

**MINUTES OF THE MEETING**  
**of the**  
**NEBRASKA BOARD OF NURSING**  
**March 10, 2016**

**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., March 10, 2016, at Staybridge Suites, 2701 Fletcher Ave., 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
- Maxine Guy, LPN, *Board President*
- Kelley Hasenauer, APRN-NP, *Vice-President*
- Louise LaFramboise, RN
- Anthony LaRiche, *Public Member, Secretary*
- Kathleen Pepin, RN
- Kristene Perrin, RN
- Dawn Straub, RN
- Rita Thalken, *Public Member*
- Karen Weidner, RN

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

- Becky Wisell, *Administrator, Licensure Unit*
- Sherri Joyner, *Health Licensing Coordinator*
- Kimberley Lewis, *Health Licensing Specialist*
- Anna Harrison, RN, *Compliance Monitor*
- Matt Gelvin, *Program Manager*
- Christopher "C.J." Roberts, *Attorney* (arrived at 9:45 a.m.)
- Lisa Anderson, *Assistant Attorney General*
- Ami Huff, *Assistant Attorney General*
- Peggy Persell, *Investigations Unit Program Manager* (arrived at 12:15p.m.)
- Jessica Bowman, *Investigator* (arrived at 12:15 p.m.)
- Sharon Fitts, *Investigator* (arrived at 12:00 p.m.)
- Pat Lemke, *Investigator* (arrived at 12:00 p.m.)
- Mandy Mahar-Clark, *Investigator* (arrived at 12:15 p.m.)

A quorum was present, and the meeting convened.

**ADOPTION OF THE AGENDA**

**MOTION:** Hasenauer made the motion, seconded by Weidner, to approve the revised agenda of the Nebraska State Board of Nursing for March 10, 2016.

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

These minutes were approved by the  
Board of Nursing on April 14, 2016.

## **APPROVAL OF THE MINUTES**

**MOTION:** Andrew made the motion, seconded by Thalken, to approve the corrected Board of Nursing meeting minutes from February 18, 2016.

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

## **COMMUNICATION**

### **Staff Updates**

Wisell announced that an offer was made to the top candidate for the Executive Director position. The Department will also begin recruitment for the Education Consultant and Practice Consultant positions.

### **Nursing News**

The next issue of *Nursing News* is scheduled to be published in mid-May. This issue will include “bios” of LaFramboise, Pepin, and Perrin, and an article by Guy about the National Council of State Boards of Nursing (NCSBN) Midyear Meeting. Joyner mentioned the possibility of including an article about the Scope of Practice Decision Model that the Board will review in April. Members recommended that the next issue include a focus on National Nurses Week.

### **Legislative Updates**

Wisell reported that LB 471 and LB 859 were both passed by the Legislature and have been approved by the Governor. LB 471 will require that all prescriptions for controlled substances in Nebraska be reported to the Prescription Monitoring Program beginning January 1, 2017. Beginning January 1, 2018, all prescriptions must be reported. Under the terms of LB 859, the Department, rather than the Board, will issue cease and desist orders. The board review and recommendation process will remain unchanged.

### **NCSBN Mid-Year Meeting**

Guy, Pepin, Perrin, and Wisell are scheduled to attend the National Council of State Boards of Nursing (NCSBN) Mid-Year Meeting on March 14-16, 2016. In the event that any items are presented during the meeting that require a vote, the Board designated Guy as the voting delegate.

### **April 13, 2016, Issues Forum**

The Board would like to use the Issues Forum scheduled for April 13, 2016, for strategic planning. Wisell asked if members wanted a facilitator for strategic planning. Several members said it would be helpful to have a facilitator with experience in nursing or healthcare.

## **CREENTIALING REVIEW PROCESS**

Matt Gelvin, Program Manager for the Credentialing Review (407) Program, spoke about the steps required to start the Credentialing Review process (also known as a 407 review). The Board would like to incorporate LPN-C duties into the scope of practice for LPNs, thus eliminating the need to have a separate LPN-C license. Because the proposal would represent a change in the LPN scope of practice, a 407 review is



required before the proposed revisions to the Nurse Practice Act and LPN-C statutes can be submitted to the Legislature.

Gelvin described the three steps required to start the 407 review process:

- 1) Submit a letter of intent;
- 2) Identify persons who will represent the applicant group;
- 3) Write a proposal using the outline in the Nebraska Credentialing Review Program manual.

The Program manual, sample letters of intent, and sample proposals are available on the Program's website. Gelvin provided Board members with a handout that included a link to the website. Gelvin said that if an applicant group emails him a draft proposal, he will provide the group with feedback.

Gelvin said that once the proposal is submitted, the review process generally takes six to eight months to complete. Members asked if the timeline would enable them to introduce legislation in the 2017. Gelvin said it might be possible.

Members noted that there was significant support for incorporating LPN-C duties into the LPN scope of practice. Hasenauer said that employers are supportive because it will simplify things for them. Weidner said that schools are making curriculum changes on the premise that LPN-C duties will become part of the LPN scope of practice. Weidner also noted that intravenous therapy items are already included on the NCLEX-PN exam.

Andrew, Guy, Pepin, Perrin, and Weidner volunteered to serve as applicant group representatives, with Perrin serving primarily in an observatory role. Karen Weidner agreed to reach out to Crystal Higgins, Program Chair of Southeast Community College's PN program, to see if she wanted to be an applicant group representative. Hasenauer recommended also trying to find a hospital representative to serve on the group.

Pepin and Weidner offered to draft a letter of intent and send it to the other applicant group representatives for feedback. Wisell noted that if a board is the applicant group, the \$500 Credential Review fee can be waived if the letter of intent specifically requests a fee waiver. The draft letter of intent will be placed on the agendas for the April Issues Forum and the April 14, 2016, Board of Nursing meeting.

### **CENTER FOR NURSING FOUNDATION UPDATE**

LaRiche reported that four Foundation members met on February 26, 2016. Several items were reviewed, but no decisions were made due to lack of quorum. Nolan Gurnsey, RN, a Center for Nursing Board member, also attended by phone. Mr. Gurnsey will ask to be appointed by the Center for Nursing to the Foundation Board. The Foundation will prepare an article about the 2015 Nurses Who Make a Difference Campaign for publication in the *Nursing News* and in the Nebraska Nurses Association's newsletter. Members discussed whether or not to continue the Nurses Who Make a Difference Campaign and who should coordinate the Passport Program in the future. The Foundation Board plans to meet again in April.

### **MSN WAIVER MAIL BALLOTS**

Wisell reported the results of two mail ballots that were distributed to Board members on February 21, 2016:

- On the request from the Northeast Community College PN and ADN programs for a MSN faculty waiver for Brooke Lancaster, BSN, RN, for the spring 2016 semester: Eight (8) Board members voted to APPROVE the request. One (1) member abstained.
- On the request from the Northeast Community College PN and ADN programs for a MSN faculty waiver for Brian Brandt, BSN, RN, for the spring 2016 semester: Eight (8) Board members voted to APPROVE the request. One (1) member abstained.



## **NCLEX 2015 PASS RATES**

Guy noted that six programs in Nebraska had NCLEX-RN pass rates in 2015 that were below the national average. In 2014, there were five programs below average, and in 2013, there were six. Three schools have had NCLEX-RN pass rates below the national average for the past three years. Those three programs are on Board warning status. Guy said the Education Committee will bring recommendations to the April 2016 Board meeting regarding the status of the three programs. Among PN programs, two schools had NCLEX-PN pass rates below the national average in 2015. Guy noted that one of those schools was preparing to close its LPN program. Weidner said that NCLEX-RN exam changes will go into effect on April 1, 2016, and that the changes might affect pass rates.

## **GUIDELINES FOR BOARD RECOMMENDATIONS**

Members discussed proposed corrections and additions to the Guidelines for Board Recommendations. The sections of the Guidelines under discussion pertained to applications for licensure that should be forwarded to the Board for review.

**MOTION:** Hasenauer made the motion, seconded by Straub, for the Board to adopt Guidelines for Board Recommendations with the following corrections: on page 3, Disturbing the Peace should be listed as a Category 2 offense and Disorderly Conduct should be listed as a Category 1 offense; on page 4, in the third paragraph under “Review Procedure,” the term “Category 2” should read “Category 3”; and language should be added indicating that if an applicant fails to disclose Category 2 or higher convictions, the application will be forwarded to the Board for review.

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

9:45 a.m. Meeting went into recess.

10:00 a.m. Meeting reconvened.

## **REVIEW OF DRAFT NURSING REGULATIONS**

The Board reviewed proposed revisions to the Regulations Governing the Practice of Nursing (172 NAC 101). The Board decided to make the following changes to the draft:

- Delete definitions for “independent study course” and “in-service education” because these terms no longer appear in the draft regulations.
- Delete definition for “nursing practice” because the practice of nursing is defined in the Nurse Practice Act. Roberts and Wisell noted that it is problematic to have definitions in the regulations that are different from definitions in the statutes.
- Delete the Acceptable Nursing Practice Hours section because it does not add any clarity. Instead, the phrase “practiced nursing for a minimum of 500 hours” in section 172 NAC 101-005.04A of the draft will be changed to “practiced nursing as defined by the Nurse Practice Act for a minimum of 500 hours.”
- Add the qualification that as a requirement for a temporary license, an applicant must have authorized release of the Criminal Background Check results to the Department.
- Delete the definitions listed in the Nurse Licensure Compact section. The definition of “public” will be moved to the Definitions section of the draft.



Members discussed adding requirements for graduates of foreign nursing program to the section on licensure by endorsement. Joyner explained that staff have reported a lack of clarity in the requirements for foreign educated nurses applying by endorsement. Some requirements are covered in other areas of the statutes and regulations. The Nurse Practice Act requires an applicant for an RN license to have either passed the Canadian Nurses Association examination or hold a certificate from the Commission on Graduates of Foreign Nursing Schools (CGFNS). Another section of the draft regulations requires foreign graduates applying for both RN and LPN licensure to have a CGFNS credentials evaluation report submitted to the Department. The proposed addition would add the specification that demonstration of English-language proficiency was a requirement for LPN by endorsement applicants.

Members reviewed the various services provided by CGFNS. Members suggested that both the CGFNS Certification Program Certificate and the International Commission on Healthcare Professions VisaScreen certificate could fulfill the CGFNS certificate requirement listed in the Nurse Practice Act. The proposed addition to the licensure by endorsement requirements will be revised and brought to the Board meeting in April.

Members also reviewed the examination eligibility requirements for graduates from foreign nursing programs. Members requested that discussion on these requirements be continued at the April Board meeting.

11:55 a.m. Meeting went into recess.

12:30 p.m. Meeting reconvened.

**MOTION:** Andrew made the motion, seconded by Pepin, 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, Guy, Hasenauer, LaFramboise, LaRiche, Pepin, Perrin, Straub, Thalken, and Weidner. **Voting No:** None. **Abstain:** None. **Absent:** None. **Motion carried.**

### **CLOSED SESSION**

12:30 p.m. Meeting went into closed session. Anderson and Huff left the meeting.

12:40 p.m. Roberts left the meeting. Anderson and Huff returned to the meeting.

12:55 p.m. Straub left the meeting.

1:10 p.m. Straub returned to the meeting

2:35 p.m. Meeting returned to Open Session.

### **LICENSURE RECOMMENDATIONS**

#### **ROBERT J. HILDENSTEIN – LPN REINSTATEMENT FOLLOWING DISCIPLINARY ACTION**

**MOTION:** Hasenauer made the motion, seconded by Andrew, to request a pre-reinstatement investigation in order to make a more informed decision.

**Voting Yes:** Andrew, Hasenauer, LaFramboise, LaRiche, Pepin, Perrin, Straub, Thalken, and Weidner.

**Voting No:** None. **Abstain:** Guy. **Absent:** None. **Motion carried.**

#### **BRANDY A. MYERS – LPN REINSTATEMENT (NON-DISCIPLINARY)**

**MOTION:** LaRiche made the motion, seconded by Perrin, to reinstate Myer's LPN license on probation for one year with the following terms and conditions: active practice for 1040 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 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. This motion is based on the following: prior misdemeanor convictions rationally related to the profession and unsatisfactory termination of probation in 2014.

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

#### **RONDA J. BEAUMONT – LPN REINSTATEMENT (NON-DISCIPLINARY)**

**MOTION:** Weidner made the motion, seconded by Straub, to request a pre-reinstatement investigation in order to make a more informed decision.

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

#### **LARISSA M. BURNS – LPN APPLICATION**

**MOTION:** Andrew made the motion, seconded by LaFramboise, to issue Burns an unrestricted LPN license.

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

#### **BRENT D. GRIFFITH – RN APPLICATION**

**MOTION:** LaRiche made the motion, seconded by Straub, to issue Griffith a Temporary License, and if the Criminal Background Check results show no evidence of criminal convictions other than a report of the October 2003 Minnesota misdemeanor conviction, to issue Griffith an unrestricted RN license. If any other criminal history appears on the results of the Criminal Background Check, the application will be returned to the Board for further action.

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

#### **CONCLUSION AND ADJOURNMENT**

There being no further business, the meeting adjourned at 2:45 p.m.

Respectfully submitted,



Sherri Joyner  
 Health Licensing Coordinator

