

**MINUTES OF THE MEETING
of the NEBRASKA
BOARD OF NURSING
November 14, 2019**

CALL TO ORDER

The meeting of the Nebraska Board of Nursing was called to order by Patricia Motl, Board President, at 8:33 a.m., November 14, 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*
- Tag Herbek, *Public Member*
- Louise LaFramboise, RN
- Patricia Motl, RN, *Board President*
- Kristene Perrin, RN
- Kristin Ruiz, RN
- Rita Thalken, *Public Member*
- Karen Weidner, *Board Secretary*
- Katherine Werth, APRN-NP

The following Board members were absent: Angela Cuffe, LPN, Anne Dey, RN, and Linda Stones, RN.

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

- Daniel Taylor, RN, *Supervisor, Nursing Support*
- 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*
- Ami Huff, *Assistant Attorney General*
- Teresa Hampton, *DHHS Attorney* (arrived at 11:10 a.m.)
- Rachel O'Toole, *DHHS Attorney* (arrived at 11:10 a.m.)
- Jessica Bowman, *Investigator*
- Sharon Fitts, *Investigator*
- Susan Held, *Investigator*
- Patricia Lemke, *Investigator*
- Mendy Mahar-Clark, *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 November 14, 2019, Board of Nursing meeting.

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

These minutes were approved by the Board
of Nursing on December 12, 2019.

APPROVAL OF THE MINUTES

MOTION: Andrew made the motion, seconded by Ruiz, to approve the consent agenda.

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

8:38 a.m. Meeting went into closed session.
 9:12 a.m. Perrin left the meeting.
 9:19 a.m. Perrin returned to the meeting.
 10:09 a.m. Werth left the meeting.
 10:14 a.m. Werth returned to the meeting.
 10:47a.m. LaFramboise left the meeting.
 10:55 a.m. LaFramboise returned to the meeting.
 11:10 a.m. Hampton and O'Toole arrived to the meeting. Anderson and Huff left the meeting.
 11:23 a.m. Meeting returned to open session. Anderson and Huff returned to the meeting.

LICENSURE RECOMMENDATIONS**RYAN N. PIRRAGLIA – RN APPLICATION FOR EARLY RELEASE FROM PROBATION**

MOTION: LaFramboise made the motion, seconded by Perrin, to recommend reinstating an unrestricted RN license to Ryan Pirraglia. The recommendation for reinstatement is based on applicant's completion of treatment, compliance with treatment recommendations, active involvement in the substance abuse/addiction recovery process, reported period of sobriety from February 2016, and positive letters of reference.

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

11:30 a.m. Meeting went into closed session. Hampton and O'Toole left the meeting.
 12:28 p.m. Meeting returned to Open Session. Meeting went into recess.
 12:58 p.m. Meeting reconvened with Herbek not present.

LICENSURE RECOMMENDATIONS**ELIZABETH A. ANDERSON – LPN APPLICATION**

MOTION: Weidner made the motion, seconded by Werth, to recommend issuing Elizabeth Anderson an unrestricted LPN license.

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

DOUGLAS C. GIBSON – RN APPLICATION

MOTION: Ruiz made the motion, seconded by Andrew to recommend issuing Douglas Gibson an RN license on probation for three years with the following terms and conditions: 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; comply with the probation terms and conditions on Missouri RN license: 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 disciplinary action against license in another jurisdiction and violation of the Uniform Controlled Substances Act.

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

ELIZABETH M. LANG – RN APPLICATION

MOTION: Andrew made the motion, seconded by Perrin, to recommend issuing Elizabeth Lang an unrestricted RN license.

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

ALIA M. HOLMAN – RN REINSTATEMENT (NonDisciplinary)

MOTION: Weidner made the motion, seconded by Ruiz, to recommend issuing Alia Holman an unrestricted RN license.

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

PROPOSED REGULATIONS

Joyner reported that public hearings were held on October 8, 2019 for the proposed changes to 172 NAC 99 (Regulations Governing the Provision of Nursing Care) and the proposed repeal of 172 NAC 102 (Regulations Governing Practice of LPN-Cs). No comments were submitted in person at either hearing, and the Department did not receive any written comments.

MOTION: Ruiz made the motion, seconded by Andrew to approve the amended 172 NAC 99 and approve the repeal of 172 NAC 102.

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

Joyner reported that the public hearing for the proposed changes to 172 NAC 101 (Regulations Governing the Practice of Nursing) will be held December 2nd. A summary of the public comments received as a result of the hearing will be distributed to Board members at the Board's December 12, 2019, meeting.

PRACTICE COMMITTEE

Hoebelheinrich reported that the Practice Committee is continuing to work on a guidance document for cosmetic-aesthetic procedures. The Committee is also working on a joint position statement with representatives from Emergency Medical Services (EMS). One issue that has emerged is that nurses are accustomed to working in more controlled environments than EMS personnel. Hoebelheinrich reported that funds are available through DHHS Emergency Health Systems to help nurses obtain EMS training.

NCLEX REPORTS

Reznicek reported that most Nebraska LPN programs had NCLEX pass rates that were above the national average during the third quarter of 2019. Nebraska's overall NCLEX-PN pass rate during the quarter however, was 81.25%, which is below the national average of 86.81%. Nebraska's RN pass rate in the third quarter was 90.03%, which is above the national average of 88.23%. Reznicek said that a few Nebraska RN programs did have pass rates significantly lower than the average, and that the Education Committee is keeping an eye on these schools.

NCSBN STRATEGIC INITIATIVE PLANNING

Motl described her participation in NCSBN's planning process for its next strategic plan. Members reviewed a handout that listed eleven objectives. Motl said she is participating in the development of outcomes for Objective 1 (develop a regulatory excellence accreditation system), Objective 2 (develop "right touch" regulatory approaches), and Objective 11 (determine value of requiring proof of continuing competency). She asked members if they thought she should be involved in developing any of the other objectives. Motl noted that NCSBN will want more input from boards during later stages of the plan's development.

Weidner suggested that Reznicek or an Education Committee member get involved with Objective 9, which deals with assessing and measuring entry to nursing practice. Ruiz noted that her employer had required staff to complete modules relating to each objective of the NCSBN Strategic Plan, and she wondered if Board members would be interested in doing something similar. Motl noted that NCSBN will create discussion boards for each objective. Hoebelheinrich suggested that NCSBN might find data from the Center for Nursing's Nebraska Workforce Model helpful with Objective 4, which relates to APRN practice.

BOARD STRATEGIC PLAN UPDATES

Staff reported that due to staff absences, they have been unable to enter updates on the Board's strategic plan grid. They will distribute the updates at the Board's December or January meeting.

COMMUNICATION

LPN Renewals – Reznicek reported that approximately 5,600 LPNs renewed their licenses by the October 31, 2019, deadline. The next step in the renewal process will be to mail audit notices to the LPNs who have been randomly selected for continuing education audits.

Reznicek noted that the renewal period has prompted many LPNs to submit documentation verifying that they have completed the required eight-hour IV therapy course. Approximately one-half of LPNs have now submitted documentation of course completion. Reznicek still receives calls from LPNs who mistakenly

think they also need to take a state exam in addition to completing a course. Weidner suggested posting information on the DHHS nursing licensure web page to address the frequently asked questions about the LPN IV education requirements. Reznicek agreed that education programs and others might find the information helpful.

Nursing News – Hoebelheinrich reported that she plans to submit content for the next edition of *Nursing News* to the publisher within a few days. The content for the next edition will include an article by Board member Linda Stones on the topic of advocacy.

Staff Updates – Hoebelheinrich reported that the Nursing Section of the Licensure Unit has been able to hire a temporary worker to help out until the vacant position for an RN Licensing Specialist is filled.

CONCLUSION AND ADJOURNMENT

There being no further business, the meeting adjourned at 1:28 p.m.

Respectfully submitted,



Sherri Joyner
Health Licensing Coordinator