

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

**September 10, 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., September 10, 2015, at the Nebraska State Office Building, 301 Centennial Mall South, Room LL-D, 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*
- Kathleen Pepin, RN
- Dawn Straub, RN
- Rita Thalken, *Public Member*
- Karen Weidner, RN

The following board members were absent during roll call: Wendy Kallhoff, RN, and Kristene Perrin, RN

A quorum was present and the meeting convened.

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

- Karen Bowen, RN, *Executive Director*
- Teresa Roddy, RN, *Education Consultant*
- Nancy "Niki" Eisenmann, RN, *Practice Consultant*
- Anna Harrison, RN, *Compliance Monitor*
- Sherri Joyner, *Health Licensing Coordinator*
- Teresa Hampton, Attorney (arrived at 8:45 a.m.)
- Peggy Persell, *Investigations Unit Program Manager* (arrived at 8:35 a.m.)
- Jennifer Roberts-Johnson, *Deputy Director* (arrived at 8:45 a.m.)
- Lisa Anderson, *Assistant Attorney General*

**ADOPTION OF THE AGENDA**

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

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

8:40 a.m.      *Kallhoff arrived at meeting.*

**APPROVAL OF THE CONSENT AGENDA**

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

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

These Minutes were approved by the  
Board of Nursing on October 8, 2015.

**COMMUNICATION****Nursing News**

Bowen reported that the Nursing News is scheduled to go to print on September 15, 2015.

**National Council of State Boards of Nursing (NCSBN)**

8:47 a.m. Perrin arrived at the meeting.

Bowen said that one of the highlights of her career has been working with the NCSBN on the development of the Taxonomy of Error, Root Cause Analysis and Practice-Responsibility (TERCAP), a database that collects and categorizes data on nursing error. TERCAP is used by some state boards as an intake tool when investigating nursing error for potential disciplinary action. She recommended TERCAP as a great research resource.

At the 2015 Annual Meeting, Bowen reported that the reception for executive officers focused on honoring Kathy Apple, who is retiring as NCSBN's CEO. The new CEO will be David Benton, who is originally from Scotland, and who has an international background with respect to nursing regulations. Bowen remarked that the executive officers for fourteen state nursing boards will retire or step down this year, and the high turnover rate means the NCSBN might experience significant changes in upcoming years.

Other persons who attended the NCSBN's annual meeting discussed their experiences. Guy reported that she learned quite a bit at the meeting. She particularly appreciated the presentation "Little Steps, Big Feat," about one woman's walk around the world to raise awareness about breast cancer. Roddy enjoyed learning about things other states are doing, and she found the presentation on Colorado's regulation of marijuana particularly informative, especially information on the accuracy of testing for marijuana use. Eisenmann also attended the presentation on marijuana, and she remarked that the legalization of marijuana and medical marijuana will have an impact on the regulation of nursing. Eisenmann also appreciated the session on the importance of nontechnical skills, such as teamwork and intuition, in the practice of nursing.

Bowen said the conference presentations were posted on the NCSBN website, and that she would email members links to those sites.

Perrin reported that she is still waiting to find out if she has been appointed to the NCSBN Standards Committee. She would also like to apply for a NCSBN Institute of Regulatory Excellence fellowship. In order to apply, she needs Board approval and a letter from the Board's Executive Officer. The Board approved Kristene Perrin's application for the Institute of Regulatory Excellence fellowship by consensus.

**Nurse Licensure Compact (NLC)**

Bowen discussed Nurse Licensure Compact (NLC) policy changes, also referred to as the "enhanced compact" model. Under the enhanced compact, there would be a uniform licensure model that all compact states can use. Other major changes are that rulemaking would lie with the NLC; and that persons with felony convictions would not be able to hold a multistate license.

Members and staff discussed the advantages and drawbacks of greater uniformity in licensure requirements, noting the need to protect the public and to establish minimum competencies for practicing the profession

Bowen estimated that it would take approximately two years to introduce legislation to adhere to the enhanced compact. A number of other compact states are currently going forward with legislation.

## **Miscellaneous**

Bowen introduced Roberts-Johnson, who explained her role as one of the two Deputy Directors for the Division of Public Health. Roberts-Johnson explained that she is a lawyer with a background in medical and insurance topics.

## **CENTER FOR NURSING FOUNDATION UPDATE**

LaRiche reported on the August 19, 2015, conference call meeting of the Center for Nursing Foundation. Three winners of the Nurses Making a Difference Campaign had been selected. Two of the winners – Rhonda Meyer and Mary Kisiski from Bergen Mercy – were presented their awards in July. The Foundation was asked to withhold the name of the third winner until the award is presented in a surprise ceremony. LaRiche also reported that Monica Seeland, the Foundation's Treasurer, is stepping down, but that she will help find a replacement. Alice Kindschuh has reached her Center for Nursing (CFN) term limit. Liane Connelly is the new CFN Chair.

## **REVIEW OF NURSING REGULATIONS**

Board members were provided with draft copies of proposed revisions to the Regulations Governing the Practice of Nursing (172 NAC 101). Bowen provided an overview of the proposed changes, which include:

- Changing and/or adding definitions so that they are consistent with the Uniform Credentialing Act (UCA).
- Adding citizenship/lawful presence to licensure requirements, as well as a list of documents accepted as evidence of meeting the requirement.
- Adding language that describes refunds of application fees for denied and/or withdrawn applications and describes the circumstances under which an application can be withdrawn.
- Using the term “refresher course” (in lieu of “review course”) throughout the document for consistency.
- Deleting the portfolio as an option for meeting continuing competency requirements. Bowen and staff reported that the portfolio option is seldom used and confusion exists regarding portfolio requirements and expectations.
- Changing language so that CPR and BLS courses would no longer be accepted for continuing competency.
- Replacing the language for the renewal process with standard language from the UCA, including the addition of waivers of renewal fees and continuing competency requirements for active duty military members.
- Deleting specifications on the percentage of licensees (5% to 20%) that must be randomly selected for continuing competency audits. Other professions do not specify a percentage, and the minimum 5% requirement makes it necessary to audit more than 1,000 RNs every two years.
- Adding “electronic communication” as an acceptable method of requesting and communicating an advisory opinion.
- Adding language regarding the Nurse Licensure Compact. When a nurse changes primary state of residence from one compact state to another, the amount of time that the nurse can practice under the former home state license has been changed from thirty to ninety days.

On the topic of continuing competency requirements, staff and members discussed requiring that all twenty hours of continuing education coursework be peer reviewed, rather than the current requirement that ten hours be peer reviewed. Eisenmann noted that a major reason why nurses fail continuing competency audits is because they do not have enough peer-reviewed course hours, and that changing to all peer-reviewed courses would reduce confusion about what coursework is acceptable. Bowen noted that online courses make it easier for nurses to obtain peer-reviewed continuing education hours. Thalken asked for

an estimate of the number of nurses who use non-peer reviewed coursework. Guy replied that many nurses use BLS toward meeting the requirement.

Hasenauer said she supported 1) eliminating the portfolio, 2) requiring that all coursework be peer reviewed, and 3) eliminating the certification option. Others agreed. Hasenauer noted that in order to be certified, a nurse would need to have fulfilled the continuing education requirements anyway as a requirement for certification. Eisenmann added that many licensees are confused as to what constitutes a certification.

Eisenmann noted that coding has changed in the past ten years, requiring more knowledge of physiology than in the past, and that the Board might consider whether some coding courses should be accepted for continuing education.

Straub noted the importance of clearly communicating to nurses any changes to the continuing competency requirements.

Those present also discussed whether or not to allow nurses who provide home care for family members or friends to use those hours towards their practice hour requirements. Anderson noted that it is possible for a nurse to be paid by the Department (through its Medicaid Division) to care for a family member, with the care provided being explicitly identified as nursing care provided by a nurse. It might be seen as inconsistent if the same Department (through the Licensure Unit) maintained that the care provided by the nurse did not constitute the practice of nursing for the purpose of fulfilling continuing competency requirements.

10:30 a.m.      *The meeting went into recess.*

10:45 a.m.      *The meeting reconvened.*

**MOTION:** Andrew made the motion, seconded by Hasenauer, 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:** None. **Motion carried.**

### **CLOSED SESSION**

10:50 a.m.      *The meeting went into closed session.*

10:51 a.m.      *Anderson left the meeting.*

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

- Jessica Bowman, RN, *Investigator*
- Kristi Chapman, RN, *Investigator*
- Sharon Fitts, RN, *Investigator*
- Pat Lemke, RN, *Investigator*
- Mendy Mahar-Clark, RN, *Investigator*
- Laura Weber, RN, *Investigator*

10:55 a.m.      *Weidner and Pepin left the meeting.*

11:07 a.m.      *Weidner and Pepin returned to meeting.*

11:15 a.m.      *Hampton left meeting. Anderson and Roberts-Johnson returned to meeting.*

11:20 a.m.      *Roberts-Johnson left meeting.*

11:47 a.m.      *Joyner left meeting.*

11:54 a.m.      *Bowen left meeting.*

11:59 a.m.      *Bowen and Joyner returned to meeting.*

12:03 p.m.      *Carmody left meeting.*

12:05 p.m.      *Carmody returned to meeting.*

12:10 p.m.      *Meeting recessed for lunch.*



12:38 p.m. Meeting reconvened. Pepin left meeting.  
 12:57 p.m. Bowman, Chapman, Fitts, Lemke, Mahar-Clark, Weber, and Harrison left meeting.  
 1:03 p.m. Harrison returned to meeting.  
 1:53 p.m. Carmody left meeting.  
 1:56 p.m. Carmody returned to meeting.  
 2:14 p.m. Persell left meeting.  
 2:37 p.m. Meeting came out of closed session.

### **LICENSURE RECOMMENDATIONS**

2:39 p.m. Harrison left meeting

#### **▪ JILL NESLADEK — LPN REINSTATEMENT**

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

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

#### **▪ STEPHANIE BLOME-WEIBEL — RN REINSTATEMENT**

**MOTION:** Andrew made the motion, seconded by Carmody, to deny the request for early termination of probation on the grounds that 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 circumstance. Therefore, the request is denied.

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

#### **▪ MELISSA BUTLER — RN REINSTATEMENT**

**MOTION:** LaRiche made the motion, seconded by Kallhoff, to issue Butler a temporary permit on probation for the purpose of completing a Board approved refresher course within 18 months, and, after successful completion of the refresher course, issuing an RN 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 the treating practitioner; report all prescription medications taken; submit to random body fluid screens; advise 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 the following: prior misdemeanor convictions rationally related to the profession; diagnosis of alcohol use disorder in sustained remission; completion of inpatient, intensive outpatient, and outpatient treatment, compliance with treatment recommendations; active involvement in substance abuse/addiction recovery process; reported period of sobriety from June 19, 2011; and reported attendance at support group meetings and maintaining a sponsor

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

**▪ JILL MONESTERO — RN APPLICANT**

**MOTION:** Weidner made the motion, seconded by Perrin, to issue Monestero an unrestricted RN license.

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

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

**▪ LORI STEINKRAUS — RN REINSTATEMENT**

**MOTION:** Carmody made the motion, seconded by Hasenauer, to reinstate Steinkraus' 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; report all prescription medications taken; submit to random body fluid screens; advise 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 five year probationary period; along with the usual terms and conditions. This motion is based on the following: prior alcohol-related misdemeanor convictions; diagnosis a severe alcohol use disorder; completion of inpatient, intensive outpatient, and outpatient treatment; compliance with treatment recommendations; active involvement in the substance abuse/addiction recovery process; reported period of sobriety from October 11, 2014; documented attendance at support group meetings and maintaining a sponsor.

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

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

**▪ ZURISHA GARY — LPN APPLICANT**

**MOTION:** Kallhoff made the motion, seconded by Perrin, to issue Gary an unrestricted LPN license.

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

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

**▪ DEBRA KROMIS — RN APPLICANT**

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

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

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

**▪ VICTORIA ODETTE — RN APPLICANT**

**MOTION:** Straub made the motion, seconded by Weidner, to request a pre-licensure investigation in order to make a more informed decision

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

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

**CONCLUSION AND ADJOURNMENT**

There being no further business, the meeting adjourned at 2:50 p.m.

Respectfully submitted,



Sherri Joyner  
Health Licensing Coordinator

