

**MINUTES OF THE MEETING**  
**of the NEBRASKA**  
**BOARD OF NURSING**  
**December 13, 2018**

**CALL TO ORDER**

The meeting of the Nebraska Board of Nursing was called to order by Janet Andrew, Board Vice-President, at 8:32 a.m., December 13, 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*
- Angela Cuffe, LPN
- Anne Dey, RN
- Tag Herbek, *Public Member*
- Louise LaFramboise, RN
- Patricia Motl, RN
- Kristene Perrin, RN
- Kristen Ruiz, RN
- Linda Stones, RN
- Rita Thalken, *Public Member*
- Karen Weidner, RN, *Board Secretary*
- Katherine Werth, APRN

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*
- Kathy Hoebelheinrich, RN, *Nursing Practice Consultant*
- Jacci Reznicek, RN, *Nursing Education Consultant*
- Anna Harrison, *Compliance Monitor*
- Teresa Hampton, *DHHS Attorney* (arrived at 11:28 a.m.)
- Lisa Anderson, *Assistant Attorney General*
- Ami Huff, *Assistant Attorney General*
- Susan Aerni, *Investigator*
- Jessica Bowman, *Investigator*
- Sharon Fitts, *Investigator*
- Sherri Lovelace, *Investigator*

A quorum was present, and the meeting convened. Introductions were made for the three new Board members – Angela Cuffe, Tag Herbek, and Linda Stones.

**ADOPTION OF THE AGENDA**

**MOTION:** Motl made the motion, seconded by Thalken, to adopt the agenda for the December 13, 2018, Board of Nursing meeting.

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

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

**APPROVAL OF THE MINUTES**

Weidner requested that the Board of Nursing November 8, 2018, minutes be removed from the consent agenda.

**MOTION:** Motl made the motion, seconded by Thalken, to approve the consent agenda.

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

**MOTION:** Thalken made the motion, seconded by Werth, to approve the Board of Nursing November 8, 2018, minutes with corrections.

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

**CLOSED SESSION**

**MOTION:** Motl made the motion, seconded by Werth, 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, Herbek, LaFramboise, Motl, Perrin, Ruiz, Stones, Thalken, Weidner, and Werth. Voting No: None. Abstain: None. Absent: None. Motion carried.

8:52 a.m. Meeting went into closed session.  
 9:14 a.m. Werth left the meeting.  
 9:18 a.m. Werth returned to the meeting.  
 9:23 a.m. LaFramboise left the meeting.  
 9:24 a.m. LaFramboise returned to the meeting.  
 9:37 a.m. Werth left the meeting.  
 9:40 a.m. Werth returned to the meeting.  
 9:50 a.m. Perrin left the meeting.  
 10:00 a.m. Perrin returned to the meeting.  
 11:28 a.m. Hampton entered the meeting. Anderson and Huff left the meeting.  
 11:38 a.m. Andrew left the meeting.  
 11:43 a.m. Meeting returned to open session. Andrew, Anderson, and Huff returned to the meeting.

**LICENSURE RECOMMENDATIONS****FERNANDO D. RAMIREZ ACUNA – LPN APPLICATION**

**MOTION:** Weidner made the motion, seconded by LaFramboise, to recommend issuing Fernando Ramirez Acuna an 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 a diagnosis of a substance use disorder, misdemeanor conviction, and Violation of the Uniform Controlled Substances Act.

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

#### **GARY T. FLORENTINE – LPN REINSTATEMENT FROM DISCIPLINE**

**MOTION:** LaFramboise made the motion, seconded by Perrin to recommend reinstating Gary Florentine's LPN license without restrictions based on his completion of board-specified courses and 30-day suspension.

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

#### **DEBRA A. SAUNDERS – LPN REINSTATEMENT FROM DISCIPLINE**

**MOTION:** Dey made the motion, seconded by LaFramboise, to recommend issuing Debra Saunders a temporary license for the purpose of completing a refresher course within 18 months, and following successful completion on the course, reinstating her LPN license without restrictions.

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

11:48 p.m. Meeting went into recess. Ruiz and Huff left the meeting.

12:21 p.m. Meeting reconvened.

#### **EDUCATION COMMITTEE**

**MOTION:** The Education Committee moved that the Board of Nursing approve Nebraska Methodist College of Nursing's new BSN Philosophy, new BSN program outcomes, proposed BSN curricular structures, and new course descriptions.

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

**MOTION:** The Education Committee moved that the Board of Nursing approve the following Bryan College of Health Sciences BSN courses: NURS 422 Nursing Leadership & Management; NURS 424 Issues and Trends in Professional Nursing II; NURS 425 Prep for Licensure; and NURS 430 Nursing Capstone.

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

**MOTION:** The Education Committee moved that the Board of Nursing approve the following Southeast Community College courses: NURS 1400 Introduction to Nursing; NURS 1420 Transition for the LPN to ADN; NURS 1430 Assessment; and NURS 1440 Pharmacology for Nurses.

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

## **PRACTICE COMMITTEE**

Hoebelheinrich gave an update on the Dermatologic Workgroup. The current workgroup was formed in response to the expansion of dermatologic and cosmetic procedures since the Department's Joint Board Dermatologic Workgroup issued its final report in August 2011. The current workgroup has identified fourteen professions affected by the expansion of these types of procedures. The next step is for each board to establish guidelines on appropriate training for the procedures. To help create these guidelines, the Practice Committee will conduct interviews with interested parties. The committee has drafted questions, and Melissa O'Neill, APRN-NP, who was an advisor for the 2011 report, has agreed to be interviewed to help the committee vet the questions. Hoebelheinrich reported that another component of the Dermatologic Workgroup's plan is to convene a consumer arm so that the public can make better-informed decisions concerning cosmetic/dermatologic procedures.

Hoebelheinrich remarked on the need for APRNs to understand their core competencies. Currently, there are no core competencies for cosmetic procedures. She explained that there are four APRN roles – nurse practitioner, certified registered nurse anesthetist, certified nurse midwife, and certified nurse specialist. Within each role, an APRN must also have a population focus and a certification. It is the certification that determines what an APRN's core competencies are, although these core competencies are not always clearly spelled out.

## **ELECTION OF 2019 OFFICERS**

Motl and Werth were nominated for the office of Board President. Election was held by secret ballot. Motl received six votes and Werth received five votes. Oertwich announced that Motl was elected as Board President.

Andrew and Perrin were nominated for the office of Board Vice-President. Election was held by secret ballot. Andrew received eight votes and Perrin received three votes. Oertwich announced that Andrew was elected as Board Vice-President.

Weidner was the only nominee for Board Secretary. Weidner was elected Secretary by acclamation.

## **2019 LEGISLATION**

Oertwich reported that a bill to create a registry for surgical technologists will probably be introduced again in 2019, and that she expects the bill will contain a provision allowing for physician delegation. Legislation to adopt the APRN Licensure Compact is also likely to be introduced. Sen. Sara Howard might introduce legislation that would require RNs to complete continuing education regarding opioids.

## **BOARD MEMBER ORIENTATION**

Oertwich noted that it is not unusual for new Board members to feel overwhelmed by the amount of information they must assimilate. Rather than bombarding new members with a lot of training materials at once, she thought it was better for new members to attend a meeting first, and then be introduced to the orientation materials more gradually.

## **COMMUNICATION**

RN Renewals – Reznicek reported that just under 30,000 RNs renewed their Nebraska licenses by the end of the 2018 renewal cycle. Staff are currently conducting continuing education audits, and of the over 1,000 RNs who were randomly selected for audits, approximately 85% have already submitted the required documentation. Perrin, noting that some states do not require nurses to complete continuing education, wondered if the staff hours required to conduct the audits were reasonable. Oertwich said that the NCSBN is studying the efficacy of continuing education and she expects relevant studies to be published in upcoming years.

Oertwich reported that a customer satisfaction survey has been emailed to all RNs who renewed, and that they have already received around 1,600 responses.

172 NAC 99 –Oertwich explained that the two major regulations governing RNs and LPNs are the Regulations Governing the Provision of Nursing Care (172 NAC 99) and the Regulations Governing the Practice of Nursing (172 NAC 101). They are often referred to as Chapter 99 and Chapter 101 respectively. They have not been updated since 2006. Nursing has prioritized updating Chapter 99 first because the elimination of the LPN-C credential has created a need for new language concerning LPNs performing intravenous therapy tasks.

Hampton explained that the regulations she is responsible for reviewing have been ranked by the Department in terms of priority. There are eight sets of regulations that have been given higher priority status than Chapter 99.

Staff Updates – Oertwich reported that she is serving as Treasurer for the Nurse Licensure Compact's Executive Committee. A major item discussed at the Committee's most recent meeting concerned implementing the Compact in new states. Prior to 2017, when a new state joined the Compact, the licenses of RNs and LPNs who lived in that state were automatically converted to multistate licenses. When the new Compact rules were implemented in January 2018, nurses who lived in states that were not part of the previous Compact had to apply with their state boards in order to obtain a multistate license. Oertwich reported that in Oklahoma only 8% of RNs have obtained a multistate license. The Compact is considering adopting policies that would once again authorize converting the active licenses of all nurses living in a new state to multistate status except in cases where the license is on probation or otherwise limited. Kansas and Louisiana will join the Compact in July 2019. There are also efforts underway in a number of states, including Alaska, Nevada, Pennsylvania, and Michigan, to join the Compact.

Nursing News – Hoebelheinrich reported that she is still receiving phone calls regarding her article on the role of medical assistants. Some callers mistakenly assume that the information in the article is the result of recent changes. Oertwich noted that more people need to understand that only RNs can delegate nursing tasks to unlicensed persons, and that when an RN does delegate a task, the RN is responsible for the outcome. Weidner added that RNs cannot delegate complex nursing tasks. Hampton noted that whether or not a task is complex can depend on the condition of the patient. Oertwich and Hoebelheinrich plan to speak at an upcoming Board of Medicine meeting on the topic of delegation.

Oertwich reported that plans for the next edition of *Nursing News* include articles on school nurses, verbal orders, and LPNs performing IV therapy.

## **CONCLUSION AND ADJOURNMENT**

There being no further business, the meeting adjourned at 1:45 p.m.

Respectfully submitted,



Sherri Joyner  
Health Licensing Coordinator