NCLEX REPORTS

Members reviewed NCLEX pass rates for graduates of Nebraska nursing programs. Reznicek reported that graduates of Nebraska LPN programs who took NCLEX for the first time in the second quarter of 2018 had a 98.1% pass rate, while graduates of RN programs had a 92.76% pass rate. Both rates are above the national average. Reznicek noted that pass rates for repeat candidates drop sharply. The national average pass rate for graduates of U.S. programs on their second or subsequent attempt is approximately 40%. For graduates of foreign nursing programs, the pass rate for repeat test takers is approximately 20%.

BOARD MEETING SCHEDULE FOR 2019

The following dates were designated for meetings during 2019:

- January 9, 2019 – Committee Meetings
- January 10, 2019 – Board of Nursing Meeting
- February 13, 2019 – Issues Forum
- February 14, 2019 – Board of Nursing Meeting
- March 13, 2019 – Committee Meetings
- March 14, 2019 – Board of Nursing Meeting
- April 10, 2019 – Issues Forum
- April 11, 2019 – Board of Nursing Meeting
- May 9, 2019 – Board of Nursing Meeting
- June 12, 2019 – Committee Meetings
- June 13, 2019 – Board of Nursing Meeting
- July 10, 2019 – Committee Meetings
- July 11, 2019 – Board of Nursing Meeting
- August 8, 2019 – Board of Nursing Meeting
- September 11, 2019 – Committee Meetings
- September 12, 2019 – Board of Nursing Meeting
- October 9, 2019 – Issues Forum
- October 10, 2019 – Board of Nursing Meeting
- November 13, 2019 – Committee Meetings
- November 14, 2019 – Board of Nursing Meeting
- December 12, 2019 – Board of Nursing Meeting

Members agreed to plan on a 1:00 p.m. to 5:00 timeframe for the 2019 Issues Forums. Members also discussed holding Practice Committee meetings in the afternoon on the same day that the full Board meets rather than meeting the day before.

CENTER FOR NURSING UPDATES

Oertwich reported on the Center for Nursing's July presentations in Scottsbluff, North Platte, Kearney, Lincoln, Norfolk, and Omaha. The first hour of each presentation focused on a demonstration of the Center's workforce model with an emphasis on nursing workforce data and projections for the particular region where the presentation was held. During the second hour they asked attendees for feedback on the model and how the Center can help them recruit and retain nurses.

Oertwich reported that one theme that emerged during the focus groups was that many nurses choose to work half-time positions based on an expectation that they will be asked to work extra shifts. Facilities also seem to be recruiting more nurses from overseas, particularly from South Korea. Attendees also wanted a better understanding of whether more people would pursue nursing careers if more openings were available in nursing educational programs. One suggestion was to create a tool that would allow people to see which educational programs have seats available.

Dey noted that recruitment and retention efforts seem to emphasize tuition reimbursement and that perhaps more could be done to help retain older nurses who were not interested in going back to school.

LaFramboise expressed interest in having an Issue Forum devoted to concerns that newly graduated nurses are not adequately prepared for the workforce. LaFramboise said she and other educators would appreciate feedback from employers that they could use to implement changes in their programs if necessary. Oertwich said she would like to pull together a meeting with Center for Nursing and Board of Nursing members to discuss how they can partner with each other especially in terms of getting more educators involved.

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.

11:14 a.m. Meeting went into closed session. Anderson and Huff left the meeting.

11:25 a.m. Perrin left the meeting.

11:32 a.m. Meeting returned to open session. Anderson and Huff returned to the meeting.

LICENSURE RECOMMENDATIONS

CHAZ N. GALLINGTON – RN APPLICANT

MOTION: Andrew made the motion, seconded by Guy, to recommend issuing Chaz Gallington an unrestricted RN license.

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

DUSTY L. PACKETT – RN APPLICANT

MOTION: Dey made the motion, seconded by Guy, to recommend issuing Dusty Packett an unrestricted RN license.

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

SOPHIA A. SAWLE – RN APPLICANT

MOTION: Dey made the motion, seconded by LaFramboise, to recommend issuing Sophia Sawle an unrestricted RN license.

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

11:35 a.m. *Perrin returned to the meeting.*

ELIZABETH A. HINRIKUS– RN REINSTATEMENT FROM DISCIPLINE

MOTION: LaFramboise made the motion, seconded by Dey, to recommend reinstating Elizabeth Hinrikus'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; practice under direct RN supervision for one (1) year, followed by practicing under indirect RN supervision for one (1) year; have no access to controlled substances in the course of nursing employment for one (1) year, followed by access to controlled substances under direct supervision for one (1) year; 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; attend substance abuse recovery support group two (2) times per week; 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 violation of the Uniform Controlled Substances Act. The recommendation for reinstatement is based on applicant's active involvement in the substance abuse/addiction recovery process and positive letters of reference.

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

STRATEGIC PLAN

Members reviewed two formats for the Board's strategic plan. A highly-detailed version is intended to help Members and staff chart progress on the plan. A more general version is designed to help the public understand the Board's goals. Oertwich asked members to email her if they have any feedback on the plan.

11:50 a.m. *Meeting went into recess.*

12:35 p.m. *Meeting reconvened.*

REGULATIONS GOVERNING THE PROVISION OF NURSING CARE

Members and staff reviewed the most recent draft prepared by Oertwich and Reznicek of a proposed replacement for 172 NAC 99, the Regulations Governing the Provision of Nursing Care. Hampton noted that if nursing judgment is required to accomplish a task, then the task cannot be delegated to an unlicensed

person. Motl said that there might be concerns with the use of the term “protocol,” noting that in many facilities “protocol” refers specifically to step-by-step instructions. Members discussed how specific or prescriptive the regulations governing LPNs and intravenous therapy needed to be. Weidner and others thought that it might be more appropriate to address LPNs and intravenous therapy in a guidance document rather than in regulations.

COMMUNICATION

NCSBN Annual Conference – Motl, LaFramboise, Straub, Rezincek, Hoebelheinrich, and Oertwich will attend the 2018 Annual Meeting of the National Council of State Boards of Nursing. Oertwich reported that Sheila Exstrom, the Board’s former Nursing Education Consultant, has been invited to attend the meeting’s banquet.

Legislative Updates – Oertwich said she has not received any information on implementation of LB299, the Occupational Board Reform Act. She also reported that the APRN Coalition is organizing to promote legislation in 2019 to adopt the NCSBN’s APRN Consensus Model.

Hoebelheinrich reported that she recently presented at LeadingAge about the impact of LB439, passed in 2017, on providing nursing services in assisted living facilities. She did not think it was feasible to create a “laundry list” of what RNs can and cannot do in assisted living facilities. Hampton noted that assisted living facilities were not designed to do a full range of care, and facilities can decide what kinds of assistance they want to provide to residents.

Staff Updates – Oertwich reported that the online renewal site for RNs is expected to go live on August 13th. She also reported that applications for the vacant Health Licensing Specialist position are being reviewed. Hoebelheinrich reported that the workgroup for cosmetic/dermatologic procedures will meet on August 27th.

Nursing News – Oertwich reported that the next edition of *Nursing News* is being prepped by the publisher. The issue will include articles on EMS partnerships and how to write a delegation plan.

CONCLUSION AND ADJOURNMENT

There being no further business, the meeting adjourned at 2:00 p.m.

Respectfully submitted,



Sherri Joyner
Health Licensing Coordinator