

MINUTES OF THE MEETING
of the
NEBRASKA BOARD OF NURSING
August 11, 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., August 11, 2016, at the Gold's Building, Room 534, 1033 O Street, Lincoln NE 68508. 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
- Maxine Guy, LPN, *Board President*
- Kelley Hasenauer, APRN-NP, *Vice-President*
- Louise LaFramboise, RN
- Anthony LaRiche, *Public Member, Secretary*
- Rita Thalken, *Public Member*
- Karen Weidner, RN

The following Board member arrived after roll call: Kristene Perrin, RN

The following Board members were absent: Anne Dey, RN, and Dawn Straub, RN.

The following staff members from the Department, the Attorney's General Office, and a representative from the Board of Health were also present:

- Ann Oertwich, RN, *Executive Director*
- Sherri Joyner, *Health Licensing Coordinator*
- Kathy Hoebelheinrich, APRN, *Nursing Practice Consultant*
- Jacci Reznicek, RN, *Nursing Education Consultant*
- Anna Harrison, *Compliance Monitor*
- Matt Gelvin, *Program Manager* (arrived at 9:25 a.m.)
- C. J. Roberts, *Attorney*
- Lisa Anderson, *Assistant Attorney General*
- Ami Huff, *Assistant Attorney General*
- Mindy Lester, *Assistant Attorney General*
- Russ Fosler, *Investigations Unit Administrator*
- Susan Aerni, *Investigator*
- Jessica Bowman, *Investigator*
- Sharon Fitts, *Investigator*
- Pat Lemke, *Investigator*
- Sherri Lovelace, *Investigator*
- Mendy Mahar-Clark, *Investigator*
- Diane Jackson, APRN, *Secretary, Board of Health*

A quorum was present, and the meeting convened.

ADOPTION OF THE AGENDA

MOTION: Hasenauer made the motion, seconded by LaFramboise, to adopt the revised agenda for the August 11, 2016, Board of Nursing meeting.

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

These minutes were approved by the
Board of Nursing on September 8, 2016.

APPROVAL OF THE MINUTES

MOTION: Thalken made the motion, seconded by Andrew, to approve the minutes for the July 14, 2016, Board of Nursing meeting, the July 13, 2016, Education Committee meeting, and the July 13, 2016, Practice Committee meeting with revisions.

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

INTRODUCTIONS

Introductions were made on behalf of Kathy Hoebelheinrich, the new Nursing Education Consultant, and Jacci Reznicek, the new Nursing Practice Consultant. Members and staff also introduced themselves to Diane Jackson, member of the Board of Health.

PRACTICE COMMITTEE

Reaffirmation of Advisory Opinions

Hasenauer noted typos in the opinions that needed to be fixed. She also asked that the reaffirmed opinions include a hyperlink to the Decision-Making Model when they are posted on the Advisory Opinion web page. Weidner asked if the Analgesia by Catheter Technique opinion could be interpreted to prohibit nursing from managing the care of epidurals for pregnant patients. Hasenauer said the Practice Committee would look at that issue the next time the opinion is reviewed. Members also noted that no dates were included for the references in the Gastric Band Adjustments, and that the Practice Committee should consider revising these references the next time the opinion was reviewed. Weidner, noting that total contact casts are discussed in both the Casting and the Wound Care Advisory Opinions, suggested that when each opinion is reviewed in the future that a reference to the other opinion might be added.

MOTION: The Practice Committee made the motion that the Board of Nursing reaffirm the following advisory opinions and publish the advisory opinions using the revised template:

- Analgesia by Catheter Technique
- Casting
- Deployment of Vascular Closure Devices
- Gastric Band Adjustments
- Wound Care Techniques

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

Retirement of Advisory Opinions

Weidner asked if the date that the opinions were retired would be added to advisory opinion documents. Joyner explained that in the past, retired opinions were simply deleted from the Advisory Opinion web page. At the Practice Committee's request, however, the titles of retired opinions will remain listed on the website, but the list will include the date that the opinion was retired and, if appropriate, a reference to the Decision-Making Model.



MOTION: The Practice Committee made the motion that the Board of Nursing retire the following advisory opinions in favor of the Decision-Making Model:

- Cardioversion
- Chest Tube Removal
- Chronic Ambulatory Peritoneal Dialysis
- Epicardial Pacing Wires
- Gastric Tube Insertion: Selection of Insertion Site and Type of Tube
- Gastronomy, Jejunostomy, and Suprapubic Tube Replacement
- Intraosseous Cannulation
- Internal Fetal Scalp Electrodes
- LPNs & Respiratory Care
- Umbilical Catheters

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

EDUCATION COMMITTEE

MOTION: The Education Committee made the motion that the Board of Nursing approve Metropolitan Community College PN Program courses NURS 1300 – Mental Health Nursing I, and NURS 1950 – Pharmacology.

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

MOTION: The Education Committee made the motion that the Board of Nursing approve the Kaplan University-Omaha BSN Program courses NU 310 – Research Guided Evidence Based Nursing Practice; NU 418 – Nursing Care of the Geriatric Patient; NU 418ME – Nursing Care of the Geriatric Patient, Clinical; NU 422 – Leadership, Management, Issues, and Trends in Nursing; NU 496 – Bachelors Capstone in Nursing for Entry-Level Practice; and NU 496ME – Bachelors Capstone in Nursing for Entry-Level Practice, Clinical.

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

COMMUNICATION

Nursing News

Oertwich reported that the latest edition of Nursing News will go to the publisher as soon as approval is received from the Department's Chief Information Office. The issue will focus on RN renewals.

National Council of State Boards of Nursing (NCSBN)

Guy, Oertwich, and Perrin will attend the NCSBN Annual Conference in Chicago on August 16th through the 19th. Oertwich said that staff would send members information on how they could attend the meetings via webinar.



Legislative Updates

The Licensure Unit submitted three nursing-related legislative proposals to be reviewed by the Department for possible sponsorship in the 2017 Legislative session. The proposals deal with 1) adoption of the Enhanced Nurse Licensure Compact, 2) incorporation of intravenous duties in the LPN scope of practice, and 3) “grandfathering-in” APRNs who were not covered by the provisions of LB 107. Oertwich reported that she expected to find out in the fall whether the Department would sponsor any of these proposals.

Nurse Licensure Compact (NLC) Updates

Members and staff did not have any updates to report.

CALENDAR FOR 2017 BOARD MEETINGS

Members agreed to schedule meetings in 2017 on the following dates:

Board of Nursing: January 12th, February 8th, March 9th, April 13th, May 11th, June 8th, July 13th, August 10th, September 14th, October 12th, November 9th, and December 14th.

Education Committee and Practice Committee: January 11th, March 8th, June 7th, July 12th, September 13th, November 8th.

Issues Forums: April 12th and October 11th.

CENTER FOR NURSING FOUNDATION UPDATE

LaRiche reported that he had not been contacted about any upcoming meetings of the Foundation.

CREDENTIALING REVIEW UPDATES

LPN/LPN-C

Members were presented with the Application for Credentialing Review regarding the proposal to incorporate intravenous therapy within the LPN scope of practice.

MOTION: Hasenauer made the motion, seconded by Andrew, to approve the Application for Credentialing Review: Licensed Practical Nurse (LPN) Provision of Intravenous (IV) Therapy, submitted by the Board of Nursing, and dated August 3, 2016.

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

Staff and members discussed possible timelines for the review process. An orientation meeting for the Technical Review Committee has been scheduled for September 7th. It is possible that the LPN/LPN-C proposal could be brought to the Board of Health in January 2017, which would make it feasible to introduce legislation in 2017. Oertwich asked if they should plan to draft legislation in December 2016. Gelvin and Jackson advised that drafting legislation could begin earlier, especially if the Technical Review Committee gets its questions answered promptly.



Gelvin said that the group should identify 3 or 4 key people to attend the Credentialing Review meetings and answer the committee's questions. Members identified three Board members, Andrew, Guy, and Weidner, along with Crystal Higgins, Program Chair for Southeast Community College's Practical Nursing program, as the four designated representatives.

Oertwich said that she, Reznicek, and Hoebelheinrich will coordinate a meeting for stakeholders.

Gelvin said he would post the application to the Credentialing Review Program's website. He said that stakeholders can also submit position papers for posting on the website. Persons interested in updates on the progress of the LPN/LPN-C application can submit their name and contact information to the Credentialing Review Program office, and Gelvin will keep them posted on meeting dates and other important information.

Dialysis Technologists

Gelvin announced that the next meeting of the Dialysis Technologists' Technical Review Committee was scheduled for August 15th. The committee was expected to vote on whether or not to approve the applicant's proposal and move the proposal to the Board of Health for review. Oertwich said that Hoebelheinrich and Reznicek would attend the meeting.

9:50 a.m. *Meeting went into recess.*

10:08 a.m. *Meeting reconvened*

PERFORMANCE IMPROVEMENT

Linsey Sousek, the DHHS Operation Consultant, gave a presentation on the Governor's initiatives dedicated to performance improvement and operational excellence. Sousek explained that "operational excellence" is a culture that tries to embrace continuous process improvement in all areas. Noting gains made by the Department recently, including the more efficient processing of nurse licensing applications, Sousek said they are looking at ways to ensure that the gains are sustainable. She said the Department needs to continuously get feedback from customers and continuously respond to this feedback. Sousek said the "customer" was a broad category that includes the public, staff, and stakeholders. Oertwich said she wanted Board members to be part of the process and to provide the Department with feedback.

STRATEGIC PLANNING

Oertwich presented the Board's draft strategic plan with edits suggested by LaRiche. She asked for Board feedback on changing one of the strategic actions from "Ensure passage of the Enhanced Nursing Licensure Compact provisions by 2017," to "Legislature enacts the Enhanced Nurse Licensure Compact by December 31, 2017." LaFramboise brought up the concept of "stretch goals," and she and other members were comfortable with the change in wording.

Weidner asked that the strategic plan be placed in a table format similar to the Board's previous strategic plans

Oertwich asked for background information on the plan's third strategic goal – "Clarify role and develop a process for issuing Advisory Opinions by the Board." Perrin noted that goal stemmed in part from the Practice Committee's concerns regarding the degree to which their work limited rather than expanded nurses' scope of practice. Weidner suggested the goal be rewritten as "Clarify role and process for issuing Advisory Opinions by the Board."



Hasenauer requested that after incorporating LaRiche's edits and placing the plan in a chart format, that approval of the plan be obtained by email ballot if possible. Weidner noted that items might be discussed at the NCSBN Annual Meeting that might affect the Board's own strategic plan. Weidner also recommended publishing the final version of the strategic plan in the *Nursing News* and putting the plan in a document that could be shared with stakeholders.

CLOSED SESSION

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

10:45 a.m. Meeting went into Closed Session. Anderson, Huff, and Lester left the meeting.
12:00 p.m. Meeting returned to Open Session. Anderson, Huff, and Lester returned to the meeting.

PUBLICATION OF LICENSURE ACTIONS IN NURSING NEWS

Patty Bollinger, APRN, Niki Eisenmann, RN, and Barbara Sittner, APRN, spoke before the Board regarding their concerns with the publication of licensure actions in the *Nursing News*, particularly the inclusion of substance use disorder diagnoses in the description of the action. Eisenmann expressed concerns that the publication of diagnoses can be detrimental to a nurse's recovery process and did little to protect the safety of the public. Sittner requested that the Board revisit the issue and research how other states deal with publication of licensure actions.

CLOSED SESSION

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

12:30 p.m. Meeting went into Closed Session. Roberts left the meeting.
1:30 p.m. Hasenauer and LaFramboise left the meeting.
1:37 p.m. Hasenauer and LaFramboise returned to the meeting.
2:17 p.m. LaFramboise left the meeting.
2:20 p.m. LaFramboise returned to the meeting.
2:26 p.m. Weidner left the meeting.
2:29 p.m. Weidner returned to the meeting.
3:33 p.m. Meeting returned to Open Session.



LICENSURE RECOMMENDATIONS**LISA R. GREEN – RN REINSTATEMENT FOLLOWING DISCIPLINARY ACTION**

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

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

JODY L. HARTLEY – RN REINSTATEMENT FOLLOWING DISCIPLINARY ACTION

MOTION: LaRiche made the motion, seconded by LaFramboise, to recommend issuing Jody L. Hartley, RN, a temporary license to complete a board approved refresher course, to be completed within 18 months, and after successful completion of the refresher course, reinstating her 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 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; have no access to controlled substances in the 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 upon previous licensure disciplinary action; a diagnosis of alcohol use disorder severe; opioid dependency diagnosis; completion of inpatient treatment; compliance with treatment recommendations; active involvement in the substance abuse/addiction recovery process; and attendance at support group meetings.

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

ASHLEY D. RUBLE – RN REINSTATEMENT FOLLOWING DISCIPLINARY ACTION

MOTION: Andrew made the motion, seconded by Weidner, to deny Ashley Ruble's application 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, Guy, Hasenauer, LaFramboise, LaRiche, Perrin, Thalken, and Weidner. **Voting No:** None. **Abstain:** None. **Absent:** Dey and Straub. **Motion carried.**



THOMAS R. SHAW – LPN REINSTATEMENT FOLLOWING DISCIPLINARY ACTION

MOTION: Hasenauer made the motion, seconded by LaRiche, to deny Thomas Shaw's application 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, Guy, Hasenauer, LaFramboise, LaRiche, Perrin, Thalken, and Weidner. **Voting No:** None. **Abstain:** None. **Absent:** Dey and Straub. **Motion carried.**

ROBERT J. HILDENSTEIN – LPN REINSTATEMENT FOLLOWING DISCIPLINARY ACTION

MOTION: Hasenauer made the motion, seconded by LaFramboise, to deny the reinstatement of Robert Hildenstein's LPN license based on: failure to disclose prior criminal convictions; disciplinary action with rational relation to practice of nursing in prior employment; and prior disciplinary action against LPN license.

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

EBONY L. LEARY – LPN APPLICATION

MOTION: Weidner made the motion, seconded by Thalken, to recommend issuing Ebony L. Leary a LPN 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 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 a diagnosis of alcohol dependence and misdemeanor convictions rationally related to the profession.

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

RONDA J. BEAUMONT – LPN REINSTATEMENT (NON-DISCIPLINARY)

MOTION: Thalken made the motion, seconded by Andrew, to recommend denying the reinstatement of Ronda Beaumont's LPN license based on a misdemeanor conviction that is rationally related to the profession.

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



STEPHANIE J. ANDERSON – LPN APPLICATION

MOTION: LaFramboise made the motion, seconded by LaRiche, to recommend denying Stephanie Anderson’s application for a LPN license based on misdemeanor convictions that are rationally related to the profession.

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

PAIGE M. ANDERSON – RN APPLICATION

MOTION: Andrew made the motion, seconded by Thalken, to recommend issuing Paige Anderson an unrestricted RN license.

Voting Yes: Andrew, Guy, Hasenauer, LaRiche, Perrin, and Thalken.. **Voting No:** Weidner. **Abstain:** LaFramboise. **Absent:** Dey and Straub. **Motion carried.**

EMILY E. MILES – RN APPLICATION

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

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

MORGAN L. JONES – RN APPLICATION

MOTION: Andrew made the motion, seconded by Thalken, to recommend issuing Morgan Jones an unrestricted RN license.

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

SHAUNA L. REIKOFSKI – RN APPLICATION

MOTION: Hasenauer made the motion, seconded by LaFramboise, to recommend issuing Shauna Reikofski an unrestricted RN license.

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

LYNNETT M. SPENCER – RN APPLICATION

MOTION: Thalken made the motion, seconded by Perrin, to recommend issuing Lynnett Spencer an unrestricted RN license.

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



SUZANNE R. KUYPER – RN APPLICATION

MOTION: Weidner made the motion, seconded by Andrew, to recommend issuing Suzanne Kuyper an unrestricted RN license.

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

CONCLUSION AND ADJOURNMENT

There being no further business, the meeting adjourned at 3:46 p.m.

Respectfully submitted,



Sherri Joyner
Health Licensing Coordinator

