

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

**March 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., March 12, 2015, at the Nebraska State Office Building, 301 Centennial Mall South, Lower Level D, 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>President</i>                | • Kathleen Pepin, RN                 |
| • Kelley Hasenauer, APRN-NP, <i>Vice President</i> | • Dawn Straub, RN                    |
| • Wendy Kallhoff, RN                               | • Rita Thalken, <i>Public Member</i> |
| • Anthony LaRiche, <i>Public Member, Secretary</i> | • Karen Weidner, RN                  |

The following board members were not present to answer roll call:

- Jane Carmody RN (arrived at 8:34 a.m.)
- Kristene Perrin, RN (arrived at 8:46 a.m.)

A quorum was present and the meeting convened.

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

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|---|--|
| • Karen Bowen, RN, <i>Executive Director</i>                          | • Teresa Hampton, <i>Attorney</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><br>(arrived 10:22 a.m.) |
| • Ed Vierk, <i>Assistant Attorney General</i><br>(arrived 10:33 a.m.) |  |

**ADOPTION OF THE AGENDA**

**MOTION:** Hasenauer made the motion, seconded by Pepin, to adopt the agenda.

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

**APPROVAL OF THE CONSENT AGENDA**

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

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

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

## **CENTER FOR NURSING FOUNDATION**

LaRiche reported that the Foundation Board met on Friday, February 13, 2015, but a quorum was not present. Items were discussed with decisions pending an email vote confirmation. Corporate reports have been filed. The Center for Nursing Board approved the Nurses Making a Difference application and plans. The applications are due by April 30, 2015. The number of applications received will determine whether or not a dinner will be held. Foundation President Alice Kindschuh will develop a standardized, blinded evaluation rubric. The Passport Project price will be \$8.00 per student for 2015-2016. Several schools have withdrawn their participation. The role of the Foundation was discussed. The Center for Nursing's Chair will be invited to the next meeting of the Foundation on June 4, 2015, from 9:00 a.m. to 11:00 a.m. at the Nebraska Hospital Association.

## **LICENSED PRACTICAL NURSE—CERTIFIED UPDATE**

Bowen gave a brief update on the plan to merge the licensed practical nurse (LPN) curriculum with the licensed practical nurse-certified (LPN-C) curriculum. The first step is to get this change written into the regulations and approved. Once this is done, the LPN-C Act will need to be repealed and the Nurse Practice Act will be amended. In this particular situation, the nursing program regulations need to be changed first, followed by the statute, because the LPN-C Act (statute) is based on the nursing program regulations.

8:46 a.m. *Perrin arrived to the meeting.*

Weidner stated that she would like to see this regulatory change implemented by Spring 2017. The Board was informed that the Governor's office would need to approve the revised regulations first and it is difficult to determine how long the process would take.

The Board will need to identify and approach stakeholders about the proposed changes. Employers will need to be informed and help educate their personnel on the changes. Individual LPNs will need to be instructed on what these changes mean. The DHHS website will eventually post the information.

## **COMMUNICATION**

### **Legislative Update**

Lazure reported on recent legislative bills.

- LB 129 – the bill which would require criminal background checks upon all LPN and RN applicants just had a final reading.
- LB 107 – the nurse practitioner bill was signed by the Governor, thus making Nebraska the 20<sup>th</sup> state to remove barriers to nurse practitioners' scope of practice. There is still work to be done on getting the regulations updated.
- LB 543 – the bill which seeks to expand the role of community paramedics had a hearing in February.

Questions about the intent of LB 369 arose. Hampton explained LB 369 would amend the Uniform Credentialing Act and synchronize with the Americans with Disability Act (ADA). The bill seeks to address situations where a licensee has an impairment (i.e. Alzheimer's disease) which would affect his/her ability to safely practice.

### **Department Leadership Update**

The new Department CEO will start in early April. The new director of Medicaid started this month. Both individuals are from Louisiana and were recently appointed by Nebraska's Governor. Directors for Children & Family Services and Behavioral Health have yet to be appointed.

9:17 a.m. Lazure left the meeting.

### **Nebraska Nursing News Newsletter**

The spring issue will be mailed out soon. It will feature an article from Straub on E-bola and nursing care.

### **Department Website: Education Programs**

Roddy informed the Board that the list of Nebraska nursing programs has been updated on the Department's website and it identifies which schools are accredited and which body accredited them. The NCLEX pass rates of each of the Nebraska nursing programs also appear on the website. The Board expressed their appreciation to Roddy for her work. Roddy stated that she intends to update the website with clarification on what "approval" and "accreditation" mean as many individuals get the terms confused and have the false belief that the Board provides accreditation to the schools.

9:22 a.m. Lazure returned to the meeting.

### **April 8<sup>th</sup> Issues Forum**

The next issues forum will be held on April 8<sup>th</sup> in the Nebraska State Office Building, Lower Level D, from 3:00 p.m. to 5:00 p.m. Department staff will speak on the credentialing review process (previously known as the 401 review) and the legislative process.

### **Nurse Licensure Compact (NLC) Update**

Montana recently passed legislation, becoming the 25<sup>th</sup> state to join the Nurse Licensure Compact. Illinois and Minnesota have pending bills. New Jersey, New York, and Oklahoma also have bills.

9:27 a.m. Thalken left the meeting.

A barrier for some states in joining the Nurse Licensure Compact is that not all member states currently conduct criminal background checks upon licensure applicants.

On Sunday, the Compact Administrators meet in Chicago, prior to Midyear Meeting, to move forward with the proposed revisions to the Compact. The National Council of State Boards of Nursing (NCSBN) had provided the Compact Administrators a report on discipline trends among the states, based on data from Nursys.

9:34 a.m. Thalken returned to the meeting.

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

Bowen informed the Board that Midyear Meeting will be held in Kentucky next week. Straub and Weidner will be attending with Bowen. Updates from NCSBN will be announced at next month's board meeting,

Eisenmann informed the Board that LB 129 had just passed. Board and staff members expressed enthusiasm. Lazure, Straub, and Carmody were thanked for their hard work on LB 129.

### **NCSBN Website & Resources**

The discussion of NCSBN's website and resources will be discussed in-depth at a future meeting, possibly in May. Brochures from NCSBN were distributed to the board members. Some of the features and educational offerings available to board members via the NCSBN website were mentioned.

9:45 a.m. The meeting recessed.

10:12 a.m. The meeting reconvened with Weidner being absent.

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

## **CLOSED SESSION**

10:13 a.m.      *The meeting went into closed session*  
 10:22 a.m.      *Harrison arrived to the meeting.*  
 10:28 a.m.      *Weidner returned to 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*

10:33 a.m.      *Vierk arrived to the meeting.*  
 10:34 a.m.      *Hampton left for the remainder of the meeting.*  
 11:06 a.m.      *Andrew and Hasenauer left the meeting.*  
 11:09 a.m.      *Andrew returned to the meeting.*  
 11:20 a.m.      *Hasenauer returned to the meeting.*  
 11:21 a.m.      *Hasenauer left the meeting.*  
 11:24 a.m.      *Hasenauer returned to the meeting.*  
 11:46 a.m.      *The meeting recessed.*  
 11:59 a.m.      *The meeting reconvened with Carmody and Weidner being absent.*  
 12:02 p.m.      *Carmody returned to the meeting.*  
 12:08 p.m.      *Weidner returned to the meeting.*  
 12:31 p.m.      *Carmody left the meeting.*  
 12:37 p.m.      *Carmody returned to the meeting.*  
 12:59 p.m.      *Straub left the meeting.*  
 1:06 p.m.      *Straub returned to the meeting.*  
 1:49 p.m.      *Kallhoff left the meeting.*  
 1:51 p.m.      *Kallhoff returned to the meeting.*  
 1:59 p.m.      *Lazure left the meeting.*  
 2:04 p.m.      *Lazure returned to the meeting.*  
 2:07 p.m.      *Vierk left for the remainder of the meeting.*  
 2:18 p.m.      *The meeting came out of closed session.*

## **LICENSURE RECOMMENDATIONS**

### **• MANDIE JOHNSON—LPN REINSTATEMENT**

**MOTION:** Andrew made the motion, seconded by Lazure, for the Board to deny the request for early termination of probation due to the fact that the probationary period has not been completed and there is no due cause for early termination of probation, and there is insufficient evidence presented to substantiate a change in circumstances. Therefore, the request is denied.

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

**• VANESSA KLINGELHOEFER—RN REINSTATEMENT**

**MOTION:** Kallhoff made the motion, seconded by Straub, for the Board to request a pre-reinstatement investigation with a Licensee Assistance Program (LAP) evaluation in order to make a more informed decision.

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

**• AMBER PEDEN—LPN REINSTATEMENT**

**MOTION:** Carmody made the motion, seconded by Hasenauer, for the Board to deny the request for early termination of probation due to the fact that the probationary period has not been completed and there is no due cause for early termination of probation, and there is insufficient evidence presented to substantiate a change in circumstances. Therefore, the request is denied.

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

**• NICOLE CURRAN—LPN APPLICANT**

**MOTION:** Weidner made the motion, seconded by Lazure, for the Board to recommend issuance of an unrestricted practical nursing license.

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

**• REBECCA WILLITS—LPN APPLICANT**

**MOTION:** LaRiche made the motion, seconded by Weidner, for the Board to recommend denial of a practical nursing license. This motion is based upon previous alcohol-related misdemeanor convictions, a diagnosis of alcohol use disorder, moderate, in early remission, and an additional misdemeanor alcohol conviction in February 2015.

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

**• ASHLEY KENNEDY—RN REINSTATEMENT**

**MOTION:** Hasenauer made the motion, seconded by Andrew, for the Board to recommend reinstatement of an unrestricted registered nursing license.

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

Bowen informed the Board of NCSBN's virtual conference on pre-licensure distance education programs. Board members can register on the NCSBN website to attend the conference. The conference will be on April 28, 2015, and it will be held online (i.e. webcast). This is the first virtual conference of NCSBN. There is no registration fee for board members.

Board members expressed to Bowen how they believed it was important for the nurse consultants on staff to be able to attend NCSBN's Midyear Meeting and other similar meetings. Bowen explained that there wasn't enough on the agenda for next week's conference to justify having the consultants attend the meeting plus there are Department travel expenses to consider.

The Board was reminded that the April 8<sup>th</sup> issues forum meeting will be held in the same room as the present meeting. The board meeting on April 9<sup>th</sup> will be held in the conference room next door.

### **CONCLUSION AND ADJOURNMENT**

There being no further business, the meeting adjourned at 2:30 p.m.

Respectfully submitted,



Shane Bailey,  
Health Licensing Coordinator