

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

September 12, 2019

CALL TO ORDER

The meeting of the Nebraska Board of Nursing was called to order by Patricia Motl, Board President, at 8:34 a.m., September 12, 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
- Anne Dey, RN
- Louise LaFramboise, RN
- Patricia Motl, RN, *Board President*
- Kristin Ruiz, RN
- Linda Stones, RN
- Karen Weidner, *Board Secretary*
- Katherine Werth, APRN-NP

The following Board members were absent: Tag Herbek, *Public Member*, Kristene Perrin, RN, and Rita Thalken, *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*
- 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*
- Sherri Lovelace, *Investigator*

A quorum was present, and the meeting convened.

ADOPTION OF THE AGENDA

MOTION: Andrew made the motion, seconded by Ruiz, to adopt the agenda for the September 12, 2019, Board of Nursing meeting.

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

APPROVAL OF THE MINUTES

Stones requested that the minutes for the August 30, 2019, Practice Committee meeting be removed from the consent agenda.

MOTION: Andrew made the motion, seconded by Ruiz, to approve the consent agenda with the deletion of the August 30, 2019, Practice Committee minutes.

These minutes were approved by the Board
of Nursing on October 10, 2019.

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

CLOSED SESSION

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

8:40 a.m. Meeting went into closed session.
 9:45 a.m. Meeting went into recess.
 9:55 a.m. Meeting reconvened. Werth left the meeting.
 10:07 a.m. Werth returned to the meeting.
 10:50 a.m. Meeting returned to Open Session.

LICENSURE RECOMMENDATIONS

MELINDA K. HILL –RN REINSTATEMENT FROM DISCIPLINE

MOTION: Stones made the motion, seconded by Dey, to recommend issuing Melinda Hill a temporary license on probation for the purpose of completing a refresher course within 18 months, and following successful completion of the course, reinstating Hill's RN license on probation for three 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; practice under direct RN supervision for one (1) year, followed by practicing under indirect RN 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; 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 misdemeanor convictions rationally related to the profession and substance use disorder diagnoses. The recommendation for reinstatement is based on applicant's current participation in substance use treatment, compliance with treatment recommendations, active involvement in the substance abuse/addiction recovery process, reported period of sobriety from January 2018, documented attendance at support groups meetings and maintaining a sponsor, and positive letters of reference.

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

KERRY L. KIRBY –LPN REINSTATEMENT FROM DISCIPLINE

MOTION: Stones made the motion, seconded by Cuffe, to recommend reinstating Kerry Kibry's 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 diagnosis of a substance use disorder, previous discipline against the license and failure to complete prior Nebraska nursing license probation. The recommendation for reinstatement is based on applicant's compliance with treatment recommendations, reported period of sobriety, and positive letters of reference.

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

JACOB A. STAWNIAK – LPN APPLICANT

MOTION: Weidner made the motion, seconded by LaFramboise to recommend issuing Jacob Stawniak an LPN license on probation for two years with the following terms and conditions: 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 2080 hours; notify the Department within seven days of receipt of any criminal citations, filing of criminal complaints, or other contact with law enforcement; provide Department with evidence showing completion of criminal court probation as directed by the Department; 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 misdemeanor convictions rationally related to the profession.

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

MELISSA A. BUTLER – RN REINSTATEMENT FROM DISCIPLINE

MOTION: LaFramboise made the motion, seconded by Weidner, to recommend issuing Melissa Butler a temporary license for the purpose of completing a refresher course within 18 months, and following successful completion of the course reinstating an unrestricted RN license to Butler. The recommendation for reinstatement is based on applicant's current participation in substance use treatment, active involvement in the substance abuse/addiction recovery process, reported period of sobriety from 2011, and positive letters of reference from multiple sources.

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

PRACTICE COMMITTEE

Wound Debridement

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

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

Safety to Practice: Staffing Assignments

MOTION: The Practice Committee made the motion that the Board of Nursing approve the revised *Safety to Practice: Staffing Assignments* Advisory Opinion and rename of the Opinion *Safe Practice: Nursing Roles and Assignments*.

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

Procedural Sedation

Hoebelheinrich said that she had received reports that nurses were administering anesthesia during oral surgeries while working as oral surgeons' "third pair of hands," a practice that Hoebelheinrich said was not allowed from a nursing perspective.

MOTION: The Practice Committee made the motion that the Board of Nursing approve the revised *Procedural Sedation* Advisory Opinion and rename of the Opinion *Procedural Sedation and Analgesia*.

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

Hoebelheinrich noted that the Advisory Opinion includes information relevant to Nurse Practitioners and Nurse Anesthetists. She asked if the Opinion should be put on the agenda for the next APRN Board meeting. Members agreed that they would like the APRN Board to see the Opinion for informational purposes. Hoebelheinrich said that *Procedural Sedation and Analgesia* will be published in the next edition of *Nursing News*.

NCSBN ANNUAL CONFERENCE

Oertwich and Motl attended the Nurse Licensure Compact Commission Meeting. No major developments regarding the Compact were revealed at the meeting. Oertwich and Motl did appreciate the materials presented on the topic of board development. They thought some of the ideas could be useful to the Board of Nursing. Oertwich said she plans to write a summary of the major points.

Motl passed around a handout for the International Center for Regulatory Scholarship. The program will offer courses and certificate programs for nurses starting in October 2019. Motl said it includes courses appropriate for investigators, practice specialists, and education specialists. The courses are free for NCSBN members.

Weidner reported that the World Health Organization (WHO) has designated 2020 as the "Year of the Nurse and Midwife." The designation provides an opportunity for boards of nursing to collaborate with other organization to highlight the role of nurses.

Weidner also reported that Next Generation NCLEX will not be released until April 2023 at the earliest. Weidner said that opposition to the changes in NCLEX was expressed by some parties, although both Weidner and Oertwich found the arguments against Next Generation NCLEX to be unfounded.

Reznicek reported that she participated in a meeting with other Education Consultants. The biggest concern identified by the consultants was the turnover rate for deans and directors of nursing programs in their states.

Oertwich reported that the APRN Consensus Model was reviewed in depth and that no major changes were made. Changes were proposed for the APRN Compact, including requiring APRNs to have 2080 practice

hours in order to qualify for a multistate license and making APRNs with felony or misdemeanors involving patient care ineligible for the multistate status. Oertwich said that a vote was not taken on the changes because participants wanted to find consensus on several points before continuing.

Oertwich reported that one topic addressed at the Executive Officer's meeting was the creation of positions called "anesthesia assistants" who work under anesthesiologists. CRNAs are concerned that that people may confuse the role of anesthesia assistants with Certified Registered Nurse Anesthetists.

PROPOSED NURSING REGULATIONS

Oertwich reported that public hearings are scheduled for all the nursing regulations with the exception of Chapter 97 (Regulations Governing Programs of Professional Nursing), which is still at the Governor's Policy Research Office. Oertwich and Joyner will attend the hearings to capture public comments on the draft regulations.

ISSUES FORUM

The Board's October 2019 Issues Forum will be held on the afternoon of October 10th, after the Board's regularly scheduled Board meeting. Oertwich reported that Becky Wisell, Administrator for the Licensure Unit, might speak at the Forum regarding the Department's research on disciplinary data and how this data might inform boards' probation recommendations. LaFramboise said she would find it problematic if all boards were expected to use identical disciplinary guidelines. Different guidelines might be warranted because professions vary in their level of responsibility and the degree to which they practice under supervision or observation. Anderson said that other boards have pointed out concerns with the Department's discipline data, such as missing info or data for one individual possibly being misinterpreted treated as two separate events. Anderson said it was also important to study discipline practices in other states, especially with interstate licensure compacts becoming more prevalent. Oertwich said that the NCSBN's study on discipline data will be presented to the NCSBN Board in September and will probably not be available to state boards until the end of the year.

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

12:25 p.m. Meeting reconvened. Oertwich left the meeting.

COMMUNICATION

LPN Renewals – Reznicek reported almost 700 LPNs (out of approximately 6,400) have already renewed their licenses. Postcards notifying LPNs of the October 31, 2019, renewal deadline were mailed in early August. Many postcards are being returned to the Licensure Unit because the licensees' addresses are out-of-date. Prior to mailing the postcards, approximately 1,000 LPNs had submitted proof that they completed the required 8-hour IV therapy course (which must be completed by August 24, 2022). Since then, the Licensure Unit has received many more verifications of course completion. Staff have also received calls from LPNs reporting that they do not plan to take the course and will allow their licenses to go inactive after the 2022 deadline.

Nursing News – Hoebelheinrich reported that the publisher has just mailed the most recent edition of *Nursing News*. The issue includes an article on CBD products. Members noted that with the proliferation of places selling and advertising CBD oil, many people assume the product must be legal in Nebraska.

Hoebelheinrich reported that she, Oertwich, and Wisell attended a meeting of the Lancaster County Medical Society and the Nebraska Medical Association regarding a previous article in *Nursing News* on medical assistants. Hoebelheinrich said the article provoked inquiries from physician offices about how they could use medical assistants when they did not have a nurse on staff. Hoebelheinrich said she was flabbergasted when she was told that one practice let all of their medical assistants go after reading the article. Some physicians attending the meeting asked that the article be redacted. Hoebelheinrich said that Wisell would not agree to redacting the article because nothing in the article was incorrect. Hoebelheinrich did agree to

work with a physician to co-author another article specifically on the use of medical assistants in physician offices.

Staff Updates – JeanAnn Viduarri, a Health Licensing Specialist responsible for processing RN by endorsement application, has accepted another position and will leave the Licensure Unit. Staff praised her work ethic and strong customer service skills.

CONCLUSION AND ADJOURNMENT

There being no further business, the meeting adjourned at 12:50 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sherri Joyner".

Sherri Joyner
Health Licensing Coordinator