

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

**December 11, 2014**

**CALL TO ORDER**

The meeting of the Nebraska Board of Nursing was called to order by Maxine Guy, Board Vice President, at 8:32 a.m., December 11, 2014, at the Gold's Building, 1033 O Street, Room 534, 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                            | • Linda Lazure, RN                   |
| • Jane Carmody RN                              | • Kathleen Pepin, RN                 |
| • Maxine Guy, LPN, <i>Board Vice President</i> | • Dawn Straub, RN                    |
| • Kelley Hasenauer, APRN-NP                    | • Rita Thalken, <i>Public Member</i> |
| • Anthony LaRiche, <i>Public Member</i>        | • Karen Weidner, RN                  |

The following board members were absent during roll call:

- Wendy Kallhoff, RN
- Kristene Perrin, RN (arrived 8:35 a.m.)

A quorum was present and the meeting convened.

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

- |  |   |
|--|---|
| • Karen Bowen, RN, <i>Executive Director</i>             | • Lisa Anderson, <i>Assistant Attorney General</i>  |
| • Teresa Roddy, RN, <i>Education Consultant</i>          | • Shane Bailey, <i>Health Licensing Coordinator</i> |
| • Nancy "Niki" Eisenmann, RN, <i>Practice Consultant</i> | • Anna Harrison, RN, <i>Compliance Monitor</i>      |
| • Teresa Hampton, <i>Attorney</i> (arrived 10:23 a.m.)   | (arrived 8:37 a.m.)                                 |

**INTRODUCITON OF NEW BOARD MEMBERS**

The Board and staff members took turns introducing themselves to the two new board members who were present. Pepin is the new Practical Nurse Educator Member on the Board. Thalken is the new Public Member on the Board.

8:35 a.m.      *Perrin arrived to the meeting.*

Perrin introduced herself as the Board's new Staff Nurse Member. Introductions were made to Perrin.

**ADOPTION OF THE AGENDA**

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

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

8:37 a.m.      *Harrison arrived to the meeting.*

**These minutes were approved by  
the Board of Nursing.**

## **APPROVAL OF THE CONSENT AGENDA**

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

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

## **EDUCATION COMMITTEE**

The Education Committee made the motion for the Board of Nursing to approve the following course submitted by Union College: NUR 499—Nurse Preceptorship.

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

The Education Committee made the motion for the Board of Nursing to approve the following courses submitted by Nebraska Wesleyan University: NURS/HHP 1910: Medical Terminology; NURS 2100—Pharmacology I.

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

The Education Committee made the motion for the Board of Nursing to approve the following courses submitted by College of St. Mary: NUR 207—Introduction to Nursing Research and Evidence-Based Practice; NUR 300—Acute Medical Surgical Nursing; NUR 301—Acute Medical Surgical Pharmacology; and NUR 302—Health Assessment.

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

Roddy updated the Board on nursing program site visits, stating that in November she had conducted a site visit to Western Nebraska Community College—Scottsbluff campus. In January and February, Roddy will be conducting site visits to the following three nursing programs: Mid-Plains Community College; Midland University; and ITT/Breckinridge School of Nursing and Health Sciences.

Bowen briefly explained the two different committees on the Board to Pepin, Perrin, and Thalken. Each of them will be appointed by the newly elected Board President to serve on one of the committees.

## **PRACTICE COMMITTEE**

The Practice Committee made the motion for the Board of Nursing to approve the revised “LPN/LPN-C Intravenous Activities” chart with revisions.

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

Eisenmann updated the Board on the Practice Committee’s activities over the past year: a number of advisory opinions were retired, the DHHS website was updated with the advisory opinions, and the committee is currently working on an opinion about dialysis.

## **COMMUNICATION**

### **Nebraska Nursing News Newsletter**

Advanced practice registered nurses (APRNs) will be featured in the forthcoming winter issue and will include historical information on APRNs. Bowen and the Board discussed ideas for future newsletter articles. Suggestions included the following: a summary of RN Renewal Survey Data; an article on criminal background checks as a requirement for pre-licensure; and an article on minority nurses.

### **Office of Nursing, Licensure Unit Relocation**

In November, the Professions and Occupations Licensure business units moved their offices from the third floor to the first floor of the Nebraska State Office Building. Children's Services Licensing also moved to this new location.

### **2015 Board Meeting Dates**

The Board reviewed the draft calendar of meeting dates for 2015. To avoid any conflict with Nurses Day at the Legislature, which is to be held on Thursday, February 12, 2015, it was decided to hold the February board meeting on Wednesday, February 11<sup>th</sup>. The November committee and board meeting dates were asked to be held on November 18-19, 2015.

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

Bowen informed the new members that they will be provided access to the NCSBN website which will allow them access to numerous board member resources created by the NCBSN, including the *Journal of Nursing Regulation* and the ability to review online continuing education courses.

### **Nurse Licensure Compact (NLC) Update**

The NLC was briefly explained to the new board members. Several states are seeking to join the NLC by introducing legislation in the coming year.

## **BOARD BUSINESS: ELECTION OF NEW OFFICERS**

The election of new board officers was held by secret ballot. Ballots were distributed during the meeting and were then submitted to Bailey to be counted during recess.

9:47 a.m.      *The meeting recessed.*  
10:04 a.m.      *The meeting reconvened.*

There were eleven board members present. Nine board members participated in the election. The following is a list of the nominees for each office and the number of votes each one received.

#### **Board President:**

Maxine Guy (9 votes)

#### **Board Vice President:**

Kelley Hasenauer (4 votes)

Dawn Straub (2 votes)

Karen Weidner (3 votes)

#### **Board Secretary:**

Janet Andrew (2 votes)

Anthony LaRiche (7 votes)

Starting in January 2015, Guy, Hasenauer, and LaRiche will serve in their newly elected officer roles.

## BOARD BUSINESS: STRATEGIC PLAN

Lazure provided the Board with an update from the Criminal Background Check (CBC) Workgroup. Senator Burke Harr is willing to introduce new legislation which would require FBI fingerprint-based background checks on all new nursing licensure applicants. Currently, Nebraska law only requires those with prescriptive authority to undergo such a background check before becoming licensed in Nebraska. Lazure and the members of the CBC Workgroup are planning on meeting with Senator Harr to discuss the issue and how best to proceed. The following were identified as stakeholders: Nebraska Organization of Nurse Leaders (NONL), Nebraska Hospital Association (NHA), Nebraska Association of Nursing Deans and Directors (NANDD), Nebraska Nurses Association (NNA), Nebraska Health Care Association (NHCA), and the Licensed Practical Nurse Association of Nebraska (LPNAN). Other stakeholders may be identified. A letter from the Board which outlines talking points and the Board's intent should be sent to these organizations. The CBC workgroup will need to meet with Senator Harr first before the letter is sent out to stakeholders. Lazure will contact Senator Harr's office to arrange a meeting. Eisenmann will send the workgroup the notes she took from the last meeting of the CBC workgroup.

10:23 a.m. Hampton arrived to the meeting.

The following individuals assigned themselves the task of reaching out to the following stakeholders:

- NONL – Straub
- NHA – Carmody
- LPNAN – Andrew
- NNA – Lazure
- NHCA, long-term care groups – Guy
- NANDD – Weidner and Bowen

Stakeholders will not be contacted until after the meeting with Harr. A one-page bullet point list (“one-pager”) of talking points will be drafted. The workgroup will send the draft to the full board for their approval. Any discussion will need to be part of a public meeting. Straub, Lazure, and Carmody will draft the “one-pager.”

10:25 a.m. The following staff members from the Investigations Unit arrived to the meeting:

- Janeen Berg, RN, Investigator
- Pat Lemke, RN, Investigator
- Kristi Chapman, RN, Investigator
- Peggy Persell, RN, Program Manager

There was no update from the Licensed Practical Nurse-Certified (LPN-C) Workgroup regarding the strategic plan to merge the practical nurse curriculum with the practical nurse-certified curriculum.

LaRiche asked if the three new board members could be introduced to Harrison, Hampton, and the nurse investigators. Introductions were made.

Carmody asked if the Board should have an article in *Nebraska Nursing News* on nursing care and the Ebola virus. The Board and staff discussed the idea in light of the current national and local media coverage of the Ebola virus outbreaks. It was proposed that such an article could highlight resources for Nebraska nurses. Straub expressed willingness to work with staff on writing the article.

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

**CLOSED SESSION**

10:51 a.m. The meeting went into closed session and Anderson left the meeting.  
 11:48 a.m. Hampton left for the remainder of the meeting.  
 11:49 a.m. Anderson returned to the meeting.  
 11:50 a.m. The meeting recessed.  
 12:13 p.m. The meeting reconvened.  
 12:36 p.m. Hasenauer left the meeting.  
 12:39 p.m. Weidner left the meeting.  
 12:40 p.m. Hasenauer returned to the meeting.  
 12:58 p.m. Weidner returned to the meeting.  
 1:53 p.m. Carmody and Lazure left the meeting.  
 1:56 p.m. Lazure returned to the meeting.  
 1:57 p.m. Carmody returned to the meeting.  
 2:02 p.m. Carmody and Straub left the meeting.  
 2:07 p.m. Carmody and Straub returned to the meeting.  
 2:25 p.m. The meeting came out of closed session and individuals from the public arrived.

**LICENSURE RECOMMENDATIONS****HEIDI AMBERSON—LPN REINSTATEMENT**

**MOTION:** Carmody made the motion, seconded by Perrin, for the Board to reinstate the LPN license of Heidi Amberson on probation for one year with the following terms and conditions: abstain from alcohol; abstain from controlled substances and other prescription drugs unless prescribed by a treating practitioner; provide verification from a treating practitioner of all prescription medication being taken; submit to random body fluid screens; advise the 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; and actively practice as a nurse for 1,040 hours during the one year probationary period; along with the usual terms and conditions. This recommendation is based on previous Nebraska license revocation in 2003; history of convictions; dependency diagnoses of hydrocodone cocaine, methamphetamine; a diagnosis of alcohol use disorder; and a reported sobriety date of 2009.

**Voting Yes:** Carmody, Hasenauer, LaRiche, Lazure, Pepin, Perrin, Straub, and Thalken.

**Voting No:** Andrew and Weidner. **Abstain:** Guy. **Absent:** Kallhoff. **Motion carried.**

**CARRIE MAGORIAN—LPN & LPN-C REINSTATEMENT**

**MOTION:** Andrew made the motion, seconded by Hasenauer, for the Board to recommend a pre-reinstatement investigation in order to make a more informed decision.

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

**MICHAELA POPPE—RN REINSTATEMENT**

**MOTION:** Hasenauer made the motion, seconded by Straub, for the Board to reinstate the RN license of Michaela Poppe 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 a treating practitioner; provide verification from a treating practitioner of all prescription medication being taken;

submit to random body fluid screens; advise the 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; have no access to controlled substances in the course of nursing employment for one year; after which, access to controlled substances is to be under the direct supervision for one year; actively practice as a nurse for 3,120 hours during the five year probationary period; practice under direct supervision by an RN for the first year of nursing employment, followed by practice under indirect RN supervision for the second year of nursing employment; along with the usual terms and conditions. This recommendation is based on a history of previous licensure discipline which includes a diagnosis of opioid dependence; completion of intensive outpatient treatment; compliance with treatment recommendations; active involvement in the substance abuse/addiction recovery process; documented attendance at support group meetings and maintaining a sponsor; and a reported sobriety date of August 2013.

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

#### **• MARIANNA EVANS—RN REINSTATEMENT**

**MOTION:** LaRiche made the motion, seconded by Carmody, for the Board to recommend denying reinstatement of an RN license based upon disciplinary action in another jurisdiction.

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

#### **• NELLIE PATRICK—RN APPLICANT**

**MOTION:** Carmody made the motion, seconded by Hasenauer, for the Board to recommend issuing an unrestricted RN license to Nellie Patrick.

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

#### **• WHITNEY WARDYN—RN APPLICANT**

**MOTION:** Andrew made the motion, seconded by Straub, for the Board to recommend issuing an unrestricted RN license to Whitney Wardyn.

**Voting Yes:** Andrew, Guy, Hasenauer, Lazure, Pepin, Perrin, Straub, and Thalken.  
**Voting No:** Carmody and LaRiche. **Abstain:** Weidner. **Absent:** Kallhoff. **Motion carried.**

#### **• STEPHANIE ANDERSON—LPN APPLICANT**

**MOTION:** Hasenauer made the motion, seconded by Andrew, for the Board to recommend denial of an LPN license based upon convictions that are rationally related to the practice of nursing.

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

**ALAN BAGBY—RN APPLICANT**

**MOTION:** LaRiche made the motion, seconded by Carmody, for the Board to recommend denial of an RN license based upon adverse action in another jurisdiction (Kansas).

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

**ELIZABETH ARNESON—RN APPLICANT**

**MOTION:** Weidner made the motion, seconded by Andrew, for the Board to recommend issuing an unrestricted RN license to Elizabeth Arneson.

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

**ASHLEY KENNEDY—RN REINSTATEMENT**

**MOTION:** Lazure made the motion, seconded by Andrew, for the Board to recommend a pre-reinstatement investigation in order to make a more informed decision.

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

**REBECCA WILLITS—LPN APPLICANT**

**MOTION:** LaRiche made the motion, seconded by Weidner, for the Board to recommend denial of an LPN license based upon previous alcohol-related misdemeanor convictions.

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

**NICOLE CURRAN—LPN APPLICANT**

**MOTION:** Hasenauer made the motion, seconded by Straub, for the Board to recommend a pre-licensure investigation in order to make a more informed decision.

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

**CONCLUSION AND ADJOURNMENT**

There being no further business, the meeting adjourned at 2:38 p.m.

Respectfully submitted,



Shane Bailey, Health Licensing Coordinator