

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

February 12, 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., February 12, 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 | • Linda Lazure, RN |
| • Maxine Guy, LPN, <i>Board President</i> | • Kathleen Pepin, RN |
| • Wendy Kallhoff, RN | • Dawn Straub, RN |
| • Anthony LaRiche, <i>Public Member, Secretary</i> | • Karen Weidner, RN |

The following board members were absent during roll call:

- | | |
|--|---|
| • Jane Carmody RN (arrived 9:21 a.m.) | • Kristene Perrin, RN (arrived 8:40 a.m.) |
| • Kelley Hasenauer, APRN-NP, <i>Vice President</i> | • Rita Thalken, <i>Public Member</i> |

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 9:57 a.m.) |

ADOPTION OF THE AGENDA

Weidner asked for the Annual Report Summary of Western Nebraska Community College's practical nursing (PN) program to be removed from the agenda as it had already been approved at a previous meeting.

MOTION: Straub made the motion, seconded by Weidner, to adopt the agenda with the requested modification.

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

8:40 a.m. Perrin arrived to the meeting.

APPROVAL OF THE CONSENT AGENDA

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

**These minutes have been approved
by the Board of Nursing.**

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

EDUCATION COMMITTEE

- 1) The Education Committee made the motion for the Board of Nursing to approve the 2013 annual school report summary of Central Community College's practical nurse (PN) program.

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

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

- 2) The Education Committee made the motion for the Board of Nursing to approve the 2013 annual school report summary of Central Community College's associate degree (AD) nursing program.

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

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

- 3) The Education Committee made the motion for the Board of Nursing to approve the 2013 annual school report summary of Clarkson College's practical nursing (PN) program.

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

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

- 4) The Education Committee made the motion for the Board of Nursing to approve the 2013 annual school report summary of Clarkson College's Bachelor of Science in Nursing (BSN) program.

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

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

- 5) The Education Committee made the motion for the Board of Nursing to approve the 2013 annual school report summary of Kaplan University-Lincoln Campus' associate degree (AD) nursing program.

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

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

- 6) The Education Committee made the motion for the Board of Nursing to approve the 2013 annual school report summary of Kaplan University-Omaha Campus' practical nursing (PN) program with requested corrections and clarification of faculty appointments from Dr. Johnstone.

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

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

- 7) The Education Committee made the motion for the Board of Nursing to approve the 2013 annual school report summary of Northeast Community College's practical nursing (PN) program.

Voting Yes: Andrew, Kallhoff, LaRiche, Lazure, Pepin, Perrin, and Straub. **Voting No:** None.

Abstain: Guy & Weidner. **Absent:** Carmody, Hasenauer, and Thalken. **Motion carried.**

- 8) The Education Committee made the motion for the Board of Nursing to approve the 2013 annual school report summary of Northeast Community College's associate degree (AD) nursing program.

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

- 9) The Education Committee made the motion for the Board of Nursing to approve the 2013 annual school report summary of Union College's Bachelor of Science in Nursing (BSN) program.

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

- 10) The Education Committee made the motion for the Board of Nursing to approve the 2013 annual school report summary of Western Nebraska Community College's associate degree (AD) nursing program.

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

- 11) The Education Committee made the motion for the Board of Nursing to approve the following courses submitted by Kaplan University—Omaha Campus (BSN program) with suggestions: NU 305—Clinical Pharmacology; NU 311—Nursing Care of Adults I; and NU 311ME—Nursing Care of Adults Clinical.

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

- 12) The Education Committee made the motion for the Board of Nursing to approve the following courses submitted by College of St. Mary (BSN program) with suggestions: NUR 303—Multi-System Medical Surgical Nursing; NUR 304—Multi-System Medical Surgical Nursing Pharmacology; NUR 306—Nursing Leadership and Management; and NUR 307—Professional Nursing Preceptorship.

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

- 13) The Education Committee made the motion for the Board of Nursing to approve the following courses submitted by Nebraska Wesleyan University (BSN program) with specific recommendations: NURS 2000—Foundations of Professional Nursing Practice; NURS 2180—Health Assessment; and NURS 2200—Medical Surgical I.

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

- 14) The Education Committee made the motion for the Board of Nursing to approve the following realignment of credit hours submitted by Nebraska Methodist College (BSN program): one credit hour will be moved from NRS 220—Community-Based Care with Adults (which will be

renumbered NRS 210) to NRS 100—Intro to Community-Based Nursing (which will be renumbered NRS 101).

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

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

15) The Education Committee made the motion for the Board of Nursing to approve the following curriculum change submitted by Northeast Community College (PN program): incorporate the LPN-C content into the generic LPN program to include decreasing NURS 1140 from 4 to 3 credit hours and to create a new course, NURS 1150, for one credit hour.

Voting Yes: Andrew, Kallhoff, LaRiche, Lazure, Pepin, Perrin, and Straub. **Voting No:** None.

Abstain: Guy and Weidner. **Absent:** Carmody, Hasenauer, and Thalken. **Motion carried.**

Roddy briefly updated the Board on the graphs of Nebraska nursing program pass rates. The graphs show the NCLEX-PN and NCLEX-RN pass rates of nursing programs over the past five years. The graphs have been updated with the latest data. These graphs will be uploaded to the Department's website for public visibility. The updated graphs will also be published in a future issue of *Nursing News*.

16) The Education Committee made the motion for the Board of Nursing to approve the site visit survey report of Western Nebraska Community College's practical nursing (PN) program with suggestions.

Voting Yes: Andrew, Kallhoff, LaRiche, Lazure, Pepin, Straub, and Weidner. **Voting No:** None.

Abstain: Guy & Perrin. **Absent:** Carmody, Hasenauer, and Thalken. **Motion carried.**

17) The Education Committee made the motion for the Board of Nursing to approve the site visit survey report of Western Nebraska Community College's associate degree (AD) nursing program with suggestions.

Voting Yes: Andrew, Kallhoff, LaRiche, Lazure, Pepin, Straub, and Weidner. **Voting No:** None.

Abstain: Guy & Perrin. **Absent:** Carmody, Hasenauer, and Thalken. **Motion carried.**

18) The Education Committee made the motion for the Board of Nursing to approve continual approval of Western Nebraska Community College's practical nursing (PN) program.

Voting Yes: Andrew, Kallhoff, LaRiche, Lazure, Pepin, Straub, and Weidner. **Voting No:** None.

Abstain: Guy & Perrin. **Absent:** Carmody, Hasenauer, and Thalken. **Motion carried.**

19) The Education Committee made the motion for the Board of Nursing to place Western Nebraska Community College, associate degree (AD) nursing program, on warning status due to pass rates of the graduates lower than the national pass rate for four consecutive years.

Voting Yes: Andrew, Kallhoff, LaRiche, Lazure, Pepin, Straub, and Weidner. **Voting No:** None.

Abstain: Guy & Perrin. **Absent:** Carmody, Hasenauer, and Thalken. **Motion carried.**

20) The Education Committee made the motion for the Board of Nursing to place Kaplan University—Lincoln Campus, associate degree (AD) nursing program, on warning status due to frequent nursing department administrative changes and/or faculty turnover and a pass rate of the graduates lower than the national pass rate for two consecutive years.

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

21) The Education Committee made the motion for the Board of Nursing to place Breckinridge School of Nursing and Health Sciences at ITT Tech, associate degree (AD) nursing program, on warning status due to frequent nursing department administrative changes and/or faculty turnover and a pass rate of the graduates lower than the national pass rate for three consecutive years.

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

Roddy spoke to the Board on nursing program site visits. She has already completed site visits at Western Nebraska Community College, ITT/Breckinridge School of Nursing and Health Sciences, and Mid-Plains Community College. At the end of February, she will be conducting a site visit at Midland University, later to be followed by site visits at Metropolitan Community College and Southeast Community College. In September, Roddy will conduct site visits at the nursing programs of Union College and University of Nebraska Medical College.

CENTER FOR NURSING FOUNDATION UPDATE

LaRiche stated that the next meeting of the Nebraska Center for Nursing Foundation will be held at the office of the Nebraska Hospital Association on Friday, February 13, 2015. The Foundation plans to discuss the 2015 Nurses Who Make a Difference campaign and application materials; an update on the Passport Project, and any new fundraising ideas.

COMMUNICATION

Bowen informed the Board that the spring issue of *Nursing News* will have articles profiling the License Lookup tool on the Department's website and the National Council of State Boards of Nursing's (NCSBN) e-Notify resource tool. The summer issue will continue to have profiles on new board members.

Bailey informed the Board that the March and April board meetings will be held in the Nebraska State Office Building. There will also be a change in accommodations for those members who normally stay overnight in a hotel. Bailey will provide details and maps to meeting and hotel locations next month.

The next issues forum will be held on April 8, 2015. Bowen asked the Board what issues they would like to see addressed at this forum. The topic of substance abuse recovery was suggested.

Bowen provided a few general updates from NCSBN and the Nurse Licensure Compact.

9:21 a.m. Carmody arrived to the meeting.

The Board discussed the APRN Consensus Model and the restrictions that some states currently have in place for APRNs. The Board also discussed mandatory reporting as required by Nebraska law.

Lazure updated the Board on LB 129 which proposes to require criminal background checks for applicants applying for licensure as an LPN or RN in Nebraska. The bill had a hearing on January 28th, at which Lazure had given testimony. During the hearing, the senators of the Health & Human Services Committee had asked about criminal background checks on nurse aides (also known as nursing assistants, CNAs) and the possibility of incorporating them into LB 129. Lazure presented the matter to the Board for discussion.

The Board and Department staff discussed the issue. Bowen stated that the Board of Nursing does not have authority to regulate nurse aides, that nurse aides are unlicensed personnel and are placed upon the Nurse Aide Registry. Eisenmann stated that nurse aides are not included in Nebraska's Uniform Credentialing Act. The Board came to the consensus that they cannot include nurse aides into the language of LB 129.

The Board discussed LB 107 which proposes to eliminate the requirement for a practice agreement between nurse practitioners and physicians. The Board discussed paramedics and scope of practice.

9:57 a.m. *Harrison arrived to the meeting.*
 10:02 a.m. *Andrew left the meeting.*
 10:07 a.m. *Andrew returned to the meeting.*

It was suggested to Bowen that a future issues forum could be on the legislative process.

10:15 a.m. *The meeting recessed.*
 10:37 a.m. *The meeting reconvened.*

There was further discussion on various new legislative bills related to healthcare.

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

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

CLOSED SESSION

10:45 a.m. *The meeting went into closed session.*
 10:46 a.m. *Anderson left the meeting.*

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

- Kristi Chapman, RN, *Investigator*
- Sharon Fitts, RN, *Investigator*
- Pat Lemke, RN, *Investigator*
- Peggy Persell, RN, *Program Manager*
- Kimberly Jasa, *Staff Assistant*
- Paul Weber, *Staff Assistant*

11:48 a.m. *Hampton left for the remainder of the meeting.*
 11:48 a.m. *The meeting recessed.*
 12:00 p.m. *The meeting reconvened with Weidner being absent.*
 12:00 p.m. *Anderson returned to the meeting.*
 12:07 p.m. *Weidner returned to the meeting.*
 12:39 p.m. *Straub left the meeting.*
 12:47 p.m. *Straub returned to the meeting.*
 1:01 p.m. *Kallhoff left the meeting.*
 1:06 p.m. *Kallhoff returned to the meeting.*

1:49 p.m. Andrew left the meeting.
 1:52 p.m. Andrew returned to the meeting.
 1:53 p.m. Perrin left the meeting.
 1:58 p.m. Perrin returned to the meeting.
 2:24 p.m. Harrison left the meeting.
 2:45 p.m. The meeting came out of closed session.

LICENSURE RECOMMENDATIONS

▪ MELINDA HILL—RN REINSTATEMENT

MOTION: Andrew made the motion, seconded by Straub, for the Board to request a pre-reinstatement investigation to make a more informed decision.

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

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

▪ LISA HUNT—LPN REINSTATEMENT

MOTION: Weidner made the motion, seconded by Andrew, for the Board to recommend a pre-reinstatement investigation in order to make a more informed decision.

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

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

▪ RENE CHARVAT—LPN REINSTATEMENT

MOTION: Carmody made the motion, seconded by Kallhoff, for the Board to recommend denying reinstatement of an LPN license due to there being insufficient evidence presented to substantiate a change in circumstances.

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

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

▪ NICOLE CHASE—RN REINSTATEMENT

MOTION: LaRiche made the motion, seconded by Lazure, for the Board to reinstate the RN license of Nicole Chase 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; report and provide verification from a treating practitioner of all prescription medication 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; have no access to controlled substances in the course of nursing employment for one year; after which, access to controlled substances is to be under direct supervision for one year; actively practice as a nurse for 3,120 hours during the five year probationary period; and notify the Department of completion or termination of court ordered probation, along with the usual terms and conditions. This motion is based on previous licensure discipline which includes a diagnosis of opioid dependence; completion of treatment programs; compliance with treatment recommendations; active involvement in the substance abuse/addiction recovery process; documented and reported attendance at support group meetings and maintaining a sponsor; a reported sobriety date

of October 14, 2012; and positive letters of reference from her probation officer, pastor, and recovery group leader.

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

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

- CARRIE MAGORIAN—LPN & LPN-C REINSTATEMENT

MOTION: Weidner made the motion, seconded by Andrew, for the Board to recommend reinstating unrestricted LPN and LPN-C licenses to Carrie Magorian. The recommendation is based on positive employer evaluations and a positive work history.

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

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

- RACHEL SCOTT—RN APPLICANT

MOTION: Kallhoff made the motion, seconded by Carmody, for the Board to recommend issuing an unrestricted RN license to Rachel Scott.

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

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

- DESIREE RHOADS—LPN APPLICANT

MOTION: Straub made the motion, seconded by Lazure, for the Board to recommend issuing an unrestricted LPN license to Desiree Rhoads.

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

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

- KATHERINE GRAHAM—LPN APPLICANT

MOTION: Lazure made the motion, seconded by Straub, for the Board to recommend denial of an LPN license based upon three dependence diagnoses (cannabis, methamphetamine, and alcohol) and continued alcohol use.

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

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

- JENNIFER CARDA—LPN APPLICANT

MOTION: Carmody made the motion, seconded by Kallhoff, for the Board to recommend a pre-licensure investigation in order to make a more informed decision.

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

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

▪ GRACE FITTING—LPN APPLICANT

MOTION: Weidner made the motion, seconded by Andrew, for the Board to recommend a pre-licensure investigation in order to make a more informed decision.

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

▪ LINDSEY PARKER—LPN APPLICANT

MOTION: Straub made the motion, seconded by Perrin, for the Board to recommend issuance of an LPN license on probation for two years with the following terms and conditions: abstain from alcohol; report all prescription medications taken and provide verification from a treating practitioner of all prescription medication 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 2,080 hours during the two year probationary period, along with the usual terms and conditions. This recommendation is based on misdemeanor convictions and an alcohol abuse diagnosis.

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

Bowen informed the Board of the Spring 2015 Member Board Review. The deadline to register is February 13, 2015. The Member Board Review is an opportunity for board members to review the NCLEX-PN and NCLEX-RN test questions from the current and previous quarters through simulated computerized adaptive examinations. Lazure and Weidner briefly shared their positive experiences at participating in this review and encouraged others to participate. The reviews will take place April 13th to May 4th. Perrin and Kallhoff expressed interest in registering.

Lazure announced her retirement in May and that her school had recently given her a distinguished service award. Board and staff members congratulated Lazure.

CONCLUSION AND ADJOURNMENT

There being no further business, the meeting adjourned at 3:05 p.m.

Respectfully submitted,



Shane Bailey,
 Health Licensing Coordinator