

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

October 8, 2015

CALL TO ORDER

The meeting of the Nebraska Board of Nursing was called to order by Maxine Guy, Board President, at 8:30 a.m., October 8, 2015, at the Staybridge Suites Lincoln I-80 Conference Room, 2701 Fletcher Ave., 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*
- 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: Kelley Hasenauer, APRN-NP, *Vice President*, Wendy Kallhoff, RN, (arrived at 8:31 a.m.) and Kristene Perrin, RN, (arrived at 8:33 a.m.).

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

- Becky Wisell, *Administrator, Licensure Unit*
- Teresa Roddy, RN, *Education Consultant*
- Nancy "Niki" Eisenmann, RN, *Practice Consultant*
- Anna Harrison, RN, *Compliance Monitor*
- Sherri Joyner, *Health Licensing Coordinator*
- Teresa Hampton, *Attorney*
- Jenifer Roberts-Johnson, *Deputy Director*
(arrived at 9:15 a.m.)
- Lisa Anderson, *Assistant Attorney General*
- Peggy Persell, *Investigations Unit Program Manager* (arrived at 10:21 a.m.)
- Jessica Bowman, *Investigator* (arrived at 9:30 a.m.)
- Kristi Chapman, *Investigator* (arrived at 9:30 a.m.)
- Sharon Fitts, *Investigator* (arrived at 9:30 a.m.)
- Pat Lemke, *Investigator* (arrived at 9:30 a.m.)
- Mendy Mahar-Clark, *Investigator* (arrived at 9:30 a.m.)
- Laura Weber, *Investigator* (arrived at 9:30 a.m.)

A quorum was present, and the meeting convened.

8:31 a.m. *Kallhoff arrived at the meeting.*

MOTION: Weidner made the motion, seconded by Pepin, to approve Nakia Kelly's motion to continue the hearing that had been scheduled for 1:00 p.m. on October 8, 2015, due to illness.

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

8:33 a.m. *Perrin arrived at the meeting.*

These Minutes were approved by the
Board of Nursing on November 19, 2015.

ADOPTION OF THE AGENDA

The agenda item for Kaplan University was revised to read “Kaplan University, Omaha Campus (PN and BSN).”

MOTION: Thalken made the motion, seconded by Straub, to approve the revised agenda for October 8, 2015.

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

APPROVAL OF THE CONSENT AGENDA

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

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

EDUCATION COMMITTEE

- 1) The Education Committee made the motion for the Board of Nursing to approve Nebraska Methodist College’s BSN program credit hour change for NRS 210.

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

- 2) The Education Committee made the motion for the Board of Nursing to approve Nebraska Wesleyan University’s BSN program course NURS 2110 Pharmacology II.

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

- 3) The Education Committee made the motion for the Board of Nursing to approve Nebraska Wesleyan University’s BSN program course NURS 2350 Medical Surgical II.

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

- 4) The Education Committee made the motion for the Board of Nursing to approve Mid-Plains Community College’s PN and ADN site visit report and give continual approval for another four years.

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

- 5) The Education Committee made the motion for the Board of Nursing to approve Southeast Community College’s PN and ADN site visit report and give continual approval for another four years.

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



- 6) The Education Committee made the motion for the Board of Nursing to ensure that the job position of Student and Clinical Placement Coordinator at Kaplan University is held by a Registered Nurse per the Chapter 97 Nursing Education Regulations.

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

PRACTICE COMMITTEE

- 1) The Practice Committee made the motion for the Board of Nursing to approve the revised Advisory Opinion "Cosmetic & Dermatologic Procedures."

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

- 2) The Practice Committee made the motion for the Board of Nursing to retire the opinion "Delegation, Direction, & Assignment in the Outpatient Dialysis Unit."

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

COMMUNICATION

Nursing News

Joyner reported that November 6, 2015, is the deadline for submitting articles for the next edition of *Nursing News*, which is scheduled to go to print on December 15, 2015. Straub suggested including an update on filling the Executive Director position. Carmody suggested including an article on criminal background checks. Kallhoff mentioned that many nurses seem primarily interested in the discipline section of the *Nursing News*, even though the newsletter does contain useful information, such as a recent article on mandatory reporting.

Carmody asked how criminal background checks are affecting the length of time required to process applications for nurse licenses. Roddy said that when applicants have their fingerprints scanned electronically, it might reduce the time it takes to do the background check. Roddy said she sent a list of the places that do electronic fingerprints to the deans and directors of nursing programs in Nebraska, and that she will post the information on the website. Roddy also noted that applicants should submit fingerprints when they submit their applications, and that they do not have to wait until they have an exam appointment. Roddy mentioned that the results of the background check are valid for six months, and that applicants who fail NCLEX might need to redo their fingerprints. Wisell said that the State Patrol has asked us to inform applicants that it can take 6-8 weeks for the State Patrol to process the background checks, and that applicants should not contact the Patrol directly regarding the status of background checks.

Staff Updates

Wisell announced that the Executive Director position has been posted, and that the position is classified as a DHHS Program Manager II, with the classification setting the minimum salary for the position. Carmody asked if there was a possibility of increasing the salary, with Kallhoff noting that we are competing for people who can make much more money in other jobs. LaRiche asked about classifying the position to a higher level. Hampton noted that reclassification would be a very lengthy and difficult process. Weidner



asked about compiling data on the salaries of Executive Directors in other states. Wisell said she would check to see if she could obtain the salary information.

Wisell reported that the Nursing Section has been able to add a fourth Health Licensing Specialist position by reclassifying the position formerly held by Shirley Nave. Amy Alexander has been hired to fill the new position. In addition, the Nursing Section currently has a temporary employee, Joanie Hemmer, to help with LPN renewals. Wisell also reported on the Nursing Section's involvement in the Department's Process Improvement Process, noting that staff are looking at ways to process applications more efficiently.

9:15 a.m. *Roberts-Johnson arrived at the meeting.*

Weidner asked for an update on filling the Interim Executive Director position with a graduate-trained nurse. Roberts-Johnson reported that Wisell is the staff supervisor, and that the Department is trying to find a nurse who can work on Board-related and practice-related issues for approximately 16-20 hours a week on a contractual basis. Roberts-Johnson said the Department is actively reaching out to people to fill the role. Carmody asked Roberts-Johnson if the Board could be held accountable if Executive Director functions are performed by a person who is not an RN. Robert-Johnsons said the Board would not be held accountable.

Guy mentioned the need for better communication between the Department and the Board. Guy said the Board felt neglected when it did not get advance notification of Karen Bowen's retirement

Carmody mentioned that the Board and Department might consider implementing a succession plan. LaRiche recommended that the Board include succession planning on its strategic plan.

CENTER FOR NURSING FOUNDATION UPDATE

LaRiche reported that he had no updates on the Foundation, but he was aware that the Center for Nursing had met for strategic planning. Carmody asked that the Center for Nursing's strategic plan be shared with the Board of Nursing when it becomes available.

NORTH CAROLINA BOARD OF DENTISTRY v. FTC

Anderson advised the Board that they should keep the *North Carolina Board of Dentistry v. FTC* decision in mind as they review cases and to consult with Legal as appropriate.

REVIEW OF NURSING REGULATIONS

9:38 a.m. *Andrew left the meeting.*

9:40 a.m. *Andrew returned to the meeting.*

Board members discussed proposed changes to the draft copy of the revised Regulations Governing the Practice of Nursing (172 NAC 101). Wisell explained that the current draft of the nursing regulations is in the "long" format, and that the Licensure Unit is moving to a "short" format for regulations. Some of the language in the current draft will be transferred to a "Guidance Document." Board members will be provided with copies of the "short" format regulations and the accompanying Guidance Document prior to the November Board meeting. The draft regulations will be submitted to the Department's Legal Division on December 1, 2015.

Members agreed to changes to the draft that would 1) remove the certification option as a method of documenting continuing competency, 2) require all twenty hours of continuing education to be peer-reviewed, 3) remove "coding for billing purposes" from the list of non-acceptable continuing education, and 4) delete language that stated that home care provided to family members or friends was not considered nursing practice for the purpose of meeting continuing competency requirements.



Additional changes that still need to be made to the draft regulations include 1) adding language regarding criminal background check requirements, and 2) clarifying the language in Section 101-004.01, Item 4, regarding the acceptability of refresher courses towards meeting continuing competency requirements.

9:55 a.m. *The meeting went into recess.*

10:08 a.m. *The meeting reconvened.*

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

CLOSED SESSION

10:08 a.m. *The meeting went into closed session.*

10:08 a.m. *Anderson left the meeting.*

10:21 a.m. *Persell arrived at meeting.*

10:28 a.m. *Anderson returned to meeting.*

10:30 a.m. *Hampton left the meeting.*

10:50 a.m. *Perrin left the meeting.*

10:53 a.m. *Perrin returned to the meeting.*

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

11:33 a.m. *Joyner returned to the meeting.*

11:35 a.m. *Kallhoff left the meeting.*

11:37 a.m. *Kallhoff returned to the meeting.*

11:38 a.m. *Andrew left the meeting.*

11:40 a.m. *Andrew returned to the meeting.*

11:45 a.m. *Roberts-Johnson left the meeting.*

11:46 a.m. *Persell left meeting.*

11:48 a.m. *Harrison left meeting. Persell returned to meeting.*

11:55 a.m. *Pepin left meeting.*

11:57 a.m. *Pepin returned to meeting.*

12:15 p.m. *Roddy left meeting.*

12:20 p.m. *Roddy returned to meeting.*

12:21 p.m. *Carmody left the meeting.*

12:30 p.m. *Carmody returned to the meeting. Meeting recessed for lunch.*

12:54 p.m. *Harrison left the meeting*

12:55 p.m. *Meeting reconvened for lunch.*

12:55 p.m. *Weidner left the meeting*

12:58 p.m. *Harrison returned to the meeting.*

1:08 p.m. *Eisenmann left the meeting.*

1:09 p.m. *Eisenmann returned to the meeting.*

1:11 p.m. *Weidner returned to the meeting.*

1:30 p.m. *Lemke left the meeting.*

1:32 p.m. *Lemke returned to the meeting.*

1:45 p.m. *Carmody left the meeting.*

1:47 p.m. *Carmody returned to the meeting. Eisenmann left the meeting.*

1:48 p.m. *Eisenmann returned to the meeting.*

1:55 p.m. *Straub left the meeting.*

1:58 p.m. *Roddy left the meeting.*

2:00 p.m. *Roddy and Straub returned to the meeting. Persell left the meeting.*

2:03 p.m. *Carmody left the meeting. Persell returned to the meeting.*

2:15 p.m. *Carmody returned to the meeting*



2:27 p.m. Meeting came out of closed session.
2:30 p.m. Bowman, Chapman, Fitts, Lemke, Mahar-Clark, Persell and Weber left the meeting.

LICENSURE RECOMMENDATIONS

▪ DAWN PURINTUN — LPN REINSTATEMENT

MOTION: Straub made the motion, seconded by Carmody, to reinstate an unrestricted LPN License to Purintun on the basis that Purintun has completed all requirements of reinstatement, with the clarification that the reinstatement recommendation pertains to Purintun's LPN license only, and not her LPN-C credential.

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

▪ KELLEY FALKENA — LPN REINSTATEMENT

MOTION: Weidner made the motion, seconded by Andrew, to deny Falkena's application for reinstatement of her LPN License on the basis that there is insufficient evidence presented to substantiate a change in circumstances and on the basis of a positive alcohol screen.

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

▪ MICHAEL CARROLL — RN APPLICANT

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

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

▪ KALI WILLIAMS — LPN APPLICANT

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

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

CONCLUSION AND ADJOURNMENT

There being no further business, the meeting adjourned at 2:43 p.m.

Respectfully submitted,



Sherri Joyner
Health Licensing Coordinator

