

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

**January 8, 2015**

**CALL TO ORDER**

The meeting of the Nebraska Board of Nursing was called to order by Maxine Guy, Board President, at 8:33 a.m., January 8, 2015, at the Gold's Building, 1033 O Street, Room 534, 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. Guy 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                                | • Kathleen Pepin, RN                 |
| • Maxine Guy, LPN, <i>President</i>                | • Kristene Perrin, RN                |
| • Wendy Kallhoff, RN                               | • Dawn Straub, RN                    |
| • Anthony LaRiche, <i>Public Member, Secretary</i> | • Rita Thalken, <i>Public Member</i> |
| • Linda Lazure, RN                                 | • Karen Weidner, RN                  |

The following board members were absent during roll call:

- Jane Carmody RN
- Kelley Hasenauer, APRN-NP, *Vice President*

A quorum was present and the meeting convened.

The following staff members from the Department and the Attorney General's Office were also present:

- |  |   |
|--|---|
| • Karen Bowen, RN, <i>Executive Director</i>             | • Lisa Anderson, <i>Assistant Attorney General</i>  |
| • Teresa Roddy, RN, <i>Education Consultant</i>          | • Shane Bailey, <i>Health Licensing Coordinator</i> |
| • Nancy "Niki" Eisenmann, RN, <i>Practice Consultant</i> | • Anna Harrison, RN, <i>Compliance Monitor</i>      |
| • Teresa Hampton, <i>Attorney</i> (arrived 10:40 a.m.)   | (arrived 10:08 a.m.)                                |

**ADOPTION OF THE AGENDA**

**MOTION:** Straub made the motion, seconded by Kallhoff, to adopt the revised agenda.

**Voting Yes:** Andrew, Kallhoff, LaRiche, Lazure, Pepin, Perrin, Straub, Thalken, and Weidner.

**Voting No:** None. **Abstain:** Guy. **Absent:** Carmody and Hasenauer. **Motion carried.**

**APPROVAL OF THE CONSENT AGENDA**

**MOTION:** Andrew made the motion, seconded by Pepin, to approve the consent agenda with modifications.

**Voting Yes:** Andrew, Kallhoff, LaRiche, Lazure, Pepin, Perrin, Straub, Thalken, and Weidner.

**Voting No:** None. **Abstain:** Guy. **Absent:** Carmody and Hasenauer. **Motion carried.**

**These minutes were approved by  
the Board of Nursing.**

## **COMMUNICATION**

### **Public Notification of Board Meetings**

The Board was asked how they preferred the public to be notified of board meetings. Currently, the public is notified of the Board of Nursing's meetings by having the agenda posted on the Department's website, posted outside the Licensure Unit within the Nebraska State Office Building (Lincoln), and sent via email to any interested parties.

**MOTION:** LaRiche made the motion, seconded by Lazure, for the Board of Nursing to approve the public notifications of board meetings on the DHHS website, sent to stakeholders, and posted at the State Office Building as has been previously done.

**Voting Yes:** Andrew, Kallhoff, LaRiche, Lazure, Pepin, Perrin, Straub, Thalken, and Weidner.

**Voting No:** None. **Abstain:** Guy. **Absent:** Carmody and Hasenauer. **Motion carried.**

### **Nebraska Nursing News Newsletter**

Bowen informed the Board that the winter issue focusing on Advanced Practice Registered Nurses (APRNs) will be out soon. The spring issue will focus on the results of the RN renewal survey along with other articles that didn't make it into the last issue due to limited space. There will be a planned article on the Ebola virus and health care.

### **Updated Graphs of NCLEX Pass Rates**

The Board reviewed the updated graphs of NCLEX-PN and NCLEX-RN pass rates for Nebraska nursing programs. The new graphs reflect the most current pass rates. Previously the Board had requested for the graphs to be published but this had been delayed due to one nursing program's data discrepancy. The NCLEX pass rates of the fourth quarter of 2014 will be released at the end of January. Roddy will incorporate the fourth quarter data into the NCLEX graphs before having them published on the Department's website and within *Nursing News*.

### **National Council of State Boards of Nursing (NCSBN)**

The new *Journal of Nursing Regulation*, published by NCSBN, will be released this month. There will be a detailed report on the NCSBN's Transition to Practice research study.

The Board and Department staff discussed the Transition to Practice study. The NCSBN had studied various transition to practice programs within institutions across three states (Ohio, Illinois, and North Carolina). The purpose of the programs was to enable new nursing graduates to transition from the academic setting into health care setting. The study found that new graduates within hospital-based "established" transition to practice programs had fewer reported errors and negative safety practices, higher competence ratings, decreased levels of stress, increased job satisfaction, and low turn-over rates. The NCSBN needs to conduct further research to obtain more data, particularly in regards to transition programs within non-hospital facilities. It was suggested that an article on the Transition to Practice study should be written and published within *Nursing News*.

Bowen informed the Board that NCSBN's Midyear Meeting will be held in mid-March. Board members who are interested in attending the meeting should inform Bowen. With recent administrative changes within the Department, it is uncertain at this point if travel policies will change. The following board members expressed their interest in attending Midyear Meeting: Pepin, Perrin, Straub, and Weidner. Bailey stated that Carmody had expressed her interest via email sent before the commencement of the day's board meeting.

## **CRIMINAL BACKGROUND CHECK (CBC) WORKGROUP**

In December 2014, Lazure, Carmody and Straub had a face-to-face meeting with Senator Burke Harr in Omaha. The intention of the meeting was to discuss proposed legislation to introduce fingerprint-based criminal background checks on all initial and endorsement LPN and RN applicants. Senator Harr plans to introduce the new legislation. The Nebraska Nurses Association (NNA) has been informed of the Board's intent to introduce new legislation on criminal background checks. The NNA has expressed support for the proposed legislation.

The Board reviewed documents the CBC workgroup had drafted. One document was a bulleted list of key facts intended to be distributed to stakeholders. The Board reviewed the draft document and made suggested revisions.

**MOTION:** Lazure made the motion, seconded by Weidner, for the Board to accept the *Legislative Proposal Key Facts* sheet as amended.

**Voting Yes:** Andrew, Kallhoff, LaRiche, Lazure, Pepin, Perrin, Straub, Thalken, and Weidner.

**Voting No:** None. **Abstain:** Guy. **Absent:** Carmody and Hasenauer. **Motion carried.**

The Board reviewed the draft letter of support for proposed legislation to require criminal background checks on applicants for an initial nursing license. The letter is to be distributed to stakeholders.

**MOTION:** Lazure made the motion, seconded by Weidner, for the Board to send letters of support for the Criminal Background Check legislative bill to designated stakeholders.

**Voting Yes:** Andrew, Kallhoff, LaRiche, Lazure, Pepin, Perrin, Straub, Thalken, and Weidner.

**Voting No:** None. **Abstain:** Guy. **Absent:** Carmody and Hasenauer. **Motion carried.**

9:52 a.m.      *The meeting recessed and Bailey left for the remainder of the meeting.*

10:08 a.m.      *The meeting reconvened with Weidner being absent.*

10:08 a.m.      *Harrison arrived to the meeting.*

10:10 a.m.      *Weidner returned to the meeting.*

## **BOARD BUSINESS: NURSE LICENSURE COMPACT (NLC) REVISIONS**

Bowen led the Board in a review of proposed revisions to the Nurse Licensure Compact. The Executive Officers from the compact states have been engaged in discussions with the NCSBN and an attorney on adding revisions to the language of the NLC. The Board reviewed the revisions along with a document from the NCSBN which summarized the key revisions. Bowen has shared the key revisions with Department administration. One of the revisions would require compact states to conduct FBI fingerprint-based criminal background checks on all initial nursing licensure applicants. Nebraska is currently in the process of introducing legislation which would require such background checks. Another key revision to the NLC would prohibit an applicant from having a multi-state nursing license if the individual has certain criminal convictions. The individual could still qualify for a single-state license. A number of states will not join the NLC because they already have within their own state statutes language which bars an applicant from receiving a nursing license if s/he has certain criminal convictions. A third key revision would place rulemaking at the compact level rather than the state level.

Board members discussed the revision language and changes. Bowen will soon be voting on the NLC revisions on behalf of the Board.

**MOTION:** Lazure made the motion, seconded by Straub, for the Board to support the Nurse Licensure Compact (NLC) revisions as outlined in *A Brief Summary of Key Revisions to the NLC, August 27, 2014*, and the November 6, 2014 CRT Revision.

**Voting Yes:** Andrew, Kallhoff, LaRiche, Lazure, Pepin, Perrin, Straub, Thalken, and Weidner.

**Voting No:** None. **Abstain:** Guy. **Absent:** Carmody and Hasenauer. **Motion carried.**

10:40 a.m. Hampton arrived to the meeting.

**MOTION:** Weidner made the motion, seconded by Lazure, 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, Kallhoff, LaRiche, Lazure, Pepin, Perrin, Straub, Thalken, and Weidner.

**Voting No:** None. **Abstain:** Guy. **Absent:** Carmody and Hasenauer. **Motion carried.**

### **CLOSED SESSION**

10:53 a.m. The meeting went into closed session and Anderson left the meeting.

11:35 a.m. Anderson returned to the meeting and Hampton left for the remainder of the meeting.

11:35 a.m. The meeting recessed.

The following Department staff members joined the meeting during closed session:

- Kristi Chapman, RN, *Investigator*
- Pat Lemke, RN, *Investigator*
- Sharon Fitts, RN, *Investigator*
- Peggy Persell, RN, *Program Manager*

11:50 a.m. The meeting reconvened.

12:09 p.m. Weidner left the meeting.

12:16 p.m. Weidner returned to the meeting.

12:44 p.m. Lazure, Pepin, and Weidner left the meeting.

1:01 p.m. Lazure, Pepin, and Weidner returned to the meeting.

1:28 p.m. The meeting came out of closed session.

### **LICENSURE RECOMMENDATIONS**

#### **SARAH MERTZ—LPN REINSTATEMENT**

**MOTION:** LaRiche made the motion, seconded by Straub, for the Board to reinstate the LPN license of Sarah Mertz 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 a treating practitioner; provide verification from a treating practitioner of all prescription medication being taken; report all prescription medications being taken; submit to random body fluid screens; advise the Department of any professional counseling and submit reports; comply with any treatment recommendations, including recommendations for attendance at support group meetings and maintaining a sponsor; and actively practice as a nurse for 3,120 hours during the five year probationary period; along with the usual terms and conditions. This recommendation is based on the following: previous licensure discipline which includes a diagnosis of alcohol dependence, cannabis dependence, amphetamine dependence and polysubstance dependence; completion of a specialized treatment and recovery

program; compliance with treatment recommendations; active involvement in the substance abuse/addiction recovery process; a reported sobriety date of September 16, 2013; reported attendance at support group meetings and maintaining a sponsor; and positive letters of reference from Nebraska Families Collaborative and the Nebraska Probation Office.

**Voting Yes:** Andrew, Kallhoff, LaRiche, Lazure, Pepin, Perrin, Straub, Thalken, and Weidner.  
**Voting No:** None. **Abstain:** Guy. **Absent:** Carmody and Hasenauer. **Motion carried.**

## **CONCLUSION AND ADJOURNMENT**

There being no further business, the meeting adjourned at 1:32 p.m.

The following individuals collaborated on recording these minutes of the meeting:

- Shane Bailey, *Health Licensing Coordinator*
- Nancy "Niki" Eisenmann, RN, *Nurse Practice Consultant*
- Anthony LaRiche, *Public Member, Board Secretary*
- Teresa Roddy, RN, *Nurse Education Consultant*