

**NEBRASKA BOARD OF NURSING**  
**MINUTES OF THE**  
**TELECONFERENCE MEETING**  
**August 20, 2020**

**CALL TO ORDER**

The meeting of the Nebraska Board of Nursing was called to order by Janet Andrew, Board Vice-President, at 9:02 a.m., August 20, 2020. The central meeting location was the Licensure Unit Conference Room, Nebraska State Office Building, 1<sup>st</sup> Floor, 301 Centennial Mall South, Lincoln NE 68508. 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. Andrew announced that a copy of the Open Meetings Act was within the room.

**ROLL CALL**

The following board member was present at the central meeting location and answered roll:

- Janet Andrew, LPN, *Board Vice-President*

The following board members answered roll call via teleconference:

- Anne Dey, RN
- Tag Herbek, *Public Member*
- Tom Hoover, RN
- Angela Kula, LPN
- Louise LaFramboise, RN
- Kristin Ruiz, RN
- Linda Stones, RN
- Rita Thalken, *Public Member*
- Katherine Werth, APRN-RN

The following Board members were absent: Patricia Motl, RN, *Board President*, and Lana Taylor, RN.

The following staff members from the Department and the Attorney General's Office were present:

- Ann Oertwich, RN, *Executive Director*
- Kathy Hoebelheinrich, APRN-NP, *Nursing Practice Consultant*
- Sherri Joyner, *Health Licensing Coordinator*
- Lisa Anderson, *Assistant Attorney General*
- Natalee Hart, *Assistant Attorney General*

The following staff members from the Department and the Attorney General's Office attended part or all of the meeting via teleconference:

- Jacci Reznicek, RN, *Nursing Education Consultant*
- Anna Harrison, *Compliance Monitor*
- Teresa Hampton, *DHHS Legal*
- Brittany Bigham, *Investigator*
- Jessica Bowman, *Investigator*
- Andrea Cramer-Price, *Investigator*
- Susan Held, *Investigator*
- Patricia Lemke, *Investigator*
- Mendy Mahar-Clark, *Investigator*

A quorum was present, and the meeting convened.

These minutes were approved by the Board  
of Nursing on September 10, 2020.

**ADOPTION OF THE AGENDA**

**MOTION:** Stones made the motion, seconded by Kula, to adopt the agenda for the August 20, 2020, Board of Nursing meeting.

Voting Yes: Andrew, Dey, Herbek, Hoover, Kula, LaFramboise, Ruiz, Stones, Thalken, and Werth.  
Voting No: None. Abstain: None. Absent: Motl and Taylor. Motion carried.

**APPROVAL OF THE MINUTES**

**MOTION:** Thalken made the motion, seconded by Stone, to approve the consent agenda.

Voting Yes: Andrew, Dey, Herbek, Hoover, Kula, LaFramboise, Ruiz, Stones, Thalken, and Werth.  
Voting No: None. Abstain: None. Absent: Motl and Taylor. Motion carried.

**EDUCATION COMMITTEE**Nebraska Wesleyan BSN Program

**MOTION:** The Education Committee moved that the Board of Nursing approve the following Nebraska Wesleyan BSN Program changes: Traditional BSN Plan of Study, NWU Catalog Changes-Traditional BSN Program, NWU Undergraduate Nursing Program Learning Outcomes, NURS 2350 Medical Surgical Nursing II, and NURS 3340 Health Care Ethics.

Voting Yes: Andrew, Dey, Herbek, Hoover, Kula, LaFramboise, Ruiz, Stones, Thalken, and Werth.  
Voting No: None. Abstain: None. Absent: Motl and Taylor. Motion carried.

NCLEX Reports for Second Quarter, 2020

Reznicek summarized the NCLEX results for people who took their first NCLEX exam between April 1, 2020, and June 30, 2020. Of the 63 graduates of Nebraska LPN programs who took NCLEX during this quarter, 93.65% passed, which is above the national pass rate of 84.52%. Of the 410 graduates of Nebraska RN programs who tested, 93.66% passed, which is above the national pass rate of 88.93%. Among first-time test takers who were educated outside the United States, the pass rate for Canadian graduates was 84.09%. Graduates from the Philippines, the country that typically has the highest number test takers outside of the U.S, had a pass rate of 45.16%.

Reznicek reported that approximately 700 Nebraska license applicants have taken NCLEX since the testing centers began re-opening in mid-April.

**PRACTICE COMMITTEE**

**MOTION:** The Practice Committee moved that the Board of Nursing approve the revised Analgesia/Anesthesia by Catheter Advisory Opinion.

Voting Yes: Andrew, Dey, Herbek, Hoover, Kula, LaFramboise, Ruiz, Stones, Thalken, and Werth.  
Voting No: None. Abstain: None. Absent: Motl and Taylor. Motion carried.

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

Dey asked about nurses' accountability to perform CPR in non-work settings. Stones requested that the next review of this Advisory Opinion include a review of state statutes, including "Good Samaritan" laws, in order to address the issue.

Voting Yes: Andrew, Dey, Herbek, Hoover, Kula, LaFramboise, Ruiz, Stones, Thalken, and Werth.  
Voting No: None. Abstain: None. Absent: Motl and Taylor. Motion carried.

**MOTION:** The Practice Committee moved that the Board of Nursing approve the revised Sub-Anesthetic Ketamine Advisory Opinion.

Voting Yes: Andrew, Dey, Herbek, Hoover, Kula, LaFramboise, Ruiz, Stones, Thalken, and Werth.

Voting No: None. Abstain: None. Absent: Motl and Taylor. Motion carried.

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

Voting Yes: Andrew, Dey, Herbek, Hoover, Kula, LaFramboise, Ruiz, Stones, Thalken, and Werth.

Voting No: None. Abstain: None. Absent: Motl and Taylor. Motion carried.

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

Voting Yes: Andrew, Dey, Herbek, Hoover, Kula, LaFramboise, Ruiz, Stones, Thalken, and Werth.

Voting No: None. Abstain: None. Absent: Motl and Taylor. Motion carried.

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

Voting Yes: Andrew, Dey, Herbek, Hoover, Kula, LaFramboise, Ruiz, Stones, Thalken, and Werth.

Voting No: None. Abstain: None. Absent: Motl and Taylor. Motion carried.

**MOTION:** The Practice Committee moved that the Board of Nursing retire the Deployment of Vascular Closure Devices Advisory Opinion in favor of the Decision-Making Model.

Voting Yes: Andrew, Dey, Herbek, Hoover, Kula, LaFramboise, Ruiz, Stones, Thalken, and Werth.

Voting No: None. Abstain: None. Absent: Motl and Taylor. Motion carried.

### **NCSBN DELEGATE ASSEMBLY**

Oertwich reported that the NCSBN Delegate Assembly primarily covered four items: the address from the outgoing NCSBN Board President, the address from the NCSBN CEO, David Benton, the vote for new officers, and the vote on the proposed change to the APRN Compact requiring APRNs to have 2,080 practice hours in order to hold a multistate license. Oertwich reported that Jay Douglas, from the Virginia Board of Nursing, was voted the new board president.

LaFramboise noted that some states were not in favor of the change to the APRN Compact because they felt it diminished the authority of APRNs practicing in their states. Werth said she was somewhat surprised that the motion passed given that number of states that were on the fence on the issue. Hoebelheinrich said she thought participants did a good job addressing people's misunderstandings about the APRN Compact.

### **CENTER FOR NURSING**

Members reviewed the Center for Nursing's budget status report for the 2019-2020 fiscal year. Oertwich noted that Center's expenditures were significantly below what had been allocated to them, and that the biggest expenditure is for Juan Ramirez, who provides statistical reports and analysis for the Center. LaFramboise asked about the status of the unspent funds. Oertwich reported that monies not spent by the Center at the end of the fiscal year are returned to the Licensure Unit's main account.

## **407 REVIEW OF APRN LICENSURE**

Stones reported that the initial meeting for the 407 Review of APRN licensure went relatively well. Stones said that the Board of Nursing representatives delivered a solid message on APRN education and how all four APRN roles receive the same core training. A representative from the Nebraska Medical Association also participated in the meeting and expressed concerns about patient safety if the 407 review is approved. During the next meeting, which will be held on August 25<sup>th</sup>. Stones reported that she and Motl will explain in detail how the Board of Nursing's application meets the seven requirements for a 407 review.

## **IMPACT OF COVID-19 ON NURSE LICENSURE**

Oertwich reported that the temporary NCLEX testing sites that were set up in Iowa and Minnesota seem to have helped immensely with increasing the availability of testing appointments. Oertwich is also interested in conducting a survey regarding provisional licenses in order to assess how well the introduction of the pre-exam licenses is proceeding. Oertwich noted that staff have not received many phone calls or emails regarding provisional licenses, which suggests that there are no major problems.

Joyner reported that RNs and APRNs will not expire on October 31, 2020. RNs and APRNs will not have to renew their licenses until after the Governor's COVID-19 emergency order is lifted. After the order is lifted, renewal notices will be mailed out within 30 days. Licenses will need to be renewed within 90 days after the notices are mailed. There are plans to adjust the expiration dates that appear online. By October 1, 2020, it is hoped that the expiration dates on RN and APRN licenses will be changed to December 31, 2020. The expiration date will be adjusted again as needed. The exact expiration date, however, will not be known until the Governor lifts the emergency order.

Oertwich noted that early renewal of RN and APRN licenses will not be available. Emails will be sent to licensees informing them of the postponed renewal period.

## **COMMUNICATION**

Nurse Licensure Compact Update – Oertwich reported that 34 states now belong to the Nurse Licensure Compact, although New Jersey is currently only partially participating. Oregon and Connecticut are the only two states that have never had legislation introduced to adopt the Compact. Oertwich reported that COVID-19 is driving increased interest from non-Compact states about joining the Compact.

Nursing Regulations Update – Oertwich reported all the nursing-related regulations, except for Chapter 97, have moved forward to the Attorney General's Office. Oertwich expects that a public hearing on Chapter 97 will be held by the end of the year.

Nursing News – Oertwich reported that the next edition of *Nursing News* will be mailed out soon. The issue focuses on APRNs. Oertwich said that too many people assume that all APRNs are nurse practitioners. They may not understand, for example, the nurse midwives, are also APRNs, and many have never heard of clinical nurse specialists.

Staff Updates – Oertwich reported that a full-time staff member has been hired for APRN licensure. A full-time, temporary Health Licensing Specialist has also joined the team.

## **CLOSED SESSION**

**MOTION:** Werth 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, Dey, Herbek, Hoover, Kula, LaFramboise, Ruiz, Stones, Thalken, and Werth. Voting No: None. Abstain: None. Absent: Motl and Taylor. Motion carried

10:03 a.m. Meeting went into closed session. Andrew, Anderson, and Hart left the meeting.  
10:13 a.m. Andrew, Anderson, and Hart left the meeting. Hampton left the meeting.  
10:20 a.m. Meeting went into recess.  
10:30 a.m. Meeting reconvened.  
11:27 a.m. Hoebelheinrich, Joyner, Oertwich, and Reznicek left the meeting.  
11:42 a.m. Hoebelheinrich, Joyner, Oertwich, and Reznicek returned to the meeting.  
12:05 p.m. Dey left the meeting.  
12:15 p.m. Dey returned to the meeting.  
12:20 p.m. Werth left the meeting.  
12:23 p.m. Werth returned to the meeting.  
12:26 p.m. Werth left the meeting.  
12:31 p.m. Werth returned to the meeting.  
12:47 p.m. Meeting returned to open session.

### **LICENSURE RECOMMENDATIONS**

#### **KIMBELRY M. FRANCIS – LPN REINSTATEMENT (Non-Disciplinary)**

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

Voting Yes: Andrew, Dey, Herbek, Hoover, Kula, LaFramboise, Ruiz, Stones, Thalken, and Werth.  
Voting No: None. Abstain: None. Absent: Motl and Taylor. Motion carried.

#### **DEBRA A. SAUNDERS – LPN REINSTATEMENT FROM DISCIPLINE**

**MOTION:** Stones made the motion, seconded by LaFramboise, to recommend issued a temporary license to Debra Saunders for the purpose of completing a refresher course within 18 months, and following successful completion of the course, reinstating an unrestricted LPN license to her. This motion is based on the Board's prior recommendations for reinstatement and the absence on contrary information.

Voting Yes: Dey, Herbek, Hoover, Kula, LaFramboise, Ruiz, Stones, Thalken, and Werth. Voting No: None. Abstain: Andrew. Absent: Motl and Taylor. Motion carried.

### **CONCLUSION AND ADJOURNMENT**

There being no further business, the meeting adjourned at 12:55 p.m.

Respectfully submitted,



Sherri Joyner  
Health Licensing Coordinator