

# MINUTES OF THE MEETING NEBRASKA BOARD OF NURSING

November 19, 2015

## CALL TO ORDER

The meeting of the Nebraska Board of Nursing was called to order by Kelley Hasenauer, Board Vice-President, at 8:34 a.m., November 19, 2015, at Gold's Building, Room 534, 1033 O St, 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. 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
- Jane Carmody, RN
- Kelley Hasenauer, APRN-NP, *Vice-President*
- Wendy Kallhoff, RN
- Anthony LaRiche, *Public Member, Secretary*
- Kathleen Pepin, RN
- Kristene Perrin, RN
- Dawn Straub, RN
- Rita Thalken, *Public Member*
- Karen Weidner, RN

The following board member was absent: Maxine Guy, LPN, *Board President*.

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

- Becky Wisell, *Administrator, Licensure Unit*
- Anna Harrison, RN, *Compliance Monitor*
- Sherri Joyner, *Health Licensing Coordinator*
- Teresa Hampton, *Attorney*
- Lisa Anderson, *Assistant Attorney General*
- Peggy Persell, *Investigations Unit Program Manager*
- Jessica Bowman, *Investigator* (arrived at 9:10 a.m.)
- Kristi Chapman, *Investigator* (arrived at 9:10 a.m.)
- Sharon Fitts, *Investigator* (arrived at 9:10 a.m.)
- Pat Lemke, *Investigator* (arrived at 9:10 a.m.)
- Mendy Mahar-Clark, *Investigator* (arrived at 9:10 a.m.)
- Laura Weber, *Investigator* (arrived at 9:10 a.m.)

A quorum was present, and the meeting convened.

## ADOPTION OF THE AGENDA

**MOTION:** Straub made the motion, seconded by Weidner, to approve the revised agenda of the Nebraska State Board of Nursing to include removal of the hearing for Stephanie Blome-Weibel, RN.

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

**MOTION:** LaRiche made the motion, seconded by Carmody, that in the matter of the request for reinstatement by Stephanie Blome-Weibel, RN, that the Board grant Ms. Blome-Weibel's motion to continue the hearing due to a family emergency.

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

These minutes were approved by the  
Board of Nursing on December 10, 2015.

## **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:** Hasenauer. **Absent:** Guy. **Motion carried.**

## **COMMUNICATION**

### **Staff Updates**

Wisell announced that the Executive Director position has been posted and will remain posted until the position is filled. She expects the Nursing Education Consultant position to be posted soon. If possible, Wisell would like the new Executive Director to be involved in the hiring process for the consultant positions. A DHHS nurse who has a graduate nursing degree will also be temporarily reassigned to the Licensure Unit in order to answer practice-related questions and deal with any other issues requiring nursing expertise.

Wisell announced the appointment of new board members. Louise LaFramboise, RN, has been appointed to the Board of Nursing. Three new members have been appointed to the APRN Board: Timothy Glidden, APRN-CRNA, Jenna Fiala, MD, and Sheila Ellis, MD. The Board of Health also recommended to the Governor two new members for the Center for Nursing Board.

### **Nursing News**

Joyner announced that articles for the December edition of *Nursing News* were submitted to the publisher. Joyner asked members if it would be acceptable to publish the 2016 newsletters in the months of February, May, August, and November rather than the previous publication months of March, June, September, and December. The change is at the request of the publisher. Members expressed no opposition to the new schedule.

For the February edition of *Nursing News*, Hasenauer suggested including articles about the new board members, along with an overview of the boards, what they do, and how to apply for board openings.

### **2016 Legislative Proposals**

Wisell discussed proposed legislation that would amend state statutes regarding nursing assistants. The intent of the legislation is to ensure that Nebraska's employment requirements for maintaining a nursing assistant registration are in compliance with federal laws. Wisell said that in order to enhance the effectiveness of the proposed legislation, the Department will provide feedback to the legislative liaison regarding additional changes.

Hampton discussed proposed legislation that would amend the Uniform Credentialing Act in order to give the Department greater oversight over the issuance of cease and desist orders. The proposed changes are in response to the *North Carolina Board of Dentistry v. FTC* case. Members expressed no opposition to the proposed change as long as it will not delay the issuance of cease and desist orders in emergency situations.

Those present also discussed proposed legislation that would amend the Nurse Practice Act to add language regarding dialysis patient care technicians. The item had been discussed at the November 18, 2015, meeting of the Board's Practice Committee. Members of the Practice Committee said that they had not yet taken any position on the proposed legislation, but they did suggest that facilities performing dialysis might pursue using LPN-Cs to perform some of the tasks done by dialysis patient care technicians.



9:32 a.m. Weidner left the meeting.

### **January 2016 Meeting Date**

Members discussed rescheduling the January 2016 Board meeting dates due to a staff member not being able to attend on January 14, 2016. Members noted that the February 2016 meeting dates might also create scheduling conflicts.

**MOTION:** Andrew made the motion, seconded by Kallhoff, to change the January 2016 Board committee meetings from January 13<sup>th</sup> and 14<sup>th</sup> to January 20<sup>th</sup> and 21<sup>st</sup>, and to change the February 2016 Board meetings from February 10<sup>th</sup> and 11<sup>th</sup> to February 17<sup>th</sup> and 18<sup>th</sup>.

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

9:40 a.m. Weidner returned to meeting.

### **Nominations for New Board Officers**

Board members will email their officer nominations to Wisell. The election of officers will be placed on the agenda for the December 2015 Board meeting.

### **CENTER FOR NURSING FOUNDATION UPDATE**

LaRiche reported that he had no updates on the Foundation.

### **GUIDELINES FOR DISCIPLINE**

Members reviewed a draft of the Board's Guidelines for Board Recommendations that had been revised to reflect changes recommended at the Board's October 7, 2015 Issues Forum. Anderson and Hampton suggested changes. The suggested changes will be incorporated into a new draft, and review of the revised document will be placed on the agenda for the Board's December 10, 2015, meeting.

### **REVIEW OF DRAFT NURSING REGULATIONS**

Members reviewed the most recent draft of the revised Regulations Governing the Practice of Nursing (172 NAC 101). The Board recommended the following changes:

- Shorten the definition of Commission on Graduates of Foreign Nursing Schools.
- Delete sections of the draft that pertain to the portfolio option for continuing education.
- Delete continuing education offerings of less than thirty minutes duration from the list of non-acceptable continuing education.
- Move list of non-acceptable continuing education to the Guidance Document.
- Change requirement that Board review refresher courses annually to review every four years.

In order to obtain information needed to make additional revisions to the draft, the following work will be done:

- Staff will work on revising sections in the draft regulations that deal with graduates of foreign nursing programs to ensure that these sections are in compliance with statute.



- Staff will work on determining whether temporary licenses can be issued prior to receipt by the Department of the applicant's criminal history record information from the State Patrol.
- Staff will consider whether it is more appropriate to include the proposed section on the Nurse Licensure Compact in the draft regulations or move it to the accompanying Guidance Document.
- Carmody and Straub will work on obtaining expert feedback regarding sections in the draft regulations concerning continuing education.

11:20 a.m.      *The meeting went into recess.*

11:35 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:** Hasenauer. **Absent:** Guy. **Motion carried.**

### **CLOSED SESSION**

11:40 a.m.      *Anderson left the meeting*

11:50 a.m.      *Hampton left the meeting. Anderson returned to the meeting.*

12:03 p.m.      *Perrin left the meeting.*

12:10 p.m.      *Weidner left the meeting. Perrin returned to the meeting.*

12:12 p.m.      *Joyner left the meeting.*

12:15 p.m.      *Joyner returned to the meeting.*

12:17 p.m.      *Weidner returned to the meeting.*

12:30 p.m.      *The meeting returned to Open Session. The meeting went into recess.*

1:00 p.m.      *The meeting reconvened.*

*Persell, Bowman, Chapman, Fitts, Lemke, Mahar-Clark, and Weber left the meeting.*

### **BOARD HEARING – NAKIA KELLY, LPN**

The reinstatement hearing requested by Nakia Kelly, LPN, convened at 1:00 p.m. Teresa Hampton, Department Attorney, served as the hearing officer. The Department was represented by Lisa Anderson, Assistant Attorney General. A court reporter was present. Ms. Kelly was represented by Melanie Whittamore-Mantzios. Evidence was presented, and Ms. Kelly provided testimony.

1:42p.m.      *Anderson, Kelly, and Whittamore-Mantzios left the meeting.*

**MOTION:** Andrew made the motion, seconded by Weidner, to go into closed session for the Board to deliberate upon the hearing of Nakia Kelly, LPN.

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

1:43 p.m.      *The meeting went into Closed Session*

2:17 p.m.      *The meeting returned to Open Session.*

*Anderson, Kelly, and Whittamore-Mantzios returned to the meeting.*



**MOTION:** Perrin made the motion, seconded by Kallhoff, to recommend reinstatement of an unrestricted license to Nakia Kelly based on the following: previous licensure disciplinary action that includes a diagnosis of alcohol dependence, completion of outpatient treatment, compliance with treatment recommendations, active involvement in the substance abuse/addiction recovery process, reported period of sobriety greater than five years, testimony regarding attendance at support group meetings and maintaining a sponsor, positive affidavit of reference from employer, and successful completion of twenty-four months of criminal probation for 2010 DUI conviction and successful completion of forty-one months probation, totaling more than five years of monitored sobriety.

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

2:25 p.m. *Kelly and Whittamore-Mantzios left the meeting.*

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

2:36 p.m. *The meeting went into Closed Session.  
Persell, Bowman, Chapman, Fitts, Lemke, Mahar-Clark, and Weber returned to meeting.*

## **CLOSED SESSION**

2:42 p.m. *Carmody left meeting.*  
 2:45 p.m. *Carmody returned to the meeting.*  
 3:00 p.m. *Bowman and Fitts left meeting.*  
 3:05 p.m. *Perrin left meeting.*  
 3:10 p.m. *Perrin returned to the meeting.*  
 3:15 p.m. *Carmody left meeting.*  
 3:19 p.m. *Straub left meeting. Carmody returned to meeting.*  
 3:23 p.m. *Straub returned to meeting.*  
 3:47 p.m. *Carmody left meeting.*  
 3:49 p.m. *Hasenauer, Lemke, and Chapman left meeting. Carmody returned to meeting.*  
 3:51 p.m. *Hasenauer returned to the meeting.*  
 3:58 p.m. *Perrin and Mahar-Clark left meeting.*  
 4:04 p.m. *Perrin returned to meeting.*  
 4:05 p.m. *Meeting went into recess.*  
 4:15 p.m. *Meeting reconvened.*  
 4:26 p.m. *Carmody left meeting.*  
 4:30 p.m. *Carmody returned to meeting.*  
 4:38 p.m. *Weidner left meeting.*  
 4:42 p.m. *Weidner returned to meeting.*  
 4:50 p.m. *Weber left meeting.*  
 5:00 p.m. *Persell left meeting.*  
 5:20 p.m. *Pepin left meeting.*  
 5:25 p.m. *Pepin returned to meeting.*

5:27 p.m. *The meeting returned to Open Session*



**LICENSURE RECOMMENDATIONS****JENNIFER NDEDI – LPN REINSTATEMENT FOLLOWING DISCIPLINARY ACTION**

**MOTION:** LaRiche made the motion, seconded by Carmody, to deny Ndedi's application for reinstatement of her LPN License on the basis of prior misdemeanor convictions rationally related to the profession, a diagnosis of opioid use disorder in early remission, less than one year of sobriety, a possible gambling cross addiction, lack of candor about her addiction, and past disciplinary action.

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

**JILL NESLADEK - LPN REINSTATEMENT FOLLOWING DISCIPLINARY ACTION**

**MOTION:** Kallhoff made the motion, seconded by Perrin, to reinstate an unrestricted LPN License to Nesladek.

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

**ROXANNE WYNNE - LPN REINSTATEMENT FOLLOWING DISCIPLINARY ACTION**

**MOTION:** LaRiche made the motion, seconded by Weidner, to issue a temporary license to Roxanne Wynne, LPN, to complete a Board-approved refresher course within 18 months, and after successful completion of the LPN refresher course, to issue an unrestricted LPN license.

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

**MISTY HUDGINS — RN APPLICANT**

**MOTION:** Andrew made the motion, seconded by Kallhoff, to issue Hudgins a RN license on probation for one year with the following terms and conditions: actively practice as a nurse for 1,040 hours during the one year probationary period; successfully complete discipline orders from Texas and provide documentation of successful completion to the Department; along with the usual terms and conditions. This motion is based on the following: discipline in another state.

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

**EMILY ARAGON – RN APPLICANT**

**MOTION:** LaRiche made the motion, seconded by Weidner, to issue Aragon a RN license on probation for one year with the following terms and conditions: 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 the following: prior misdemeanor convictions that are rationally related to the profession.

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

#### **ANDREA QUEEN – LPN APPLICANT**

**MOTION:** Carmody made the motion, seconded by Perrin, to deny Queen's application for a LPN License based on misdemeanor convictions rationally related to the practice of nursing, admission of methamphetamine use, lack of good character, and failure to cooperate with the investigation.

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

#### **STEPHANIE QUICK – LPN REINSTATEMENT**

**MOTION:** Perrin made the motion, seconded by Pepin, to reinstate an unrestricted LPN License to Quick

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

#### **KATHERINE EGGERS – RN APPLICANT**

**MOTION:** Andrew made the motion, seconded by Kallhoff, to request a pre-licensure investigation and a 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:** Hasenauer. **Absent:** Guy. **Motion carried.**

#### **DANIELLE FRIGGE – RN APPLICANT**

**MOTION:** Weidner made the motion, seconded by Straub, 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:** Hasenauer. **Absent:** Guy. **Motion carried.**

#### **NATHAN HERMAN – RN REINSTATEMENT**

**MOTION:** Carmody made the motion, seconded by Thalken, to request a pre-reinstatement 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:** Hasenauer. **Absent:** Guy. **Motion carried.**



**ANDREA MAUSETH – LPN APPLICANT**

**MOTION:** Kallhoff made the motion, seconded by Andrew, to issue Mauseth a LPN license on probation for one year with the following terms and conditions: actively practice as a nurse for 1,040 hours during the one year probationary period; notify the Department within seven days of receipt of any criminal citations, filing of criminal complaints, or other contact with law enforcement; along with the usual terms and conditions. This motion is based on the following: prior convictions that are rationally related to nursing practice.

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

**CASSAUNDR SLAYTON – LPN 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, Kallhoff, LaRiche, Perrin, Straub, Thalken, and Weidner. **Voting No:** None. **Abstain:** Hasenauer and Pepin. **Absent:** Guy. **Motion carried.**

**BRANDY MYERS – LPN REINSTATEMENT**

**MOTION:** Weidner made the motion, seconded by Straub to request a pre-reinstatement 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:** Hasenauer. **Absent:** Guy. **Motion carried.**

**CONCLUSION AND ADJOURNMENT**

There being no further business, the meeting adjourned at 5:41 p.m.

Respectfully submitted,



Sherri Joyner  
Health Licensing Coordinator

