

MINUTES OF THE MEETING
of the NEBRASKA
BOARD OF NURSING
October 11, 2018

CALL TO ORDER

The meeting of the Nebraska Board of Nursing was called to order by Janet Andrew, Board Vice-President, at 8:34 a.m., October 11, 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. Andrew 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*
- Maxine Guy, LPN
- Louise LaFramboise, RN
- Patricia Motl, RN
- Kristen Ruiz, RN
- Kristene Perrin, RN
- Rita Thalken, *Public Member*
- Karen Weidner, RN, *Board Secretary*

The following Board members arrived after roll call: Kristene Perrin, RN, (arrived at 8:41 a.m.) and Katherine Werth, APRN (arrived at 8:45 a.m.)

The following Board members were absent: Anne Dey, RN, Dawn Straub, RN, *Board President*, and 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 10:33 a.m.)
- Lisa Anderson, *Assistant Attorney General*
- Ami Huff, *Assistant Attorney General*
- Mindy Lester, *Assistant Attorney General*
- Susan Aerni, *Investigator*
- Jessica Bowman, *Investigator*
- Sharon Fitts, *Investigator*
- Patricia Lemke, *Investigator*
- Sherri Lovelace, *Investigator*
- Dennis Scott, *Program Manager, Investigations*

A quorum was present, and the meeting convened.

ADOPTION OF THE AGENDA

MOTION: Guy made the motion, seconded by LaFramboise, to adopt the agenda for the October 11 2018, Board of Nursing meeting.

These minutes were approved by the Board
of Nursing on November 8, 2018.

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

APPROVAL OF THE MINUTES

MOTION: Guy made the motion, seconded by LaFramboise, to approve the consent agenda.

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

CLOSED SESSION

MOTION: Guy made the motion, seconded by LaFramboise, 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, Guy, LaFramboise, Motl, Ruiz, Thalken, and Weidner. Voting No: None. Abstain: none. Absent: Dey, Perrin, Straub, Tanner, and Werth. Motion carried.

8:38 a.m. Meeting went into closed session.
 8:41 a.m. Perrin entered the meeting.
 8:45 a.m. Werth entered the meeting.
 10:10 a.m. Harrison, Hoebelheinrich, Joyner, Oertwich, and Reznicek left the meeting.
 10:19 a.m. Harrison, Hoebelheinrich, Joyner, Oertwich, and Reznicek returned to the meeting.
 10:25 a.m. Meeting went into recess.
 10:33 a.m. Meeting reconvened. Hampton entered the meeting. Huff left the meeting.
 10:34 a.m. Anderson left the meeting.
 10:55 a.m. Meeting returned to open session. Anderson returned to the meeting.

LICENSURE RECOMMENDATIONS

STEPHANIE S. OLSON – LPN APPLICATION

MOTION: Weidner made the motion, seconded by Motl, to recommend issuing Stephanie Olson a temporary license for the purpose of completing a refresher course within 18 months, and following successful completion of the course, issuing an unrestricted LPN license.

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

RACHEL L. JONAK – RN REINSTATEMENT FROM DISCIPLINE

MOTION: Weidner made the motion, seconded by Perrin, to recommend reinstating Rachel Jonak's RN license without restrictions. The recommendation for reinstatement is based on positive letters of reference from employer.

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

LORRI A. WALLACE – LPN REINSTATEMENT FROM DISCIPLINE

MOTION: Perrin made the motion, seconded by LaFramboise to recommend issuing Lorri Wallace a temporary license on probation for the purpose of completing a Board-approved refresher course within 18 months, and following successful completion of the refresher course, reinstating her 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 misdemeanor convictions, felony convictions, and diagnoses of substance use disorders. The recommendation for reinstatement is based on current participation in treatment, compliance with treatment recommendations, active involvement in the substance abuse/addiction recovery process, reported period of sobriety from April 2016, documented attendance at support group meetings and maintaining a sponsor, and positive letters of reference from employers.

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

JENNIFER S. WHITE – RN REINSTATEMENT FROM DISCIPLINE

MOTION: Ruiz made the motion, seconded by Motl, to recommend reinstating Jennifer White'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; 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; 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; 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 diagnoses of substance use disorders and violation of the Uniform Controlled Substances Act. The recommendation for reinstatement is based on compliance with treatment recommendations, active involvement in the substance abuse/addiction recovery process, reported period of sobriety from June 8, 2017, documented attendance at support group meetings and maintaining a sponsor, and positive letters of reference.

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

EDUCATION COMMITTEE

MOTION: The Education Committee moved that the Board of Nursing approve Central Community College ADN program (with PN exit option) courses: NURS 1500 Lifespan II, NURS 1600 Pathopharmacology II, and NURS 1700 Nursing Judgment II.

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

MOTION: The Education Committee moved that the Board of Nursing approve MidPlains Community College courses: NURS 1301 Practical Nursing II Family Nursing Exit Course, NURS 1302 Clinical III, NURS 1501 Nursing Concept IV: Adult Health Nursing, Patients with Stable and Unstable Conditions, and NURS 1502 Clinical IV.

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

MOTION: The Education Committee moved that the Board of Nursing approve Western Nebraska Community College's ADN course: ADNR 2175 Transition to Nursing Practice

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

MOTION: The Education Committee moved that the Board of Nursing approve Metropolitan Community College's ADN courses: NURS 2140 Adult Nursing IV Syllabus and Clinical Evaluation; NURS 2150 Adult Nursing V Syllabus and Clinical Evaluation; NURS 2310 Mental Health Nursing II, and NURS 2520 Concepts of Health Assessment and Therapeutic Intervention II

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

PRACTICE COMMITTEE

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

Weidner and LaFramboise expressed concerns that persons might incorrectly assume that RNs do not need a provider order to perform the tasks listed in the responsibility chart. Members agreed that the statement, "RN interventions require an order from a provider" be added to the Opinion.

MOTION: The Practice Committee moved that the Board of Nursing approve the revised Advisory Opinion *Analgesia/Anesthesia by Catheter* with the addition of a sentences stating that RN interventions require an order from a provider.

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

MOTION: The Practice Committee moved that the Board of Nursing retire the *Central Lines and Peripherally Inserted Catheters (PICC)* Advisory Opinion in favor of the Decision-Making Framework.

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

Hoebelheinrich noted that the Practice Committee might author Advisory Opinions in the future related to LPNs and intravenous therapy. Because regulations will heavily impact such Opinions, they are waiting for new regulations to be approved first

Dermatologic Workgroup – Hoebelheinrich noted that training for dermatologic procedures seems to be driven largely by economic interests. The Practice Committee is considering inviting various stakeholders to meet with the Committee for interviews so that they can sort out best practices. Hoebelheinrich reported

that Melissa O'Neill, a dermatology nurse practitioner who has taught at Creighton University, has agreed to do a pilot interview so that the Committee can better ensure their questions are effective and fair.

PUBLISHING DISCIPLINARY ACTIONS

Members had been asked to review an article – “The Collateral Damage to Nursing Licenses Caused by Nursing Board Disciplinary Actions” – which had been published in 2012 in *Journal of Nursing Law*. Thalken questioned if publishing disciplinary actions in *Nursing News* served a purpose. LaFramboise said it promotes public safety because it makes the information more accessible to employers. Perrin also thought publishing disciplinary action was appropriate as a matter of public safety, and that it also emphasized that the newsletter was from nursing’s legal regulatory board. Members asked if other states published disciplinary actions. Staff noted that the office regularly receives newsletters from other state boards of nursing, and that publication of disciplinary actions in these newsletters is common. Weidner asked if any other boards administered by the Licensure Unit published newsletters. Anderson and Hampton were not aware of any other boards currently publishing newsletters.

Oertwich said she would like more employers to use eNotify so that they would be alerted whenever disciplinary action is taken against one of their nurses. LaFramboise noted that some post-licensure nursing student do not tell their programs about actions on their licenses. Oertwich said she would check to see if nursing school can enroll in eNotify.

MOTION: Motl made the motion, seconded by Guy, that the Board of Nursing continue publishing disciplinary actions in *Nebraska Nursing News*.

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

STRATEGIC PLAN

Eight members from the Center for Nursing Board attended the Board of Nursing’s Issue Forum on October 10th. Members from both board reviewed their strategic plans and looked at ways they could collaborate with each other and with other groups such as the Nebraska Nurses Association and the Nebraska Hospital Association. Members appreciated the enthusiasm and energy of the Center’s Board. LaFramboise and Motl thought the two boards’ strategic plans were complementary without much overlap. Perrin appreciated that the Center has included reaching out to younger generations as part of its plan. Oertwich noted that in order to fill nursing shortages, there also must be outreach to second-career people. Motl noted that highlighting the diversity of options available in nursing might be especially effective in attracting second-career people. Weidner noted that making more shift options available might help, as some people do not want to work 12-hour shifts. Weidner also noted that the Center’s supply-and-demand model would likely create consulting opportunities.

Reznicek is developing a model of the Board’s strategic plan that can accommodate updates.

REGULATIONS GOVERNING THE PROVISION OF NURSING CARE

Oertwich reported that the new version of 172 NAC 99 is in the queue for review by Hampton. Hampton reported that EMS, Mental Health, Dentistry, and Pharmacy also have regulations ready to be reviewed. She noted that some draft regulations had to be rewritten multiple times because of changes in instructions for drafting regulations.

COMMUNICATION

Appointment of New Board Members –Guy and Straub will finish their terms on the Board after the Board’s November meeting. Oertwich reported that two new members have been appointed to fill the upcoming vacancies. Linda Stones, who is active in the Nebraska Nurses Association and previously served on the Center for Nursing Board, will fill the position currently held by Straub. Angela Cuffe will fill the position currently held by Guy.

Legislative Updates – Oertwich reported that a preliminary application has been drafted to implement the provision in LB299 that allows a person to apply to a licensing board to determine whether the applicant's criminal convictions disqualifies the person from obtaining a license. Joyner noted that the Board would issue a Findings of Fact after reviewing these preliminary applications. Persons could seek the Board's determination any time prior to applying for a license. Even if the Board determines that the applicant's convictions do not disqualify the applicant from licensure, the applicant would still need to meet all other licensure requirements prior to being issued a license. Weidner noted that it can be difficult to make a decision in many cases without a substance abuse evaluation. LaFramboise noted that schools can find it difficult to guide or counsel students with criminal convictions because they receive little guidance from the Department.

Oertwich reported that the APRN Coalition is continuing to work on introducing legislation to adopt the APRN Consensus Model. Oertwich and Hoebelheinrich gave a presentation on the Consensus Model at the joint Nebraska Nurses Association and Nebraska Nurse Practitioners convention

Hoebelheinrich reported that she has been asked to speak at LeadingAge on changes to the statutes governing assisted-living facilities. According to Hoebelheinrich these changes allow for up to 8 hours of complex nursing interventions within a 21-day timespan. Some facilities are experiencing difficulty in keeping track of hours for complex nursing interventions. It can be difficult, for example to assess whether or not a wound will take more than 21 days to heal. Hoebelheinrich reported that some callers still want a list of which interventions can and cannot be performed at assisted-living facilities.

Staff Updates – Oertwich reported that Amy Keller is now working for the Nursing Section as a Health Licensing Specialist.

Reznicek reported that approximately 17,000 of Nebraska's 30,000 Registered Nurses have already renewed their licenses. RNs have until October 31st to renew. Oertwich noted that RNs who have to apply for reinstatement because they did not renew in time risk losing their grandfathering status in the Nurse Licensure Compact. Joyner noted that the new rules for the Compact require a fingerprint-based criminal background check in order to have a multistate license. Nurses who did not submit fingerprints for their initial licenses would need to submit fingerprints to the State Patrol in order to reinstate their licenses as multistate.

Nursing News – Hoebelheinrich reported that Children's Hospital has received positive feedback for the article on nursing and EMS partnerships in the most recent edition of Nursing News. Motl said she would appreciate more articles that emphasize how nurses delegate.

CONCLUSION AND ADJOURNMENT

There being no further business, the meeting adjourned at 1:30 p.m.

Respectfully submitted,



Sherri Joyner
Health Licensing Coordinator