

MINUTES OF THE MEETING
of the
NEBRASKA BOARD OF NURSING
May 12, 2016

CALL TO ORDER

The meeting of the Nebraska Board of Nursing was called to order by Maxine Guy, Board President, at 8:32 a.m., May 12, 2016, at the Nebraska State Office Building, Room LL-F, 301 Centennial Mall South, 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
- Anne Dey, RN
- Maxine Guy, LPN, *Board President*
- Louise LaFramboise, RN
- Anthony LaRiche, *Public Member, Secretary*
- Kristene Perrin, RN
- Dawn Straub, RN
- Rita Thalken, *Public Member*

The following Board members were absent: Kelley Hasenauer, APRN-NP, *Vice-President*, Kathleen Pepin, RN, and 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*
- Anna Harrison, RN, *Compliance Monitor*
- Matt Gelvin, *Program Manager*
- Teresa Hampton, *Attorney* (arrived at 9:00 a.m.)
- Lisa Anderson, *Assistant Attorney General*
- Ami Huff, *Assistant Attorney General*
- Mindy Lester, *Assistant Attorney General*
- Peggy Persell, *Investigations Unit Program Manager* (arrived at 11:50 a.m.)
- Russ Fosler, *Administrator, Investigations Unit* (arrived at 11:55 a.m.)
- Jessica Bowman, *Investigator* (arrived at 11:50 a.m.)
- Sharon Fitts, *Investigator* (arrived at 11:45 a.m.)
- Pat Lemke, *Investigator* (arrived at 11:45 a.m.)
- Mendy Mahar-Clark, *Investigator* (arrived at 11:45 a.m.)

A quorum was present, and the meeting convened.

ADOPTION OF THE AGENDA

MOTION: Andrew made the motion, seconded by Straub, to adopt the agenda for the May 12, 2016, Board of Nursing meeting.

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

These minutes were approved by the
Board of Nursing on June 9, 2016.

APPROVAL OF THE MINUTES

MOTION: Thalken made the motion, seconded by LaRiche, to approve the minutes for the Board of Nursing's April 13, 2016, Issues Forum and the April 14, 2016, Board Meeting.

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

COMMUNICATION

Staff Updates

Wisell reported that Ann Oertwich has accepted the Program Manager position for the Licensure Unit's Nursing Section. She is expected to start June 2, 2016. The Education Consultant and Practice Consultant positions are currently being advertised.

Wisell also reported that the Process Improvement Plan has produced great strides in the Licensure Unit's processing time for RN and LPN applications. Allowing new nurses to submit applications up to sixty days prior to their expected graduation date has helped significantly. Previously, applicants had to wait until they graduated for nursing school before they could submit an application. Improvements have also been made in turnaround times for medication aide and nurse aide applications.

Nursing News

The next edition of Nursing News is expected to be published in mid-August. Dey suggested including an article on the Process Improvement Plan. She also agreed to submit a bio for publication in the newsletter. Joyner noted that an article on RN renewals would be appropriate. Wisell said that the Department is considering whether or not to continue printing paper renewal license cards, but that a decision will not be made until they finish reviewing feedback from stakeholders. The Department will send out surveys in upcoming weeks on the topic. Anderson noted that Minnesota has a system where licensees receive a code that they can use to print license verifications. LaFramboise noted that the American Heart Association has a similar process for BLS certifications. Thalken and Wisell noted that several states went to paperless licenses years ago.

Legislative Updates

Wisell reported that the Licensure Unit had reviewed 41 bills for the 2016 legislative session, and of those bills, 19 were enacted, including the following:

- LB 471 makes reporting of controlled substance prescriptions to the State's Prescription Monitoring Program (PMP) mandatory starting in January 1, 2017. All prescriptions must be reported to the PMP starting January 1, 2018. Anderson asked if the requirement also applies to mail service pharmacies shipping in to Nebraska. Wisell said she would look into the question.
- LB 680 requires pharmacy technicians to acquire certification from a state or national certifying body within one year after being registered as a pharmacy technician in Nebraska.
- LB 721 creates a license for Surgical First Assistants.



- LB 722 will require the Department to designate certain hospitals as stroke care centers. Wisell said the Department will review a similar program in Missouri as it develops its own program to meet the requirements of LB 722.
- LB 947 makes persons with DACA (Deferred Action for Childhood Arrivals) status eligible for professional licenses in Nebraska. Wisell reported that the Licensure Unit is working with the Department's legal staff to develop consistent language to be used on applications to reflect this change.

Wisell said she will submit proposals for potential 2017 legislative initiatives to the Department in June. She might include legislation regarding the Enhanced Nurse Licensure Compact and the incorporation of LPN-C duties in the LPN scope of practice. If the Department decides not to pursue these proposals, the Board might have the option of finding outside organizations to introduce legislation.

NCSBN Meetings

LaRiche suggested that staff send out an email to Board members to see who might be interested in attending the NCSBN Annual Meeting in August. Wisell noted that representatives from the APRN Board should also be invited to attend.

CREDENTIALING REVIEW UPDATES

LPN/LPN-C

The LPN/LPN-C working group had previously submitted a letter of intent to the Department's Credentialing Review Program regarding a proposal to incorporate LPN-C duties into the LPN scope of practice. The group was notified that their proposal is eligible for review by the program. Gelvin said that the next step is for the LPN/LPN-C group to submit an application to be reviewed by the Board of Health. If the application is received in time to be included on the agenda for the next Board of Health meeting on June 20th, Gelvin thought it might be possible to complete the credentialing review process in time to submit proposed legislation in 2017. Gelvin said he was willing to review a draft of the LPN/LPN-C group's application in order to provide them with feedback, and that he could also have a sit-down meeting if they wished to review the application and explain the credentialing review process.

Dialysis Technologists

Straub reported that she called in to the Dialysis Technologist's Technical Review Committee meeting on May 2, 2016, and answered questions about the Practice Committee's recommendation to retire the "Delegation, Direction, & Assignment in the Outpatient Dialysis Unit" Advisory Opinion. Straub noted that RNs cannot delegate complex tasks, and that it sounds like dialysis techs are performing complex tasks.

Gelvin announced that the public hearing on the dialysis technologist proposal is scheduled for June 13, 2016, and that anyone can attend the hearing.

CENTER FOR NURSING FOUNDATION

LaRiche reported that Nolan Gurnsey had emailed Foundation members regarding potential meeting dates.



STRATEGIC PLANNING

Board members discussed some of the goals they had identified during the Issues Forum on April 13, 2016.

- *Develop increased efficiency and effectiveness in the disciplinary process.*

Perrin said some states seem to be able to take disciplinary actions much more quickly than Nebraska. Anderson noted that disciplinary actions in Nebraska are initiated through a complaint process and that sometimes a complaint might not be filed until years after the event. She also noted that the Nebraska Board of Nursing is an umbrella board. Disciplinary actions can sometimes be completed more quickly in states with independent boards where the board prosecutes the case directly.

LaRiche said that in recent years the time it takes after the Board makes a recommendation to get a final action has improved greatly. Dey asked if there are any metrics for the disciplinary process from the time a complaint is filed until it goes to the Attorney General's Office. LaRiche reported that a previous Board member tried to categorize discipline outcomes but due to some cases with multiple disciplines the computations were not meaningful.

Wisell asked if it would be possible to determine whether an expert opinion was needed prior to taking investigation reports to the Board. Anderson said it is a complicated issue and would require further discussion.

Straub suggested that an Issues Forum be dedicated to explaining the disciplinary process. She was also interested in a discussion of autonomous versus umbrella boards. Wisell said this could be made an action item for the next Issues Forum and suggested that Fosler and Persell might be able to attend to discuss the role of the Investigations Unit.

- *Clarify/Define the framework for advisory functions and opinions.*

Straub said the Practice Committee was working on this issue but she was uncertain when they would be ready to forward a framework to the Board. Straub noted the need to establish benchmarks for when advisory opinions should be issued. She also noted that some boards in other states have stopped issuing advisory opinions.

- *Revise the regulations for nursing education programs.*

Wisell and Hampton both noted that major revisions are needed for the Regulations Governing the Approval of Nursing Programs in Nebraska (172 NAC 97). Hampton said the regulations contain too many items that are difficult to enforce.

LaRiche asked about the process of drafting education program regulations, expressing concerns that it would take up a lot of the Board's time. Wisell said that the new Program Manager could sit down with the Education Committee to find out what they want to see in the regulations. The Program Manager and Education Consultant could then draft regulations for the Education Committee to review and revise prior to bringing the draft to the full Board.

- *Develop a process to enhance the continuous support of the Board's skills and knowledge bases.*

Straub said that she would like to see a "needs assessment" done to ascertain what information Board members need in order to serve effectively. She said it would be helpful to have a formal process in place to support Board knowledge needs. Dey said that as a new Board member she has experienced a steep learning curve. LaFramboise suggested videotaping training events for viewing by future Board members. Thalken noted that all Board members might find this a useful resource. Anderson said she would be willing to meet with new Board members at the beginning or end of Board meetings to explain the Attorney General Office's role in Board processes. Wisell said it might be ideal to have

orientation sessions where the new Board member, an existing Board member, an Assistant Attorney General, and the Program Manager meet as a group.

- *Improve interaction with NCSBN*

Wisell asked if any Board members serve on NCSBN Committees. Currently, none do. LaFramboise and Straub suggested that information about committee openings could be included on future Board agendas.

- *Increase collaboration between the Board and Department staff to enhance communication to the public regarding the roles and functions of the Board of Nursing and nursing profession.*

Perrin said she would like the nursing public to know that the Board exists to educate and help and not just to punish. Straub would like the public to know more about the Board's leadership role in regulations and statutes.

10:30 a.m. Meeting went into recess.

10:45 a.m. Meeting reconvened.

LICENSURE RECOMMENDATIONS

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

10:45 a.m. Meeting went into closed session. Anderson, Huff, and Lester left the meeting.

11:30 a.m. Hampton left the meeting. Anderson, Huff, and Lester returned to the meeting.

11:45 a.m. Meeting went into recess.

12:05 p.m. Meeting reconvened.

1:45 p.m. Meeting returned to Open Session. Meeting went into recess.

2:00 p.m. Meeting reconvened.

JENEE M. BLUNDELL – LPN REINSTATEMENT FOLLOWING DISCIPLINARY ACTION

MOTION: Straub made the motion, seconded by Andrew, to recommend denial of Jenee Blundell's request for early termination of probation based on: the probationary period has not been completed; there is no due cause for early termination of probation; and there is insufficient evidence presented to substantiate a change in circumstances.

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



LINDSEY M. PARKER – LPN REINSTATEMENT FOLLOWING DISCIPLINARY ACTION

MOTION: LaRiche made the motion, seconded by Perrin, to recommend denial of Lindsey Parker's request for early termination of probation based on: the applicant's actions are the reason for any probationary completion delays; the probationary period has not been completed; there is no due cause for early termination of probation; and there is insufficient evidence presented to substantiate a change in circumstances.

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

JOLENE M. FREEL – RN REINSTATEMENT FOLLOWING DISCIPLINARY ACTION

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

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

HOPE R. NORSTADT – RN REINSTATEMENT FOLLOWING DISCIPLINARY ACTION

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

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

DEBRA J. SYPAL – LPN REINSTATEMENT FOLLOWING DISCIPLINARY ACTION

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

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

ZOLANA M. COSTELLO – LPN REINSTATEMENT (NON-DISCIPLINARY)

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

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

ANTHONY D. PLUMMER – RN REINSTATEMENT (NON-DISCIPLINARY)

MOTION: LaRiche made the motion, seconded by Thalken, to recommend denying reinstatement of Anthony Plummer's RN license based on discipline against his Colorado RN license and misdemeanor convictions rationally related to the profession.



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

JENNIFER A. KNUTSON – RN APPLICATION

MOTION: LaRiche made the motion, seconded by LaFramboise, to recommend issuing Jennifer Knutson a RN license on probation for four years with the following terms and conditions: abstain from alcohol; abstain from controlled substances and other prescription drugs unless prescribed by the treating practitioner; verification from treating practitioner of all prescription medications; report of all prescription medications taken; submit to random body fluid screens; advise Department of any professional counseling and submit reports; comply with treatment recommendations including recommendations for attendance at support group meetings and sponsor; practice under direct RN supervision for one year, followed by indirect RN supervision for one year; have no access to controlled substances in course of nursing employment for one year, followed by access to controlled substances under direct supervision for one year; active practice for 3120 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 7 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: current licensure disciplinary action in Wisconsin; and a diagnosis of opiate dependence.

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

JOELLE M. RICHARDSON – RN REINSTATEMENT (NON-DISCIPLINARY)

MOTION: LaFramboise made the motion, seconded by Straub, to recommend reinstating Joelle Richardson's RN license 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 the treating practitioner; verification from treating practitioner of all prescription medications; report of all prescription medications taken; submit to random body fluid screens; advise Department of any professional counseling and submit reports; comply with treatment recommendations including recommendations for attendance at support group meetings and sponsor; active practice for 3120 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 7 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: misdemeanor convictions rationally related to the practice of the profession; and diagnoses of cannabis dependence and alcohol abuse.

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



NEVA R. ALLISON – RN APPLICATION

MOTION: Andrew made the motion, seconded by Straub, to recommend issuing an unrestricted RN license to Neva Allison.

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

KIERSTIN J. IRVING – LPN APPLICATION

MOTION: LaFramboise made the motion, seconded by Thalken, to request a pre-licensure investigation in order to make a more informed decision.

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

CONCLUSION AND ADJOURNMENT

There being no further business, the meeting adjourned at 2:17 p.m.

Respectfully submitted,



Sherri Joyner
Health Licensing Coordinator

