

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

July 9, 2015

CALL TO ORDER

The meeting of the Nebraska Board of Nursing was called to order by Maxine Guy, Board President, at 8:31 a.m., July 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:

- Janet Andrew, LPN
- Jane Carmody, RN
- Maxine Guy, LPN, *Board President*
- Wendy Kallhoff, RN
- Anthony LaRiche, *Public Member, Secretary*
- Kate Pepin, RN
- Kristene Perrin, RN
- Rita Thalken, *Public Member*
- Karen Weidner, RN

The following board members were absent during roll call: Kelley Hasenauer & Dawn Straub

A quorum was present and the meeting convened.

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

- Becky Wisell, *Administrator*
- Karen Bowen, RN, *Executive Director*
- Teresa Roddy, RN, *Education Consultant*
- Nancy "Niki" Eisenmann, RN, *Practice Consultant*
- Teresa Hampton, *Attorney (arrived 12:30 p.m.)*
- Lisa Anderson, *Assistant Attorney General*
- Anna Harrison, RN, *Compliance Monitor*
(arrived 9:20 a.m.)

The following board member from the State Board of Health was present at the meeting:

- Diane Jackson, APRN

ADOPTION OF THE AGENDA

MOTION: Andrew made the motion, seconded by Kallhoff, to adopt the agenda.

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

APPROVAL OF THE CONSENT AGENDA

MOTION: Weidner made the motion, seconded by Thalken, to approve the consent agenda with revisions.

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

These minutes were approved by
the Board of Nursing.

EDUCATION COMMITTEE

1) The Education Committee moved that the Board of Nursing approve Western Nebraska Community College's following program revisions: Mission & Philosophy, Organizational Framework, Conceptual Framework, ADN Program Outcomes, ADN Student Learning Outcomes, and PN Program Outcomes.

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

2) The Education Committee moved that the board approve Nebraska Methodist College's BSN curricular change to NRS 101/NRS 101C Introduction to Community Based Nursing with the suggestions.

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

3) The Education Committee moved that the board approve Southeast Community College's PN program revision of Mission, Philosophy, Conceptual Framework and Narrative, Conceptual Map, Program Outcomes, LPNS 1031 Holistic Health Concepts 3, LPNS 1032 Nursing Care Concepts 3, LPNS 1033 Health System Concept 3, LPNS 1041 Holistic Health Concepts 4, LPNS 1042 Nursing Care Concepts 4 and LPNS 1043 Health Systems Concepts 4 with suggested grammatical and typing errors.

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

4) The Education Committee moved that the board approve Kaplan University's pre-licensure BSN courses NU 321 Nursing Care of Childbearing Families, NU 321ME Nursing Care of Childbearing Families-Clinical, NU 341 Nursing Care of Adults II, and NU 341ME Nursing Care of Adults II Clinical.

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

5) The Education Committee moved that the board approve the following site visit reports: Midland University-BSN and Metropolitan Community College-ADN & PN.

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

Site Visit Schedule

Roddy discussed her upcoming site visit schedule.

NCLEX 1st Quarter Reports

Weidner reinforced that the numbers are early in the year and that we are monitoring those who are not meeting the NCLEX passing standard.

COMMUNICATION

Nursing News

Bowen informed the board that she had received the draft copy of the next issue and that others should be receiving their issue soon. The next issue deadline was August 8. Due to the NCSBN annual conference the deadline for articles is August 1. Bowen reminded the board that the fall issue historically has focused on licensure renewal. It was brought up that LB129 be added to the fall issue.

National Council of State Boards of Nursing (NCSBN)

Bowen informed the board that the following will be accompanying her to the 2015 NCSBN Annual Meeting; Perrin, Guy, Roddy, and Eisenmann. Bowen and Eisenmann will be the APRN delegates at the meeting.

Miscellaneous discussion

Discussion ensued about the application turnaround time and how this will be affected by LB129. Bowen informed the board that the department is moving towards an electronic application. Carmody also brought up the Deans and Directors upcoming meeting September 3 and that the Nursing Executives are invited guests and it would be a good idea to include LB129 on the agenda for discussion.

Investigator/Attorney Workshop (Anderson/Persell)

Anderson presented information about the sessions she attended at the 2015 NCSBN Discipline Case Management Conference. Anderson spoke about the following sessions: new technologies in drug testing including hair, urine, saliva, umbilical cord and fingernails; the use of expert witnesses in different types of cases; case law reviews; defining appropriate professional boundaries including consideration between sexual misconduct and when a patient ceases to be a patient; nursing investigations in correctional facilities and; the use of prescription drug monitoring programs as part of an investigation (Nebraska and Missouri are the only states which do not allow licensing regulatory boards to utilize the state's prescription drug monitoring program). Persell stated it was a very informative conference. Persell added that the complaint triage process and attorney relations sessions were especially helpful. Mendy Mahar-Clark and Jessica Bowman, Investigators, also attended the conference.

Medication Aides, Nurse Aides and Paid Dining Assistants (Connie Wagner, Nursing Support Supervisor)

Wagner presented a brief overview of definition, statutory authority, qualifications, duties, and registry of Medication Aide, Nursing Assistant/Aide and Paid Dining Assistant. Wagner discussed the investigation process for complaints related to each of these roles. In addition, Wagner discussed the importance of nurse delegation for each of these roles.

9:32 a.m. *Kallhoff left the meeting.*
 9:36 a.m. *Kallhoff returned to the meeting.*
 10:10 a.m. *Andrew left the meeting.*
 10:15 a.m. *Andrew returned to the meeting.*
 10:30 a.m. *Meeting recessed.*
 10:30 a.m. *Bowman, Lempke, Fitts, Weber, Chapman left the meeting.*
 10:47 a.m. *Meeting reconvened.*

RN Workforce Data (Juan Ramirez, PhD, Independent Consultant)

Ramirez presented the 2015 Annual Report of the Nebraska Center for Nursing. Ramirez also included RN historical data from 2000-2014. Discussion ensued of possible reasons for the trends included in the presentation. Ramirez also presented an infographic for Nebraska Nursing Faculty.

11:40 a.m. *Pepin left the meeting.*
 11:45 a.m. *Pepin returned to the meeting.*

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

CLOSED SESSION

11:45 a.m. *The meeting went into closed session.*
 12:20 p.m. *The meeting came out of closed session.*
 12:22 p.m. *The meeting recessed.*
 12:46 p.m. *Hampton arrived at the meeting.*
 12:46 p.m. *The meeting reconvened.*

North Carolina Board of Dentistry v FTC (Hampton)

Hampton gave an overview of the impact of NC Board of Dentistry v. FTC Supreme Court decision on boards in Nebraska. Hampton briefly discussed anti-trust and unfair competition law and how it affects states and state boards.

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

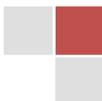
CLOSED SESSION

1:00 p.m. *The meeting went into closed session.*

The following staff members from the Department were in attendance 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*

1:18 p.m. *Bowen left the meeting.*
 1:24 p.m. *Bowen returned to the meeting.*
 1:45 p.m. *Hampton left the meeting*
 1:46 p.m. *Anderson returned to the meeting.*
 2:06 p.m. *Roddy left the meeting.*
 2:10 p.m. *Carmody left the meeting.*
 2:12 p.m. *Roddy returned to the meeting.*
 2:15 p.m. *Chapman left the meeting.*
 2:16 p.m. *Kallhoff left the meeting.*
 2:17 p.m. *Chapman returned to the meeting.*
 2:17 p.m. *Carmody returned to the meeting.*
 2:17 p.m. *Chapman left the meeting.*
 2:19 p.m. *Kallhoff and Chapman returned to the meeting.*
 2:20 p.m. *Persell left the meeting*
 2:25 p.m. *Persell returned to the meeting.*
 2:42 p.m. *Perrin left the meeting.*
 2:44 p.m. *Perrin returned to the meeting.*
 2:46 p.m. *Weber left the meeting.*
 2:51 p.m. *Weber returned to the meeting.*
 3:05 p.m. *Pepin left the meeting.*



3:07 p.m. Persell left the meeting.
 3:14 p.m. Pepin returned to the meeting.
 3:25 p.m. Harrison left the meeting.
 3:31 p.m. Harrison returned to the meeting.
 3:31 p.m. Bowman left the meeting.
 3:37 p.m. Eisenmann left the meeting.
 3:37 p.m. Bowman returned to the meeting.
 3:40 p.m. Eisenmann returned to the meeting.
 3:52 p.m. Chapman and Lemke left the meeting.
 3:53 p.m. Mahar-Clark left the meeting.
 3:58 p.m. Mahar-Clark returned to the meeting.
 4:03 p.m. Fitts left the meeting.
 4:04 p.m. Carmody left the meeting.
 4:11 p.m. Carmody returned to the meeting.
 4:36 p.m. Came out of closed session.

LICENSURE RECOMMENDATIONS

▪ JENNIFER NDEDI—LPN REINSTATEMENT

MOTION: Kallhoff made the motion, seconded by Andrew, for the Board to request a pre-reinstatement investigation and a LAP Evaluation in order to make a more informed decision.

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

▪ KELLEY FALKENA—LPN REINSTATEMENT

MOTION: Carmody made the motion, seconded by LaRiche, for the Board to request a pre-reinstatement investigation and a LAP Evaluation in order to make a more informed decision.

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

▪ BREANNA BONAR—LPN REINSTATEMENT

MOTION: Andrew made the motion, seconded by Weidner, for the Board to deny 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.

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

▪ SUSANA URBANO—LPN REINSTATEMENT

MOTION: Weidner made the motion, seconded by Pepin, for the Board to recommend extending the original 18 months to complete the LPN refresher course for an additional 6 months. This will allow her to complete the refresher course that she is currently enrolled in.

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



▪ JILL MONESTERO—RN APPLICANT

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

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

▪ SAMANTHA KENDALL—LPN APPLICANT

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

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

▪ HALEY LACHNER—LPN APPLICANT

MOTION: LaRiche made the motion, seconded by Carmody, for the Board to recommend denial of an initial license based upon a diagnosis of alcohol use disorder, severe; cannabis use disorder, severe; no relapse prevention program; impaired practice as a Nurse Aide; and a South Dakota misdemeanor conviction with a rational connection to fitness to practice.

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

▪ BETH ANN BARBER—RN APPLICANT

MOTION: Kallhoff made the motion, seconded by Andrew, for the Board to recommend issuing an unrestricted RN license.

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

▪ ANNA MANUELL—RN REINSTATEMENT

MOTION: LaRiche made the motion, seconded by Pepin, for the Board to recommend denial of the reinstatement application based upon failure to provide proof of scheduling a Neuro-Psychological Evaluation by July 1, 2015 as requested by the Board. There is insufficient evidence presented to substantiate a change in circumstances.

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

4:37 p.m. *Thalken left the meeting.*
4:44 p.m. *Thalken returned to the meeting.*

Jackson asked if there were any items the Board would like to be taken back to the Board of Health. Wisell discussed the rationale for changing the recommendation for Stessman's pre-licensure recommendation. Wisell changed the recommendation to monthly employee reports. Guy requested the Board bring their calendars next month to plan for 2016 meeting dates. Persell will present on the investigation process at the next meeting.

CONCLUSION AND ADJOURNMENT

There being no further business, the meeting adjourned at 4:53 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Teresa Roddy". The signature is written in a cursive, flowing style.

Teresa Roddy, MSN, RN
Nursing Education Consultant

