

NEBRASKA BOARD OF ADVANCED PRACTICE REGISTERED NURSES

MINUTES OF THE MEETING HELD

October 31, 2019

CALL TO ORDER

The meeting of the Nebraska Board of Advanced Practice Registered Nurses was called to order by Timothy Glidden, Board President, at 1:03 p.m. on October 31, 2019, at the Nebraska State Office Building, Room LL-C, 301 Centennial Mall South, Lincoln, Nebraska. 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. Glidden announced that a current copy of the Open Meetings Act was in the room.

ROLL CALL

The following board members were present and answered roll call:

- Sheila Ellis, MD, *Secretary*
- Jenna Fiala, MD
- Barbara Foss, APRN-NP
- Timothy Glidden, APRN-CRNA, *President*
- Alice Kindschuh, APRN-CNS, *Vice-President*
- Michael Skoch, MD
- Jenda Stauffer, APRN-CNM

The following Board members were absent: Stephen Jackson, *Public Member*, and Michael Losee, *Public Member*.

The following staff members from the Department and the Attorney General's Office were present during all or part of the meeting:

- Kathy Hoebelheinrich, RN, *Nursing Practice Consultant*
- Sherri Joyner, *Health Licensing Coordinator*
- Jacci Reznicek, RN, *Nursing Education Consultant*
- Anna Harrison, RN, *Compliance Monitor*
- Susan Held, *Investigatore*
- Patricia Lemke, *Investigator*
- Sherri Lovelace, *Investigator*
- Mendy Mahar-Clark, *Investigator*
- Lisa Anderson, *Assistant Attorney General*

A quorum was present, and the meeting convened.

ADOPTION OF THE AGENDA

MOTION: Fiala made the motion, seconded by Foss, to adopt the agenda for the October 31 2019, APRN Board meeting.

Voting Yes: Ellis, Fiala, Foss, Glidden, Kindschuh, Skoch, and Stauffer. Voting No: None. Abstain: None. Absent: Jackson and Losee. Motion carried.

APPROVAL OF THE MINUTES

MOTION: Fiala made the motion, seconded by Foss, to approve the minutes of the May 3, 2019, the June 21, 2019, and July 10, 2019, Board meetings.

Voting Yes: Ellis, Fiala, Foss, Glidden, Kindschuh, Skoch, and Stauffer. Voting No: None. Abstain: None. Absent: Jackson and Losee. Motion carried.

These minutes were approved by the
APRN Board on February 7, 2020.

CLOSED SESSION

MOTION: Fiala made the motion, seconded by Skoch, 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: Ellis, Fiala, Foss, Glidden, Kindschuh, Skoch, and Stauffer. Voting No: None. Abstain: None. Absent: Jackson and Losee. Motion carried.

1:05 p.m. Meeting went into closed session.
1:43 p.m. Glidden left the meeting.
1:54 p.m. Glidden returned to the meeting.
2:28 p.m. Meeting returned to open session.

LICENSURE RECOMMENDATIONS

No licensure applications were reviewed by the Board.

BOARD OF NURSING PRACTICE COMMITTEE UPDATES

Hoebelheinrich reported on the Board of Nursing Practice Committee's most recent draft of guidelines for cosmetic and aesthetic procedures. The Committee is not yet ready to submit the guidelines for board approval. Hoebelheinrich noted that guidelines are intended to serve as an update to the 2011 Joint Board Dermatologic Workgroup Report. Since 2011, there has been an explosion in the types of laser technologies available. Hoebelheinrich also noted the 2011 guidelines were published before Nurse Practitioners had full practice authority. The draft guidelines include requirements for medical directorships. Anderson said that she was not comfortable that these guidelines make recommendations on who can be the director of a medical clinical. Hoebelheinrich said that they will ask for feedback from DHHS Legal.

Hoebelheinrich also reported on the Board of Nursing's updated Procedural Sedation and Analgesia Advisory Opinion. The Opinion includes a statement that Nurse Practitioners and Certified Nurse Midwives can supervise RNs administering mild and moderate sedation but only in licensed health care facilities. Ellis noted that it is a best practice for RNs who administer anesthesia to be ACLS certified and to be knowledgeable about managing compromised airways. Hoebelheinrich said she would share this information with the Practice Committee. Stauffer noted that there times in obstetrics when RNs administer a diluted nitrous oxide solution without a Certified Nurse Midwife present. Stauffer did not want to go down a path where RNs would no longer be able to do this; Ellis and Glidden agreed that nitrous oxide was different than other forms of sedation.

PROPOSED APRN REGULATIONS

Members reviewed the comments received at the October 3, 2019, public hearing on the proposed changes to Title 172 Chapter 98 (Regulations Governing Advanced Practice Nurse Licensure) and the elimination of Chapters 100, 103, 104, and 107. Written comments submitted by the Nebraska Nurse Practitioners association supported the proposed changes. Written and oral comments submitted by the Nebraska Medical Association expressed concerns that 1) a large amount of information is being removed from the regulations, 2) consolidating the five APRN regulations into one chapter attempts to do what Legislative Bill 730 proposed to do, 3) that each individual practice act should have its own section in regulation or that language should be inserted into the amended 172 NAC 98 stating that all APRN professions are still governed by their own practice acts, 4) the definition of an approved certifying body in the updated regulations does not mention that the APRN Board has the authority by statute to approve certifying bodies, and 5) that the statement in the updated regulations that "requirements for initial and ongoing certification are specified by the certifying body" is contrary to statute, which provides that the "appropriate board shall establish continuing competency requirements."

Members expressed their support for consolidating the regulations into one chapter. The purpose of the consolidation was to promote simplification and was not an attempt to change Nebraska law. Members thought that Section 1 of the amended Chapter 98 was sufficiently clear that each APRN profession is still governed by its individual practice act. Members did not think that the information on certification in the amended Chapter 98 contradicted statute, and that perhaps the perception of a contradiction was based on equating certification with continuing competency, rather than recognizing certification as one component of continuing competency, and a misunderstanding of the nature of APRN certifications. Members agreed that no changes should be made to the regulations based on the comments received at the public hearing.

MOTION: Skoch made the motion, seconded by Foss, to approve the amended 172 NAC 98 as written and to approve the repeal of 172 NAC 100, 172 NAC 103, 172 NAC 104, and 172 NAC 107.

Voting Yes: Ellis, Fiala, Foss, Glidden, Kindschuh, Skoch, and Stauffer. Voting No: None. Abstain: None. Absent: Jackson and Losee. Motion carried.

LASER VAGINAL REJUVENATION

Ellen Wengert, APRN-NP, and Robin Khan spoke before the board regarding the “Mona Lisa” laser procedure. Wengert explained that the Mona Lisa is an ablative CO₂ laser that is used only for gynecological procedures. Khan noted that Nurse Practitioners cannot perform ablative laser procedures according to Department guidelines published in 2011. Khan requested clarification of whether or not those guidelines still stand, noting that legislation passed in 2015 allows nurse practitioners to practice independently. Khan also noted that technological advancements make it almost impossible to harm a patient with the laser and that the Mona Lisa has presets that prevent going too deep into the tissue. Khan said that the procedure changes the pH of the mucosa – which can be beneficial for women with urinary infections – and that it prompts the endocrine system to produce secretions. Khan said that there were not enough providers to meet the demand for the procedure in the Omaha area.

Stauffer asked if there are other Nurse Practitioners who perform the procedure. Hoebelheinrich said that she knows there are other clinics in Nebraska where the service is offered, but that she does not know who exactly is performing the procedure.

Stauffer asked Wengert about the term “vaginal rejuvenation.” Wengert said that the heat of the laser causes a wound response prompting the body to release collagen and other compounds that improve tissue health.

Fiala asked if patients were tested for STDs. Khan replied that they look for active lesions, but that they do not test for gonorrhea or chlamydia unless the patient has symptoms. Fiala asked Wengert if she would do a speculum exam before the procedure. Wengert said that all cases she would see would come through OB-GYN referrals, and that the OB-GYN does the exam.

Wengert was asked about her training for the procedure. Wengert indicated that she did her initial training through the manufacturer, which has a training and certificate program for the Mona Lisa. Wengert reported that she has worked as an RN in dermatology for twenty years, that she is certified in Family Medicine, and that she has recently begun a fellowship in endocrinology. Glidden asked Wengert about what the appropriate entry requirements would be for Nurse Practitioners who want to perform the procedure. Wengert identified certification in laser safety and thorough training in Mona Lisa from the company.

Glidden asked about complications. Wengert said that other providers in her practice have reported no complications. Fiala noted that there is always the risk of complications. Wengert identified bleeding, a sunburn-like tenderness, and discharge as side effects, but she is not aware of any cases of infection following the procedure.

Ellis asked if the device is FDA approved. Wengert indicated that it is. Skoch read from an FDA warning he had found online that indicated that the FDA had not approved laser devices for vaginal procedures. Wengert said that the warning was for inappropriate marketing for indications that were not approved.

Khan and Wengert left the meeting.

Glidden asked for verification that the 2011 guidelines prevent a Nurse Practitioner from performing the Mona Lisa procedure. Hoebelheinrich confirmed that the 2011 Joint Board Dermatologic Workgroup Report does not permit a Nurse Practitioner to do ablative laser procedures. Members requested that more information be obtained before the Board makes a decision as to whether or not the 2011 guidelines should be changed. Members requested that additional information include: 1) clarification on the depth of laser penetration into the vaginal wall tissue, 2) clarification on FDA position on device and use of device, 3) a review of other state regulations, and 4) a clarification on standards of care.

NCSBN ANNUAL CONFERENCE REPORTS

Hoebelheinrich reported that at the National Council of State Boards of Nursing's Annual Meeting in August 2018, a motion was presented to amend the APRN Consensus Model to include a transition to practice requirement for all new graduates in all APRN roles. Hoebelheinrich reported that the motion was tabled.

COMMUNICATION

2020 Meeting Schedule – Joyner said she would email Board members a poll of potential 2020 meeting dates.

Opioid CE Requirements – An article from the Board of Nursing's newsletter regarding required opiate continuing education was distributed to members. The requirement applies to Nurse Practitioners and Certified Nurse Midwives, who must complete three hours of education in opiate prescribing biennially from 2020 to 2028. Hoebelheinrich noted that Nurse Practitioners and Certified Nurse Midwives can use training videos available on the DHHS website to meet the opiate CE requirement, but that the DHHS offerings might not meet the continuing education requirements established by APRN certification bodies.

CONCLUSION AND ADJOURNMENT

There being no further business, the meeting adjourned at 4:00 p.m.

Respectfully submitted,



Sherri Joyner
Health Licensing Coordinator