CALL TO ORDER

The meeting of the Nebraska Board of Nursing was called to order by Dawn Straub, Board President, at 8:32 a.m., September 14, 2017, at Country Inn and Suites, Lighthouse Room, 5353 N. 27th St., Lincoln NE 68521. 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. Straub 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, Board Vice-President
- Maxine Guy, LPN
- Louise LaFramboise, RN
- Patti Motl, RN
- Kristin Ruiz, RN
- Dawn Straub, RN, Board President
- Rita Thalken, Public Member
- Karen Weidner, RN, Secretary
- Katherine Werth, APRN

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

The following Board member was absent: Anne Dey, RN

The following staff members from the Department and the Attorney’s General Office were also present during all or part of the meeting:

- Ann Oertwich, RN, Executive Director (arrived at 9:35 a.m.)
- Sherri Joyner, Health Licensing Coordinator
- Jacci Reznicek, RN, Nursing Education Consultant
- Kathy Hoebelheinrich, RN, Nursing Practice Consultant
- Anna Harrison, Compliance Monitor
- Teresa Hampton, Attorney (arrived at 11:17 a.m.)
- Lisa Anderson, Assistant Attorney General
- Ami Huff, Assistant Attorney General
- Susan Aerzi, Investigator
- Jessica Bowman, Investigator
- Sharon Fitts, Investigator
- Pat Lemke, Investigator
- Mendy Mahar-Clark, Investigator

A quorum was present, and the meeting convened.

ADOPTION OF THE AGENDA

MOTION: Guy made the motion, seconded by Weidner, to adopt the agenda for the September 14, 2017, Board of Nursing meeting.

APPROVAL OF THE MINUTES

MOTION: Thalken made the motion, seconded by Motl, to approve the consent agenda.


CLOSED SESSION

MOTION: Guy 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.


8:35 a.m. Meeting went into closed session.
9:13 a.m. Weidner left the meeting.
9:14 a.m. Weidner returned to the meeting.
9:20 a.m. Straub left the meeting.
9:35 a.m. Perrin left the meeting. Straub returned to the meeting. Oertwich entered the meeting.
9:38 a.m. Perrin returned to the meeting.
9:58 a.m. Andrew left the meeting.
9:59 a.m. Andrew returned to the meeting.
10:05 a.m. Joyner, Oertwich, Harrison, Reznicek, and Hoebelheinrich left the meeting. Meeting went into recess.
10:15 a.m. Meeting reconvened.
10:45 a.m. Joyner, Oertwich, Harrison, Reznicek, and Hoebelheinrich returned to the meeting.
11:17 a.m. Anderson and Huff left the meeting. Hampton entered the meeting.
11:45 a.m. Meeting returned to open session. Anderson and Huff returned to the meeting.

LICENSURE RECOMMENDATIONS

BRIANNA A. BOUWENS – LPN APPLICATION

MOTION: Weidner made the motion, seconded by LaFramboise, to recommend issuing Brianna Bouwens a LPN license on probation for one year with the following terms and conditions: active practice for 1040 hours; 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 seven (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. The recommendation for probation is based upon misdemeanor convictions rationally related to the profession.

GERARD FUH – LPN APPLICATION

**MOTION:** Thalken made the motion, seconded by Motl, to recommend issuing Gerard Fuh a LPN license with a censure and require that he complete a Professional Accountability & Legal Liability course and the Disciplinary Actions: What Every Nurse Should Know course.

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

ALISSA W. LAMONT – RN APPLICATION

**MOTION:** Guy made the motion, seconded by Weidner, to recommend issuing Alissa Lamont an unrestricted RN license.

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

JESSICA M. ORTEGREN – RN APPLICATION

**MOTION:** Andrew made the motion, seconded by Guy, to recommend issuing Jessica Ortegren an unrestricted RN license.

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

MINDY M. KAPPEL – RN REINSTATEMENT FOLLOWING DISCIPLINARY ACTION

**MOTION:** Motl made the motion, seconded by Thalken, to recommend reinstating Mindy Kappel’s RN license on probation for two years with the following terms and conditions: advise Department of any professional counseling and submit reports; comply with treatment recommendations including recommendations for attendance at support group meetings; have no access to controlled substances in the course of nursing employment for six (6) months, followed by access to controlled substances under direct supervision for six (6) months; active practice for 2080 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 seven (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. The recommendation for probation is based upon a felony conviction rationally related to the profession and violation of the Uniform Controlled Substances Act. The recommendation for reinstatement is based on positive letters of reference.

**Voting Yes:** Andrew, Guy, LaFramboise, Motl, Perrin, Ruiz, Straub, Thalken, Weidner, and Werth. **Voting No:** None. **Abstain:** None. **Absent:** Dey. **Motion carried.**
DEANNA R. WILLIAMS – LPN REINSTATEMENT FOLLOWING DISCIPLINARY ACTION

MOTION: Ruiz made the motion, seconded by Werth, to recommend reinstating Deanna Williams’ LPN license with the same terms and conditions that were in effect prior to the expiration of her license.


BRIANNA A. BOUWENS – LPN APPLICATION

MOTION: Weidner made the motion, seconded by LaFramboise, to rescind the Board’s previous motion on Brianna Bouwens’ LPN application.


MOTION: Weidner made the motion, seconded by LaFramboise, to recommend issuing Brianna Bouwens a LPN license on probation for one year with the following terms and conditions: active practice for 1040 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 seven (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. The recommendation for probation is based upon misdemeanor convictions rationally related to the profession.


2018 BOARD MEETING SCHEDULE

Members designated the following days for Board-related meetings in 2018:


NCLEX REPORT

Members reviewed passing rates for the NCLEX-RN and NCLEX-PN exams for the second quarter of 2017. Reznicek noted that Nebraska has the second highest NCLEX-RN pass rate in the nation for the second quarter of 2017.
STRATEGIC PLAN

Members reviewed progress updates to the Board’s Strategic Plan. Oertwich noted that many items on the plan have been completed or are headed to completion. Weidner suggested dedicating the February 2018 Issues Forum to strategic planning.

REPORTS FROM NCSBN ANNUAL CONFERENCE

Members and staff who attended the National Council of State Boards of Nursing (NCSBN) Annual meeting in August provided summaries on their experiences. Hoebelheinrich reported on the keynote address from Mary Wakefield, who was the first nurse to serve as Acting Deputy Secretary of the U.S. Department of Health and Human Services. Wakefield described the role of regulators in an era marked by anti-regulatory politics and a health care system that is becoming increasingly complex. Regulators should pay attention to the tone of the language used to describe regulations. Public perception can be shaped by words such as “crushing” and “burdensome,” rather than “consumer-oriented” and “protective.” The complexity of the health care system makes it imperative for boards of nursing to work collaboratively with other professional boards and organizations. Wakefield also stressed the importance of reaching outside of healthcare in order to develop innovative approaches, citing the example of how regulators for organ donation programs reached out to FedEx in order to improve processes for transporting organs.

Motl reported on the session that covered technology and robotics. She noted that sensors are being developed that can be placed in contact lenses or watches in order to monitor glucose levels or other conditions. Google Glasses and 3-D holograms are being used to teach anatomy. The session also covered the use of robots to pass trays and take vital signs, although Motl expressed uncertainties about robots doing assessments.

Werth reported on the session on virtual nursing, noting that it was interesting to learn about a virtual nursing program that is up and running with all the kinks worked out. One of the major benefits of virtual nursing is the capacity to synthesize large amounts of data, making it useful for tasks such as navigating medical records quickly. Using virtual nursing successfully does require a public relations component; patients and bedside nurses are more likely to accept the technology when they understand its benefits.

Reznicek reported on the Education Consultants Meeting. She said some states are thinking of looking at factors such as graduation rates and employment rates, in addition to NCLEX pass rates, when evaluating whether an educational program merits approval. She noted that there are major differences in NCLEX pass rates between programs that are nationally accredited and programs that are not. NCSBN also presented proposed language for its model rules regarding the use of simulations for clinicals. Rezinicek mentioned that North Carolina will allow simulations to be used for up to 50% of clinical training if the school is nationally accredited and 25% if school is not nationally accredited. Motl noted that the lack of clinical placements for students is becoming a major problem.

Straub said that the Delegate Assembly did approve changes in the NCSBN bylaws creating an associate member category for boards that do not participate in licensure verification through Nursys. She also reported on next generation NCLEX, which is aimed at better assessing critical thinking skills. NCSBN is getting good feedback from the set of pilot questions that students who currently take NCLEX can volunteer to answer. In 2019, NCSBN will decide whether or not to continue developing the new version NCLEX.

BOARD OFFICER & COMMITTEE CHAIR ROLES

Straub said she did not have as much opportunity as she had hoped to get feedback at the NCSBN Annual Conference on the proposed plan for Board Officer and Committee Chair roles. She noted that even among umbrella boards (as opposed to independent boards) there are many dissimilarities in how boards are governed and organized. Some board presidents are appointed for long terms. She said she did not see a need at this time for the Board to start a legislation committee.
NURSE LICENSURE COMPACTS

The Enhanced Nurse Licensure Compact will be implemented on January 19, 2018. Members reviewed draft letters that NCSBN will mail to all Nebraska-licensed nurses regarding changes in the Compact. A major change involves Uniform Licensing Requirements (ULRs), which nurses who are not grandfathered in must meet in order to have a multistate license. If new applicants for licensure in eNLC states do not meet the ULRs, they can still be can be issued a single-state license. Four states that are members of the current compact – Colorado, New Mexico, Rhode Island, and Wisconsin – have not joined the eNLC. Oertwich said nurses from these states have already contacted the Licensure Unit about applying for a Nebraska licensure.

NCSBN has produced two videos about implementation of the new Compact. Joyner will email members links to these videos.

Oertwich said that draft rules for the eNLC have been sent out to member states. Final adoption of the rules is scheduled for December 12th.

Oertwich said that Senator Carol Blood from Bellevue plans on introducing APRN Compact legislation during the 2018 legislative session. Oertwich said that Nebraska currently has five separate statutes governing APRNs, which presents a hindrance to joining the compact. In order to become a member of the APRN Compact, Nebraska would need to adopt the APRN Consensus Model, which would necessitate discussions with stakeholders.

NCSBN BOARD MEMBER PROFILES

Reznicek showed members and staff the various profiles that they can access from the NCSBN website. The profiles are based on survey responses from the 59 boards of nursing that are members of NCSBN. The data can help ascertain how Nebraska compares with other states in its regulation of nursing. Some of the data Reznicek presented from the 2016 Education Profile included states that have time limits on taking NCLEX, states that require that nursing education programs be nationally accredited, and the number of simulation hours that can be used in various states for clinical training.

NCSBN CONTINUING EDUCATION OFFERINGS

No reports were given. LaFramboise said she would give a report at the October 12th Board meeting.

ELIMINATION OF LPN-C CREDENTIAL

Oertwich noted that regulatory change is needed in order to fully implement the elimination of the LPN-C credential, but she noted that the Department cannot go forward with new regulations until December due to the Governor’s recent Executive Order. Weidner said that the existing LPN-C regulations are not necessarily reflective of current practices and might be overly restrictive in some areas. Oertwich said that with the elimination of the LPN-C statutes, the LPN-C regulations are advisory. Oertwich said that if an LPN meets the statutory requirements to provide intravenous therapy, such as by having completed an LPN-C course, then the LPN can perform a particular intravenous task if three requirements are met: 1) the employer has approved having a LPN do the task, 2) the LPN has been trained to do the task, and 3) the employer has assessed the competency of the LPN to perform the task.

Weidner asked where LPNs should send proof of completing the eight-hour didactic course in IV therapy. Oertwich said the documentation should be sent to the DHHS Licensure Unit. Reznicek said she has received many inquiries about where LPNs can take the course. Southeast Community College and Northeast Community College are currently the only programs offering the didactic course, although other resources are expected to become available in near future.
CENTER FOR NURSING AND CFN FOUNDATION UPDATES

The Center for Nursing is currently accepting nominations for its Nurses Making a Difference Award. The Center’s new website is also expected to go live soon.

Oertwich said that the Center for Nursing Foundation recently met with representatives of the Nebraska Action Coalition (NAC). Plans to have the Foundation become NAC’s fiscal sponsor have been tabled.

Perrin said that she was uncertain if she could continue serving as the Board of Nursing’s representative to the Foundation due to time constraints, and she asked other members to consider taking her place.

OCTOBER ISSUES FORUM

Oertwich said the October 11th Issues Forum will focus on the disciplinary process and will include presentations from Anderson and from the Investigations Unit.

COMMUNICATION

Staff Updates

Oertwich reported that a new staff person has recently been hired for the Nurse Aide Registry. They will start interviews soon for a half-time position to cover the new Dialysis Tech Registry. There is still a vacancy for a Nurse Aide Surveyor.

Nursing News

The next edition of Nursing News is scheduled to be published in mid-November and will focus on the Enhanced Nurse Licensure Compact. Oertwich suggested taking a group photo of Board members at the October Board meeting for possible inclusion in the newsletter.

CONCLUSION AND ADJOURNMENT

There being no further business, the meeting adjourned at 2:35 p.m.

Respectfully submitted,

[Signature]
Sherri Joyner
Health Licensing Coordinator