

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

December 12, 2019

CALL TO ORDER

The meeting of the Nebraska Board of Nursing was called to order by Patricia Motl, Board President, at 8:30 a.m., December 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.

Introductions were made on behalf of the new Board members, Tom Hoover and Lana Taylor.

ROLL CALL

The following board members were present to answer roll call:

- Janet Andrew, LPN, *Board Vice-President*
- Anne Dey, RN
- Tom Hoover, RN
- Tag Herbek, *Public Member*
- Angela Kula, LPN
- Louise LaFramboise, RN
- Patricia Motl, RN, *Board President*
- Kristin Ruiz, RN
- Linda Stones, RN
- Lana Taylor, RN
- Rita Thalken, *Public Member*
- Katherine Werth, APRN-NP

No board members were absent.

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*
- Ami Huff, *Assistant Attorney General*
- Jessica Bowman, *Investigator*
- Susan Held, *Investigator*
- Mendy Mahar-Clark, *Investigator*
- Teresa Hampton, *DHHS Attorney (arrived at 10:04 a.m.)*

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 December 12, 2019, Board of Nursing meeting.

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

APPROVAL OF THE MINUTES

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

These minutes were approved by the Board
of Nursing on January 9, 2020.

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

8:43 a.m. Meeting went into closed session.
 8:58 a.m. Dey, Motl, and Werth left the meeting.
 9:03 a.m. Dey and Motl returned to the meeting.
 9:08 a.m. Werth returned to the meeting.
 9:27 a.m. Stones left the meeting.
 9:29 a.m. Stones returned to the meeting.
 10:04 a.m. Meeting went into recess.
 10:04 a.m. Meeting reconvened. Hampton arrived to the meeting. Anderson and Huff left the meeting.
 10:25 a.m. Meeting returned to Open Session. Anderson returned to the meeting.

LICENSURE RECOMMENDATIONS

MIRANDA N. JANISCH – RN APPLICANT

MOTION: Ruiz made the motion, seconded by LaFramboise, to recommend issuing Miranda Janisch an unrestricted RN license.

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

JOHN B. FORTNER – RN APPLICANT

MOTION: LaFramboise made the motion, seconded by Stones to recommend issuing John Fortner an 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; 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 disciplinary action against license in another jurisdiction.

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

BREANNA M. HILL –RN REINSTATEMENT FROM DISCIPLINE

MOTION: LaFramboise made the motion, seconded by Thalken, to deny Breanna Hill’s application for reinstatement of her privilege to practice nursing in Nebraska. The denial is based on insufficient evidence presented to substantiate a change in circumstances and no evidence of a relapse prevention plan.

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

TAMMY J. LAWRENCE – LPN REINSTATEMENT FROM DISCIPLINE

MOTION: Ruiz made the motion, seconded by Andrew, to recommend reinstating an unrestricted LPN license to Tammy Lawrence based on applicant’s compliance with treatment recommendations, reported period of sobriety of over ten years, and positive letters of reference from employer and co-workers.

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

VANESSA J. MILLER –RN REINSTATEMENT FROM DISCIPLINE

MOTION: Stones made the motion, seconded by Werth, to deny Vanessa Miller’s application for reinstatement. The denial is based on applicant’s insufficient period of sobriety and need to complete treatment recommendations.

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

PRACTICE COMMITTEE

MOTION: The Practice Committee made the motion that the Board approve the revised *Patient Abandonment* Advisory Opinion.

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

MOTION: The Practice Committee made the motion that the the Board approve the revised *Nonsurgical Wound Closure* Advisory Opinion in favor of the Decision-Making Framework.

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

REGULATIONS

Joyner reported that no public comments were received at the public hearing for proposed changes to the Regulations Governing the Practice of Nursing (172 NAC 101).

MOTION: Andrew made the motion, seconded by Ruiz, for the Board to adopt the amended regulations, 172 NAC 101.

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

LaFramboise asked about guidance documents intended to supplement regulations and the extent to which guidance documents could be enforced. Hampton said that guidance documents are intended to provide information to the public but that they are not binding on the public. Motl noted that it sometimes seems that employers want the State to specify every task that a nurse can or cannot do. Hampton said that rather than only asking “What can I do legally?” as a nurse, people should also ask “What can I do competently?”

Oertwich said that the revised regulations for the nursing professions are more succinct than the current regulations, but because duplicative language has been removed, the public might need to look at several sets of regulations and statutes in order to fully understand an issue. Anderson noted that some of the changes being made to regulations coming from DHHS, such as removing tables of contents, are making the regulations more difficult to review.

ELECTION ON 2020 OFFICERS

MOTION: LaFramboise made the motion, seconded by Thalken, to elect Patricia Motl as the Board's President, Janet Andrew as the Board's Vice-President, and Katherine Werth as the Board's Secretary for 2020.

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

10:55 a.m. Hampton left the meeting.

STRATEGIC PLAN

Oertwich reviewed the Board's strategic plan, which was developed in 2018. For actions taken to help educate nurses on their roles. LaFramboise suggested adding ongoing articles in *Nursing News*. Taylor noted that she has found such articles to a great resource for questions on nursing practice and that she has referred other nurses to items in *Nursing News*.

On the topic of discipline, the Licensure Unit did pull together data on relapse timeframes for licensees on probation. Oertwich said that the data suggests that the five-year benchmark for probation terms might not necessarily be warranted. Oertwich reported that Kim McClintock, who has done a preceptorship with Oertwich, has created a continuing education course to help licensees understand Nebraska statutes and regulations. The course might be assigned to nurses as part of disciplinary terms. Oertwich said that she is still interested in getting an alternative to discipline program implemented in Nebraska, noting that Nebraska is one of the few states that does not have a program that allows licensing boards to refer licensees to substance abuse treatment programs in lieu of discipline. Licensees can self-refer to the Nebraska Licensee Assistance Program (LAP), but after a complaint is filed against a nurse, the Board cannot refer the nurse to LAP.

Under the strategic plan item for promoting regulatory effectiveness, Oertwich said there was still a need to make refresher courses more accessible outside of the Omaha and Lincoln areas. Currently, the only option for many people in greater Nebraska is the distance education refresher program at South Dakota State University. Another regulatory goal is to align Nebraska's APRN regulations with the NCSBN's Consensus Model. Getting a Consensus Model bill passed is a prerequisite for joining the APRN Compact, which will become active once enough states join. Oertwich said that the plan is to complete a Credential Review process to show the commonality of the four APRN roles in 2020, which would then pave the way for a group such as Nebraska's APRN Coalition to introduce Consensus Model legislation in 2021.

Oertwich noted that the strategic plan includes the ambitious vision to have all complaints resolved within six months. Stones and Dey said that it would be helpful to have metrics for items such as the number of pending investigation cases and number of cases reviewed by the Board each month, so that members can better ascertain if their perceptions are accurate.

COMMUNICATION

Nurse Licensure Compact Updates– Oertwich reported that Alabama will become a member of the Nurse Licensure Compact on January 1, 2020. Indiana and New Jersey will also become Compact states in 2020, but the implementation dates have not yet been determined. Legislation to join the Compact is pending in Alaska, Guam, Illinois, Massachusetts, Michigan, Pennsylvania, Vermont, and Washington.

International Center for Regulatory Scholarship (ICRS) – Oertwich gave a brief overview of the NCSBN's ICRS program, which provides leadership training in nursing regulation. Board members can take courses through the program. Motl noted that the program is new, and some of the finer details are still being worked on. In the course in which she is enrolled, there was an expectation that all enrollees have computers with Microsoft Office and have access to a college library. Werth reported that she is completing a survey for ICRS to find out which courses are most appropriate for her. Stones reported that she has enrolled in the ICRS course on governance.

Nursing News – Oertwich reported that the most recent edition of *Nursing News* has just been published. Hoover volunteered to submit a bio for publication in the next issue.

11:53 a.m. Meeting went into recess.

12:25 p.m. Meeting reconvened.

Staff Updates – Oertwich proposed holding Committee meetings in 2020 on the same days as Board meetings rather than the day prior to Board meetings. Given the decline in the number of investigation cases being brought to the Board, Oertwich said that holding Committee and Board meetings on the same day would save time and costs. Several members appreciated the change. LaFramboise expressed concerns that shorter Education Committee meetings might result in schools not being able to implement courses when they wish. She also noted that Education Committee duties requires a level of attention and patience that may be difficult to sustain if meetings are held after Board meetings.

Oertwich reported that registration has opened for the NCSBN's MidYear Meeting to be held March 3-5, 2020, in Boston. Members who are interested in attending should contact Oertwich or Joyner.

BOARD GUIDELINES FOR DISCIPLINARY ACTIONS

Members reviewed the Board's current guidelines for disciplinary actions. Motl expressed interested in revising the guidelines so that they include a greater explanation for why the Board makes certain recommendations. Ruiz expressed interest in having a draft document that incorporated data and references to support the recommendations.

CONCLUSION AND ADJOURNMENT

There being no further business, the meeting adjourned at 12:45 p.m.

Respectfully submitted,



Sherri Joyner
Health Licensing Coordinator