

**MINUTES OF THE MEETING**  
**of the**  
**NEBRASKA BOARD OF NURSING**  
**October 13, 2016**

**CALL TO ORDER**

The meeting of the Nebraska Board of Nursing was called to order by Kelley Hasenauer, Board Vice-President, at 9:34 a.m., October 13, 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. Hasenauer 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
- Anne Dey, RN
- Kelley Hasenauer, APRN, *Vice-President*
- Louise LaFramboise, RN
- Anthony LaRiche, *Public Member, Secretary*
- Patricia Motl, RN
- Kristene Perrin, RN
- Dawn Straub, RN

The following Board member arrived after roll call: Karen Weidner, RN (*arrived at 9:38 a.m.*)

The following Board members were absent: Maxine Guy, LPN, *Board President*, and Rita Thalken, *Public Member*.

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*
- Sherri Joyner, *Health Licensing Coordinator*
- Jacci Reznicek, RN, *Nursing Education Consultant*
- Kathy Hoebelheinrich, RN, *Nursing Practice Consultant*
- Mary Guthrie, *Health Licensing Specialist*
- Anna Harrison, *Compliance Monitor*
- Matt Gelvin, *Program Manager*
- C. J. Roberts, *Attorney*
- Lisa Anderson, *Assistant Attorney General*
- Ami Huff, *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*
- Shane Fleming, RN, *Board of Health Member*

A quorum was present, and the meeting convened.

**ADOPTION OF THE AGENDA**

**MOTION:** Straub made the motion, seconded by Andrew to adopt the agenda for the October 13, 2016, Board of Nursing meeting.

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

These minutes were approved by the  
Board of Nursing on November 10, 2016.

## **APPROVAL OF THE MINUTES**

**MOTION:** Andrew made the motion, seconded by Perrin, to approve the minutes of the September 8, 2016, Board of Nursing meeting, the September 7, 2016, Education Committee and Practice Committee meetings with revisions.

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

## **PRACTICE COMMITTEE**

**MOTION:** The Practice Committee made the motion that the Board of Nursing retire the following advisory opinions in favor of the Decision-Making Model: 1) Arterial Lines and 2) RN First Assist.

Weidner asked if by retiring advisory opinions, the Board was not providing nurses with enough guidance. Hasenauer said that the Decision-Making Model provided better guidance on whether or not a particular nurse can perform a particular task. Members, citing recent concerns about the retirement of the Gastroenterology Advisory Opinion, agreed that more education was needed to overcome the misperception that retiring an advisory opinion necessarily meant that nurses could no longer do the tasks described in the opinion.

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

## **EDUCATION COMMITTEE**

**MOTION:** The Education Committee made the motion that the Board of Nursing approve the Mid-Plains Community College PN & ADN Program courses NURS 1300 - Practical Nursing Exit Course, and NURS 1500 - Nursing Concepts IV: Adult Health Nursing, Patients with Stable and Unstable Conditions.

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

**MOTION:** The Education Committee made the motion that the Board of Nursing approve the Western Nebraska Community College ADN Program's Student Learning Outcomes and courses ADNR 2124 – Principles of Pharmacology 3, and ADNR 2170 – Issues in Professional Nursing Practice.

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

**MOTION:** The Education Committee made the motion that the Board of Nursing approve the Bryan College of Health Sciences BSN Program courses NURS221 – Nursing Care I, and NURS222 – Pharmacology.

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

9:55 a.m. Meeting went into recess.

10:10 a.m. Meeting reconvened. Anderson, Huff, and Roberts arrived at the meeting.

## **BOARD HEARING – VANESSA BARDALES, LPN**



The reinstatement hearing requested by Vanessa Bardales, LPN, convened at 10:00 a.m. Christopher “C.J.” Roberts, Department Attorney, served as the hearing officer. The Department was represented by Lisa Anderson, Assistant Attorney General. A court reporter was present. Evidence was presented, and testimony was provided by Ms. Bardales and other witnesses.

**MOTION:** Andrew made the motion, seconded by LaFramboise, to go into closed session to deliberate upon the hearing of Vanessa Bardales, LPN.

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

11:55 a.m. Meeting went into Closed Session. Anderson, Huff, and Harrison left the meeting.

11:57 a.m. Joyner left the meeting.

12:37 p.m. Meeting returned to Open Session. Anderson, Huff, Harrison, and Joyner returned to the meeting. Oertwich, Hoebelheinrich, Reznicek, Guthrie, Fleming, Fosler, Aerni, Bowman, Fitts, Lemke, Lovelace, and Mahar-Clark arrived to the meeting.

**MOTION:** Andrew made the motion, seconded by Dey, to 1) deny Vanessa Bardales’ application for early termination of probation and 2) amend the current probationary terms by amending Item 10 of the signed order dated April 22, 2013, in order to allow for the provision of respite and home health care only with current employer, Mosaic. The motion is based upon 1) diagnoses of methamphetamine, cannabis, and alcohol dependence, 2) reported sobriety since January 2012, and 3) reported positive performance in current employment at Mosaic for the past eight years.

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

### **Reordering of Agenda**

Hasenauer announced that the items listed on the agenda under “Communication” would be discussed after Licensure Recommendations. The Communication items were moved to the end of the meeting in order to accommodate the schedules of staff who needed to be present during closed session.

## **CREDENTIALING REVIEW UPDATES**

### **Dialysis Technologists**

A discussion was held regarding the Board of Health’s request for clarification from the Board of Nursing on issues related to the Dialysis Technologist Credentialing Review process. Board members, staff, and members of the public who work in the dialysis field participated in the discussion.

The Board of Health had asked which, if any, procedures currently utilized by dialysis techs in Nebraska could be defined as *complex* procedures. Straub, LaFramboise, and Hasenauer said that they were not comfortable endorsing a list of procedures as being either complex or non-complex. LaFramboise said that a particular task could be either complex or non-complex depending on the context. Straub reported that when she spoke at the Dialysis Technologist Technical Review Committee, she was asked if the Practice Committee agreed that all of the tasks listed on Dialysis Unit Advisory Opinion were non-complex tasks. She told the Technical Review Committee that they did not agree all the tasks were non-complex because there are times when any task could be considered a complex task.



Fleming and Oertwich noted that there are no nurses on the Dialysis Technologist Technical Review Committee, and that the concept of complex vs. non-complex tasks was new to Committee members. Committee members might not understand that determining if a task is non-complex and can be delegated depends heavily on the RN's judgment.

Several members of the public who work in the outpatient dialysis unit field spoke about the training of Dialysis Technologists (also called Patient Care Technicians) in their workplaces. They said that role of the tech is limited to routine treatments and that the RN takes over when anything above and beyond the routine occurs. They also noted that there have been no reported incidents in the past twenty-five years of a patient in an outpatient dialysis unit being harmed because of an error made by a technologist.

Oertwich asked if the Board would consider making a motion supporting the language used Chapter 99 (Regulations Governing the Provision of Nursing Care, 172 NAC 99) to define complex and non-complex procedures and the delegation of non-complex procedures. Hasenauer said that the Board supported the registration of dialysis technologists, but that she was concerned that some techs are working up to eighteen months in the dialysis unit prior to becoming certified. She would prefer that certification be a requirement for registration.

**MOTION:** Weidner made the motion, seconded by Straub, that the Board of Nursing affirms that: Non-complex nursing interventions can safely be performed according to exact directions, do not require alteration of the standard procedure, and the results and client/patient responses are predictable (172 NAC 99). The Registered Nurse may delegate authority, responsibility, and accountability to provide selected non-complex nursing interventions to a qualified unlicensed person (172 NAC 99). Non-complex interventions become complex interventions when nursing judgment is required to safely alter standard procedures in accordance with the needs of the patient; or require nursing judgment to determine how to proceed from one step to the next; or require the multidimensional application of the nursing process (172 NAC 99). The Registered Nurse does not delegate complex nursing interventions to an unlicensed person. Further, the Board of Nursing recommends that the Registered Nurse in the dialysis setting retains the authority to safely delegate tasks based on nursing judgment to Dialysis Patient Care Technicians (PCTs) based on the PCT's education and training. The Board of Nursing supports the registration of certified Dialysis PCTs.

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

### LPN/LPN-C

Weidner reported that she and Crystal Higgins spoke at the second meeting of the LPN/LPN-C Technical Review Committee. Their primary focus was addressing the 6,000 LPNs who are not currently licensed as LPN-Cs. Concerns had been raised that if these LPNs would be required to take training in intravenous therapy, some might decide to opt out of the nursing profession. Weidner and Higgins presented a plan that 1) would require all current LPNs not licensed as LPN-Cs to take a didactic offering on intravenous therapy, including central lines, and 2) require LPNs not licensed as LPN-Cs who wish to perform intravenous therapy to take a hands-on course. They also proposed that LPNs be given five years to complete the training in order to accommodate LPNs who are close to retirement. Oertwich said the two-pronged approach to training was a way to address the large number of LPNs who work in settings where IVs are never administered. Oertwich said she also tried to emphasize with the Committee that employers would never allow an employee to do intravenous tasks without first doing competency testing. Weidner said that they are seeking representatives from critical access hospitals and long-term care facilities who would be willing to provide testimony on incorporating LPN-C duties into the LPN scope of practice.

### **CLOSED SESSION**



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

2:02 p.m. Meeting went into Closed Session. Anderson and Huff left the meeting.  
 2:17 p.m. Roberts left the meeting. Anderson and Huff returned to the meeting.  
 3:09 p.m. Motl and Hoebelheinrich left the meeting.  
 3:15 p.m. Motl and Hoebelheinrich returned to the meeting.  
 3:28 p.m. Weidner left the meeting.  
 3:33 p.m. Weidner returned to the meeting.  
 3:43 p.m. Perrin left the meeting.  
 3:57 p.m. Perrin returned to the meeting.  
 4:16 p.m. Meeting returned to Open Session.

## **LICENSURE RECOMMENDATIONS**

### **LORI A. DARO – LPN & LPN-C REINSTATEMENT FOLLOWING DISCIPLINARY ACTION**

**MOTION:** Perrin made the motion, seconded by Andrew, to recommend reinstating Lori A. Daro's LPN and LPN-C licenses 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; practice under direct RN supervision for one (1) year, followed by practicing under indirect RN supervision for one (1) 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 a diagnosis of Opioid Use Disorder, Severe; completion of inpatient and intensive outpatient treatment; compliance with treatment recommendation; active involvement in the substance abuse/addiction recovery process, and documented attendance at support group meetings and maintaining a sponsor.

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

### **LYNN M. CRAWFORD – LPN REINSTATEMENT FOLLOWING DISCIPLINARY ACTION**

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

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



**TRICIA L. OGWANG – LPN REINSTATEMENT FOLLOWING DISCIPLINARY ACTION**

**MOTION:** LaRiche made the motion, seconded by LaFramboise, to deny Tricia Ogowang's reinstatement application based upon a diagnosis of Alcohol Use Disorder, Severe, and no evidence of sobriety nor of a relapse prevention plan.

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

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

**MOTION:** Straub made the motion, seconded by Andrew, to recommend reinstating Lisa R. Green's 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; practice under direct RN supervision for one (1) year, followed by practicing under indirect RN supervision for one (1) year; have no access to controlled substances in the course of nursing employment for one (1) year, followed by access to controlled substances under direct supervision for one (1) 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 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. This motion is based upon previous licensure disciplinary action that includes a diagnosis of Opioid Use Disorder, Severe; completion of outpatient treatment; and reported period of sobriety of over three years.

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

**EMILY E. MILES – RN APPLICATION**

**MOTION:** Weidner made the motion, seconded by Perrin, to recommend issuing Emily Miles an unrestricted RN license.

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

**JOAN M. SCHMITZ – LPN APPLICATION**

**MOTION:** Dey made the motion, seconded by Andrew, to recommend denying Joan Schmitz's application for a LPN license based on a previous misdemeanor conviction rationally related to the profession and the failure to cooperate with investigation.

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



**LEE M. COLLINS – RN REINSTATEMENT (NON-DISCIPLINARY)**

**MOTION:** Straub made the motion, seconded by Weidner, to recommend denying Lee Collins' reinstatement application based on: disciplinary action against license in other jurisdictions, misrepresentation of material facts on nursing applications, and misdemeanor convictions rationally related to the profession.

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

**DIANNA K. HANSEN – LPN REINSTATEMENT (NON-DISCIPLINARY)**

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

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

**FREDDY C. BEERMANN – RN APPLICATION**

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

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

**CLOSED SESSION**

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

4:23 p.m.      *Meeting went into Closed Session.*  
 4:25 p.m.      *LaFramboise left the meeting.*  
 4:55 p.m.      *Meeting returned to Open Session.*

**COMMUNICATION****Staff Updates**

Oertwich introduced Mary Guthrie, who was recently hired as a Health Licensing Specialist, and who will be working on RN license applications.

Introductions were also made on behalf of Patricia Motl, RN, the Board's newest member. Motl serves as a staff nurse representative on the Board. She has worked at Children's Hospital for over thirty years.

5:01 p.m.      *Hoebelheinrich left the meeting.*



LaRiche announced that he will be moving out of state and that he will need to resign after the November Board meeting.

5:05 p.m.      *Dey left the meeting.*

### **Renewals**

RNs can verify that their licenses have been renewed using the online License Information System Search. Oertwich reported that staff are receiving many phone calls from RNs who cannot find their licensing information using the online system. Oertwich said the problem stems from people entering too much information when they do a license.search.

### **Process Improvement Plan**

Oertwich said the Nursing Section will soon begin a pilot test for online applications for initial nurse licenses.

### **Nursing News**

Oertwich reported that she will soon be submitting items to the publisher for the next edition of *Nursing News*. Staff asked Motl if she would be willing to write a biography for a future issue of the newsletter.

### **Legislative Updates**

Oertwich reported that the Department is still considering whether it will sponsor legislation to adopt the Enhanced Nurse Licensure Compact. Regarding the legislative proposal to incorporate intravenous duties into the LPN scope of practice, Oertwich said that the Board might start thinking about which organizations or people might be willing to sponsor the legislation. Oertwich said that she and Hoebelheinrich had recently met with Senator Sue Crawford, and that Sen. Crawford might be willing to sponsor a clean-up bill for APRN licensure issues.

### **Closure of ITT**

Oertwich reported that Reznicek had sent a letter to ITT informing the school of its obligation to comply with Nebraska regulations regarding the closure of nursing programs. Oertwich said that transcripts for persons who graduated from ITT after 2001 were forwarded to Parchment. The Department of Education is trying to get access to older transcripts. Oertwich reported that some of the ITT transcripts received by staff do not include a graduation date, which means that staff cannot grant the applicant authorization to take NCLEX. Oertwich said staff are developing a process to conduct degree audits for these transcripts in order to determine if NCLEX authorization can be granted.

## **CONCLUSION AND ADJOURNMENT**

There being no further business, the meeting adjourned at 5:20 p.m.

Respectfully submitted,



Sherri Joyner  
Health Licensing Coordinator

