

NEBRASKA BOARD OF NURSING
MINUTES OF THE
TELECONFERENCE MEETING
September 10, 2020

CALL TO ORDER

The meeting of the Nebraska Board of Nursing was called to order by Patricia Motl, Board President, at 8:05 a.m., September 10, 2020. The central meeting location was at the Nebraska State Office Building, Room LL-B, 301 Centennial Mall South, Lincoln NE 68508. Copies of the agenda were emailed in advance to the Board members on August 28, 2020, emailed to interested parties on August 28, 2020, posted outside the Licensure Unit within the Nebraska State Office Building on August 28, 2020, and posted on the Department of Health & Human Services website on August 28, 2020. Motl announced that a copy of the Open Meetings Act was available at the meeting locations and online.

ROLL CALL

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

- Patricia Motl, RN *Board President*
- Janet Andrew, LPN, *Board Vice-President*

The following board members answered roll call via teleconference:

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

The following Board member joined the meeting after roll call: Tom Hoover, RN

The following Board members was absent: 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 (present in person during Board hearing)*
- Brittany Bigham, *Investigator*
- Andrea Cramer-Price, *Investigator*
- Susan Held, *Investigator*
- Patricia Lemke, *Investigator (present in person during Board hearing)*
- Mendy Mahar-Clark, *Investigator*

A quorum was present, and the meeting convened.

These minutes were approved by the Board
of Nursing on October 8, 2020.

ADOPTION OF THE AGENDA

MOTION: Andrew made the motion, seconded by Ruiz, to adopt the agenda for the September 10, 2020, Board of Nursing meeting.

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

APPROVAL OF THE MINUTES

MOTION: Andrew made the motion, seconded by Ruiz, to approve the consent agenda with corrections to the minutes of the August 20, 2020, Board of Nursing meeting.

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

407 REVIEW OF APRN LICENSURE

Stones reported on the second Technical Review Committee meeting, which was held on August 25th, to review the Board's application for review of APRN licensure. Stones noted that the Board's application is complicated, and that she will try to simplify it so the Committee members can better understand it. She said that the Board's main argument is based on the same core education that all APRNs receive. Based on this shared education, it does not make sense, for example, that some APRNs have prescriptive authority while others do not. When a public hearing on the bill is scheduled, Stones expects that opposition will come from physicians. The next Committee meeting is scheduled for October 8th, which is the same day that the Board meets. Oertwich encouraged Board members to log-in to the Committee meetings, which are being conducted over Zoom.

Stones also reported that her understanding of the regulatory process has been enhanced by classes she has taken through the International Center for Regulatory Scholarship. She thought other Board members will also find the courses helpful.

2021 BOARD MEETING SCHEDULE

Members reviewed a 2021 calendar with potential Board meeting dates. The Board traditionally meets on the second Thursday of the month. Members suggested holding the March 2021 meeting on Friday, March 12, to avoid conflict with the NCSBN MidYear Meeting on March 11th, and holding the November meeting on Thursday, March 4th, to avoid conflict with Veteran's Day on November 11th. Joyner identified the following dates as tentative 2021 meeting days: January 14th, February 11th, March 12th, April 8th, May 13th, June 10th, July 8th, August 12th, September 9th, October 14th, November 4th, and December 9th. Joyner said she would email these dates to Board members and asked that they notify her if they had any conflicts.

COMMUNICATION

Impact of COVID-19 on Licensure – Joyner explained that RN and APRN renewals will not occur until after the Governor lifts the emergency declaration for COVID-19. The Licensure Unit has received calls from RNs who are ready to renew and wish to renew now, but staff have been told the processing renewals is not feasible until the RN renewal period officially opens after the COVID-19 emergency is lifted. Oertwich was asked if she had heard any information on when the emergency might be lifted, and Oertwich said she had not.

Nursing Regulations Update – Oertwich announced that a public hearing has been scheduled on November 16, 2020, to receive comments from the public on Chapter 97 (172 NAC 97, Regulations Governing the Approval of Nursing Programs). Chapters 99, 101, and 102 are at the Attorney General’s Office for Review. The APRN regulations have advanced from the Attorney General’s Office to the Governor’s Policy Research Office.

Nursing News – Oertwich reported that the most recently published edition of *Nursing News* had two main goals: 1) notify nurses about the postponement of RN and APRN renewals, and 2) educate the nursing public about APRNs. Staff do not have a theme planned for the next edition. Oertwich said the next edition will include an article by Kathy Hoebelheinrich and Tim Wilson (DHHS Program Director for Emergency Health Systems) on the legislative changes regarding Emergency Medical Services and ways to expedite EMS credentialing for LPNs who are currently volunteering with EMS squads.

Motl reported that she had received a complaint about the cover of the most recently published issue of *Nursing News* because it was not a good example of how to properly wear personal protective equipment.

Staff Updates – Oertwich reported that the Licensure Unit’s Nursing Section is now fully staffed, and the speed at which applications are being processed is slowly increasing. Reznicek reported that there are plenty of NCLEX testing appointments available. Oertwich also reported that the Department has selected a vendor for a new licensure system. Joyner said that based on a demonstration from the vendor that she had observed, the new system will be based on online submission of applications rather than the Licensure Unit’s current paper-based system. Joyner thought that the new system will be easier for most applicants to use and will better allow applicants to track the progress of their applications. Oertwich said that she hoped the new system will solve problems currently being experienced by users of the online License Lookup Site, where CAPTCHAs are creating hurdles to accessing license information. The problem particularly affects hospitals and other facilities that need to verify large numbers of licenses.

CLOSED SESSION

MOTION: Andrew made the motion, seconded by Stones, 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, Kula, LaFramboise, Motl, Ruiz, Stones, Thalken, and Werth. Voting No: None. Abstain: None. Absent: Hoover and Taylor. Motion carried

8:45 a.m... Meeting went into closed session. Hampton left the meeting.
 9:15 a.m. Werth left the meeting.
 9:19 a.m. Werth returned to the meeting.
 9:50 a.m. Hoover joined the meeting via teleconference.
 10:05 a.m. Meeting went into recess.
 10:15 a.m. Meeting reconvened.
 10:29 a.m. Hampton entered the meeting. Anderson and Hart left the meeting.
 10:38 a.m. Meeting returned to open session. Anderson returned to the meeting.

LICENSURE RECOMMENDATIONS

LATOYA N. THOMAS – LPN REINSTATEMENT (Non-Disciplinary)

MOTION: LaFramboise made the motion, seconded by Ruiz, to recommend denying Latoya Thomas’s application for reinstatement base on misrepresentation of material facts on a license application.

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

JOSHUA B. KEYES – RN APPLICATION

MOTION: LaFramboise made the motion, seconded by Andrew, to recommend denying Joshua Keyes application for an RN license based on disciplinary action against license in another jurisdiction and misrepresentation of material facts on a license application.

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

AMANDA M. KAUP – RN REINSTATEMENT FROM DISCIPLINE

MOTION: Stones made the motion, seconded by LaFramboise, to recommend issued a temporary license to Amanda Kaup for the purpose of completing a refresher course within 18 months, and following successful completion of the course, reinstating an unrestricted RN license to her. This motion is based on the Board’s prior recommendations for reinstatement made in February 2019.

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

BOARD HEARING

The reinstatement hearing requested by Kristina Boldt, RN, convened at 11:00 a.m. Teresa Hampton, Department Attorney, served as the hearing officer. Ms. Boldt attended in person and was represented by Melanie J. Whittamore-Mantzios. The Department was represented by Lisa Anderson, Assistant Attorney General. A court reporter was present. Exhibits were presented, and testimony was provided by Kathy Hoebelheinrich, DHHS Nursing Practice Consultant, Patricia Lemke, DHHS Investigator, and Ms. Boldt.

MOTION: Andrew made the motion, seconded by Stones, for the Board to go into closed session in order to deliberate upon the hearing.

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

12:30 p.m. Meeting went into closed session. Anderson, Lemke, Boldt, and Whittamore-Mantzios left the meeting.

12:34 p.m. Hoebelheinrich left the meeting.

1:07:p.m. Meeting returned to Open Session. Anderson, Hoebelheinrich, Boldt, and Whittamore-Mantzios returned to the meeting.

MOTION: Kula made the motion, seconded by Andrew, to deny the Application for Reinstatement from suspension of the license of Kristina Boldt based on Applicant’s history of disciplinary action, failure to comply consistently with treatment recommendations, and insufficient evidence of relapse prevention plan and support.

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

CONCLUSION AND ADJOURNMENT

There being no further business, the meeting adjourned at 1:11 p.m.

Respectfully submitted,



Sherri Joyner
Health Licensing Coordinator