

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

APRIL 9, 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., April 9, 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:

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| • Janet Andrew, LPN | • Linda Lazure, RN |
| • Jane Carmody RN | • Kathleen Pepin, RN |
| • Maxine Guy, LPN, <i>Board President</i> | • Kristene Perrin, 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 absent during roll call:

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> | • 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 10:33 a.m.) |

ADOPTION OF THE AGENDA

Bowen informed the Board that Becky Wisell, Administrator of the Licensure Unit, was planning on being present to speak on "The Role of the Department." However, Wisell was unable to attend and therefore, the agenda item "The Role of the Department" would need to be removed from the current agenda. The topic will be addressed at a future meeting.

LaRiche pointed out some inaccuracies listed under the Education Committee on the agenda which needed to be corrected.

MOTION: Hasenauer made the motion, seconded by Thalken, to adopt the agenda with modifications.

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

These minutes have been approved
by the Board of Nursing.

APPROVAL OF THE CONSENT AGENDA

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

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

EDUCATION COMMITTEE

Weidner provided the Board with an update on the warning status recently placed upon the following three nursing programs: 1) Breckinridge School of Nursing at ITT—Associate Degree Program (Omaha campus); 2) Western Nebraska Community College—Associate Degree Program (Scottsbluff campus); and 3) Kaplan University—Associate Degree Program (Lincoln campus). Representatives from all three schools had recently met with the Education Committee in March. All three schools submitted correction plans to the committee for their approval and recommendations. All three schools are required to submit quarterly reports and they will each meet with the Education Committee at their next scheduled meeting in May.

- 1) The Education Committee made the recommendation for the Board of Nursing to approve the following course syllabi submitted by College of Saint Mary (BSN program): NUR 305—Professional Nursing in the Evolving Healthcare System in Nursing.

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

- 2) The Education Committee made the recommendation for the Board of Nursing to approve the following curriculum revisions, with suggestions, submitted by Southeast Community College (PN program): Mission Statement; Philosophy; Conceptual Framework and Narrative; Program Outcomes; Curriculum Master Plan Comparison; LPNS1011—Holistic Health Concepts 1; LPNS1012—Nursing Care Concepts 1; LPNS1013—Health Systems Concepts 1; LPNS1021—Holistic Health Concepts 2; LPNS1022—Nursing Care Concepts 2; and LPNS1023—Health Systems Concepts 2.

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

- 3) The Education Committee made the recommendation for the Board of Nursing to approve Creighton University's (BSN program) Dedicated Education Unit's Staff Nurse Instructor (SNI) position description change.

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

- 4) The Education Committee made the recommendation for the Board of Nursing to approve the following curriculum revisions, with suggestions, submitted by Bryan College of Health Sciences (BSN program): Philosophy; Conceptual Framework; Program Outcomes; Credit Hour Redistribution; GSTU101—Introduction to Bryan College of Health Sciences Experience; NURS201—Issues and Trends in Professional Nursing I; NURS222—Pharmacology; NURS308—Psychiatric Mental Health Nursing; NURS322—Nursing Practicum; NURS333—

Nursing Care III; NURS337—Research and Evidence-Based Practice in Nursing; NURS404—Nursing Care IV—NURS405—Community-Based Nursing; NURS422—Nursing Leadership and Management; NURS424—Issues and Trends in Professional Nursing II; and NURS430—Nursing Capstone.

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

- 5) The Education Committee made the recommendation for the Board of Nursing to approve the following curriculum revisions, with suggestions, submitted by Western Nebraska Community College (PN program): Student Learning Outcomes; Realignment of Program Hours; LPNR1250—Concepts of Nursing; LPNR1270—Medical/Surgical Nursing I; LPNR2280—Medical/Surgical Nursing II; LPNR2290—Care of the Family.

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

- 6) The Education Committee made the recommendation for the Board of Nursing to approve the following course syllabi with recommendations and suggestions submitted by Nebraska Wesleyan University (BSN program): NURS 2710—Pathophysiology.

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

PRACTICE COMMITTEE

- 1) The Practice Committee made the recommendation for the Board of Nursing to approve the Advisory Opinion *Wound Care Techniques*.

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

- 2) The Practice Committee made the recommendation for the Board of Nursing to approve retiring the Advisory Opinion *Wound Drains*.

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

- 3) The Practice Committee made the recommendation for the Board of Nursing to approve retiring the Advisory Opinion *Wound Debridement*.

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

- 4) The Practice Committee made the recommendation for the Board of Nursing to approve retiring the Advisory Opinion *Unna Boots*.

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

- 5) The Practice Committee made the recommendation for the Board of Nursing to approve the Advisory Opinion *Casting*.

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

COMMUNICATION

Legislative Update

Bowen informed the Board that with LB 107 (nurse practitioner bill) and LB 129 (criminal background check bill on initial nurse licensure applicants) now approved by the Governor, the bills will go into effect ninety days after the Legislative session has ended. This will be in early September. The Department is currently working on a process to prepare for the changes. Bowen, Eisenmann, and Wisell are in the process of meeting to revise the nurse practitioners regulations.

Lazure informed the Board that she had taken a group of her students to the Unicameral last month as part of their education in the legislative process. The Governor and his wife, First Lady Susanne Shore, were available to speak to Lazure and the students. The First Lady is a nurse and a graduate of Creighton.

Nursing News

The future issue of *Nursing News* will feature articles on revised advisory opinions, updates from the Education Committee, and information on nursing program regulations and statutes.

Carmody suggested having regular, ongoing articles from Roddy and Eisenmann on nursing education and practice issues and updates, and to regularly highlight the work of the two committees.

Weidner suggested having an article on nursing program site visits and how they are a routine procedure of the Board.

The Board and staff discussed the usual discipline information featured in each issue of the newsletter. There was some concern as to whether or not it was necessary to publish the disciplinary actions in the newsletter because it seemed to be the only feature nurses paid attention to when reading the newsletter. Bowen explained that other states publish disciplinary actions in their nursing newsletters. Anderson stated that publishing the disciplinary actions was a form of education to nurses. Board members expressed how it served as a deterrent to wrong-doing and that it shouldn't be changed.

National Council of State Boards of Nursing (NCSBN)

Bowen, Straub, and Weidner provided the Board with an update on the NCSBN's Midyear Meeting which they attended in Louisville, Kentucky in March. There were presentations on the Nurse Licensure Compact (NLC). Some states are concerned about losing revenue, so they are hesitant in joining the NLC. Nebraska was mentioned as having passed legislation which will require criminal background checks on all initial LPN and RN applicants.

There will be a special delegate assembly in May to vote on the revisions to the Nurse Licensure Compact. Straub and Weidner will be delegates from the Board. Barbara Foss will be a delegate from the Board of

Advanced Practice Registered Nurses. The delegates will fly into Chicago on a Sunday night, vote the following day, and then fly out.

10:04 a.m. *Kallhoff left the meeting.*

Lazure expressed how she felt it was important to have Eisenmann and Roddy present at meetings of NCSBN, and to have other staff and board officers serve on NCSBN committees. Several former board members have served on NCSBN committees, including former Board President, Crystal Higgins most recently. Bowen encouraged the board members to apply for committee positions with NCSBN. Bowen explained how she didn't send Eisenmann and Roddy to Midyear Meeting due to the short agenda. She also stated most other states did not have board staff in attendance either. A lot of states were represented by the Executive Director and Board Chair. Annual Meeting is the most important meeting for the consultants to attend. Hampton stated that new Governor and Department CEO will need to decide their position on travel policies.

Anderson informed the Board she will be attending the NCSBN's Discipline Case Management conference in early June. The conference will be held in Indianapolis, Indiana. Three nurses from the Investigations Department will also be attending the conference.

10:12 a.m. *Kallhoff returned to the meeting.*

NURSE LICENSURE COMPACT UPDATE

The Board reviewed the revisions of the Nurse Licensure Compact. Bowen explained how new legislation will eventually need to be introduced in order for Nebraska to accept the revisions to the Nurse Licensure Compact.

MOTION: Hasenauer made the motion, seconded by Andrew, for the Nebraska Board of Nursing to support the Nurse Licensure Compact revised document, dated March 17, 2015.

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

The NCSBN will provide a model with model language to help boards of nursing. Next year will be a short session for the Nebraska Legislature and will therefore be an opportune time to work with stakeholders with the plan to introduce new legislation in 2017.

Bowen informed the Board that they will need to hold meetings with Nebraska Nurses Association (NNA), Nebraska Organization of Nurse Leaders (NONL), Nebraska Hospital Association (NHA), and other stakeholders to discuss the revisions and provide information.

Weidner expressed the need to have a timeline with deadlines in place to keep the Board and staff on track.

10:33 a.m. *Harrison arrived to the meeting.*

Guy announced that the NCSBN Annual Meeting will be coming up in August and asked board members to consider attending the conference.

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

10:56 a.m. *The meeting reconvened with Lazure being absent.*

Bowen informed the Board that Bailey has accepted a position as a paralegal in the Department. This is Bailey's last meeting with the Board. His last day in the Licensure Unit will be April 17. Bowen informed the Board that Shirley Nave, Staff Assistant II, is retiring. Her last day in the Licensure Unit will be April 10. Her position will be reclassified to a Health Licensing Specialist in Nursing. This will provide additional staff to process nurse licensure applications.

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

CLOSED SESSION

11:02 a.m. *The meeting went into closed session.*
 11:02 a.m. *Anderson left the meeting.*
 11:02 a.m. *Lazure 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*
- Jessica Bowman, RN, *Investigator*
- Mendy Mahar-Clark, RN, *Investigator*

11:37 a.m. *Anderson returned to the meeting.*
 11:37 a.m. *Hampton left for the remainder of the meeting.*
 12:02 p.m. *The meeting recessed.*
 12:22 p.m. *The meeting reconvened.*
 1:14 p.m. *Kallhoff left the meeting.*
 1:23 p.m. *Kallhoff returned to the meeting.*
 1:25 p.m. *Carmody left the meeting.*
 1:27 p.m. *Carmody returned to the meeting.*
 1:27 p.m. *The meeting recessed.*
 1:31 p.m. *The meeting reconvened.*
 1:56 p.m. *Hasenauer left the meeting.*
 1:57 p.m. *Hasenauer returned to the meeting.*
 2:01 p.m. *Hasenauer left the meeting.*
 2:03 p.m. *Hasenauer returned to the meeting.*
 2:16 p.m. *The meeting came out of closed session.*

LICENSURE RECOMMENDATIONS

LISA HUNT—LPN REINSTATEMENT

MOTION: LaRiche made the motion, seconded by Weidner, for the Board to reinstate the LPN license of Lisa Hunt 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; along with the usual terms and conditions. This motion is based on diagnoses of opioid dependence, benzodiazepine dependence; mental or emotional disability; current participation in a mental health treatment program; compliance with treatment recommendations; and positive letters of reference from her primary care physician, mental health counselor and pastor.

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

• JENNIFER FISCHER—RN REINSTATEMENT

MOTION: Carmody made the motion, seconded by Andrew, for the Board to reinstate the RN license of Jennifer Fischer 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; along with the usual terms and conditions. This motion is based on diagnoses of alcohol dependence in sustained remission; a history of forging narcotic prescriptions; current participation in recommended treatment; completion of inpatient/outpatient treatment; compliance with treatment recommendations; active involvement in the substances abuse/addiction recovery process; a reported three year period of sobriety; documentation of attendance at support group meetings and maintaining a sponsor; and positive letters of reference from employers and health care professionals.

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

• LAURA WOLFE—RN REINSTATEMENT

MOTION: Hasenauer made the motion, seconded by Straub, 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.**

• GRACE FITTING—LPN APPLICANT

MOTION: Andrew made the motion, seconded by Kallhoff, for the Board to recommend an LPN license on probation for three 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; actively practice as a nurse for 3,120 hours during the three year probationary

period; along with the usual terms and conditions. This motion is based on past diagnoses of amphetamine dependence, alcohol abuse, opioid abuse; and successful completion of drug court.

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

▪ BETH BARBER—RN APPLICANT

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

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

▪ HALEY LACHNER—LPN APPLICANT

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

▪ CEANNA SCHROEDER—RN APPLICANT

MOTION: Hasenauer made the motion, seconded by Straub, for the Board to recommend an RN license on probation for two 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; actively practice as a nurse for 2,080 hours during the two year probationary period; along with the usual terms and conditions. This motion is based on a history of criminal convictions; alcohol dependence diagnosis with completion of treatment recommendations; active involvement in the recovery process; and a reported five year sobriety period with no further criminal convictions.

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

▪ SAPANA SHRESTHA—RN APPLICANT

MOTION: Kallhoff made the motion, seconded by Lazure, for the Board to recommend issuance of an unrestricted RN license.

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

▪ SUSAN STESSMAN—LPN APPLICANT

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

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

Weidner and Kallhoff asked if the Education Committee meeting scheduled for next month could be moved to June due to the month of May being a very busy time for many schools and some board members. Discussion arose among the Board and staff regarding the possibility of moving the committee meetings from May to June. Members of both committees had no objections. Roddy will seek the opinion of the nursing programs. Upon their approval, the meetings will be moved to June. The Board will be updated of any change in plans.

CONCLUSION AND ADJOURNMENT

There being no further business, the meeting adjourned at 2:32 p.m.

Respectfully submitted,



Shane Bailey,
Health Licensing Coordinator

