

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

MAY 14, 2015

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 14, 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
- Jane Carmody RN
- Maxine Guy, LPN, *Board President*
- Kelley Hasenauer, APRN-NP, *Vice President*
- Anthony LaRiche, *Public Member, Secretary*
- Linda Lazure, RN
- Kate Pepin, RN
- Kristene Perrin, RN
- Dawn Straub, RN
- Rita Thalken, RN, *Public Member*
- Karen Weidner, RN

The following board member was absent during roll call:

- Wendy Kalhoff, RN

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, *Executive Director*
- Nancy "Niki" Eisenmann, RN, *Practice Consultant*
- Teresa Roddy, RN, *Nursing Education Consultant*
- Teresa Hampton, *Attorney (arrived 10:12 a.m.)*
- Lisa Anderson, *Assistant Attorney General*

ADOPTION OF THE AGENDA

MOTION: Straub made the motion, seconded by Hasenauer, to adopt the revised agenda.

Voting Yes: Andrew, Carmody, Hasenauer, LaRiche, Lazure, Perrin, Straub, Thalken, and Weidner.

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

APPROVAL OF THE CONSENT AGENDA

MOTION: Andrew made the motion, seconded by Perrin, to adopt the consent agenda with corrections.

Voting Yes: Andrew, Carmody, Hasenauer, LaRiche, Lazure, Perrin, Straub, Thalken, and Weidner.

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

These minutes have been
approved by the Board of Nursing.

COMMUNICATION

Nebraska Nursing News Newsletter

Bowen informed the Board that the articles for the next *Nebraska Nursing News* are due next week. The new issue has a focus on licensed practical nurse (LPN) license renewal. Other articles include a piece submitted by an RN who was part of the bio containment unit and the care of Ebola patients at Nebraska Medicine, a review of the National Council of State Boards of Nursing special delegate assembly and vote as well as an article highlighting the NCLEX Test Item Workshop.

Bowen stated the next deadline will be in July and focus on the nursing administrators on the Board. The fall issues will highlight Carmody and Straub.

Update on National State Boards of Nursing (NCSBN)/Special Delegate Assembly

Bowen, Straub and Weidner discussed their experience at the Special Delegate Assembly. Both RN and APRN adoption of the revised nurse licensure compacts passed during the special assembly vote. Discussion was had on which states voted NO and which abstained as well as which states were not present.

The NCSBN's Annual Meeting and Delegate Assembly will be held August 19-21, 2015 in Chicago. Bowen asked that if Board members were interested in attending to let her know ASAP.

CENTER FOR NURSING

Recommendation to Transfer Funds

Bowen informed the Board that the Center for Nursing statutes state: §71-1798.01. Board of Nursing; duties. The Board shall recommend annually to the Department of Health and Human Services the percentage of all nursing fees collected during the year that are to be used to cover the cost of the Nebraska Center for Nursing, except that the percentage shall not be greater than fifteen percent of the biennial revenue derived from the fees. Discussion ensued about what the Center for Nursing has been doing and how the budget is allotted. In previous years the Board had transferred \$60,000 to \$80,000 annually. Bowen explained the Center for Nursing is having a professional come in and help with strategic planning for the Center on May 29th. She also discussed that the Center had not had any focused plans for the money and that the biggest expenses are Juan Rameriz's contract, Board members traveling and meeting expenses. It was brought up that additional funds could be requested outside of the annual amount that is transferred.

It was suggested that Rameriz present at a Board meeting to discuss his work and data from the Center for Nursing.

MOTION: Hasenauer made the motion, seconded by LaRiche, that the Nebraska Board of Nursing transfer \$40,000 to the Center for Nursing.

Voting Yes: Andrew, Carmody, Hasenauer, LaRiche, Lazure, Perrin, Straub, Thalken, and Weidner.

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

9:23 a.m. *The meeting recessed.*

10:15 a.m. *The meeting reconvened with Hampton being present.*

BOARD HEARING: MANDIE JOHNSON, LPN

The reinstatement hearing requested by Mandie Johnson, LPN, was convened at 10:15 a.m. Teresa Hampton, Department Attorney, served as the hearing officer. The Department was represented by Lisa Anderson, Assistant Attorney General. A court reporter was present. Johnson appeared without counsel. Nancy Eisenmann, DHHS Nursing Practice Consultant, appeared as a witness. Evidence was presented and testimonies were provided.

10:51 a.m. *Johnson left for the remainder of the hearing.*

10:52 a.m. *Anderson, Eisenmann, and the court reporter, left the meeting.*

MOTION: Andrew made the motion, seconded by Straub, for the Board to go into closed session to deliberate upon the hearing.

Voting Yes: Andrew, Carmody, Hasenauer, LaRiche, Lazure, Perrin, Straub, Thalken, and Weidner.

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

10:52 a.m. *The Board went into closed session.*

MOTION: Weidner made the motion, seconded by Lazure, for the Board to deny Mandie Johnson's request for reinstatement of her license to practice practical nursing due to 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, Carmody, Hasenauer, LaRiche, Lazure, Perrin, Straub, Thalken, and Weidner.

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

11:02 a.m. *Carmody & Andrew left the meeting.*

11:06 a.m. *Carmody & Andrew returned to the meeting.*

11:07 a.m. *The meeting recessed.*

11:29 a.m. *The meeting reconvened.*

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

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

CLOSED SESSION

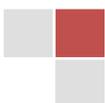
11:30 a.m. *The meeting went into closed session.*

The following staff members from the Department joined the meeting during Closed Session:

- Jessica Bowman, RN, *Investigator*
- Kristi Chapman, RN, *Investigator*
- Sharon Fitts, RN, *Investigator*
- Anna Harrison, RN, *Compliance Monitor*
- Pat Lemke, RN, *Investigator*
- Mendy Mahar-Clark, RN, *Investigator*
- Peggy Persell, RN, *Program Manager*
- Laura Weber, RN, *Investigator*

11:30 a.m. *Hasenauer left the meeting.*

11:31 a.m. *Lazure left the meeting.*



11:40 a.m. Hasenauer & Lazure returned to the meeting and Weidner left the meeting.
 12:10 p.m. Weidner returned to the meeting.
 12:10 p.m. The meeting recessed.
 12:25 p.m. The meeting reconvened.
 12:43 p.m. Carmody left the meeting.
 12:53 p.m. Carmody returned to the meeting.
 1:38 p.m. Straub, Lazure and Carmody left the meeting.
 1:38 p.m. The meeting recessed.
 1:50 p.m. The meeting reconvened.
 1:52 p.m. Straub, Lazure and Carmody returned to the meeting.
 2:12 p.m. Hasenauer left the meeting.
 2:18 p.m. Hasenauer returned to the meeting.
 2:38 p.m. Weidner left the meeting.
 2:42 p.m. Weidner returned to the meeting.
 2:42 p.m. Pepin left the meeting.
 2:48 p.m. Pepin returned to the meeting.
 3:46 p.m. The meeting came out of closed session.
 3:54 p.m. Pepin left the meeting.
 3:56 p.m. Pepin returned to the meeting.

LICENSURE RECOMMENDATIONS

▪ MELINDA HILL—RN REINSTATEMENT

MOTION: Straub made the motion, seconded by Perrin, for the Board to deny the Reinstatement of Hill's license due to not following treatment recommendations.

Voting Yes: Andrew, Carmody, LaRiche, Perrin, Straub, Thalken, and Weidner

Voting No: None. **Abstain:** Hasenauer, Guy & Lazure. **Absent:** Kalhoff. **Motion carried.**

▪ VANESSA KLINGELHOEFER—RN REINSTATEMENT

MOTION: Carmody made the motion, seconded by Hasenauer, for the Board to reinstate the RN license of Vanessa Klingelhoefler 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 two years; after which, access to controlled substances is to be under direct supervision for one year; actively practice as a nurse for 3 or more years-3,120 hours during the five year probationary period; along with the usual terms and conditions. This motion is based on the history of drug diversion and diagnoses of opiate use disorder, severe & alcohol use disorder and yet her positive employer and pastor affirmation of sobriety date of 3/4/12.

Voting Yes: Andrew, Carmody, Hasenauer, Lazure, LaRiche, Perrin, Thalken,

Voting No: Straub. **Abstain:** Guy & Weidner **Absent:** Kalhoff. **Motion carried.**

▪ BRENTLEY MCKEON-RN REINSTATEMENT

MOTION: LaRiche made the motion, seconded by Thalken, for the Board to deny reinstatement for early termination of probation due to 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 and the applicant choosing to place her license on inactive status voluntarily. Said action extended the term pursuant to paragraph 8 of the March 22, 2012 issuance letter.

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

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

• SHANNON DYER—LPN REINSTATEMENT

MOTION: Hasenauer made the motion, seconded by Andrew, for the Board to request a pre-reinstatement 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 & Pepin **Absent:** Kalhoff. **Motion carried.**

• JENNIFER CARDA—LPN INITIAL LICENSE

MOTION: Weidner made the motion, seconded by Andrew, for the Board to issue the LPN license of Jennifer Carda on probation for one year-1040 hours practice with the following terms and conditions: provide notice of disciplinary proceedings to employer and other states where licensed; quarterly employer reports; shall not provide nursing services for staffing agencies or in home health care; provide written notice to Department for any employment, address or phone changes within 7 days; comply with all reports, notices or other documentation from the Department; provide written authorization to Department for all treatment/counseling reports' promptly respond to Department regarding compliance during probation; obey all state and federal laws, rules & regulations regarding practice of nursing; 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 multiple marijuana possession charges, misdemeanor conviction, admitted history of marijuana use, and dishonorable conduct.

Voting Yes: Andrew, Carmody, Hasenauer, LaRiche, Lazure, Perrin, Straub, Thalken, and Weidner.

Voting No: None. **Abstain:** Guy **Absent:** Kalhoff & Pepin **Motion carried.**

CONCLUSION AND ADJURNMENT

There being no further business, the meeting adjourned at 4:00 p.m.

Respectfully submitted,



Teresa Roddy, MSN, RN
Nursing Education Consultant