

NEBRASKA BOARD OF NURSING
MINUTES OF THE
TELECONFERENCE MEETING
January 14, 2021

CALL TO ORDER

The meeting of the Nebraska Board of Nursing was called to order by Patricia Motl, Board President, at 9:03 a.m., January 14, 2021. The central meeting location was at the Nebraska State Office Building, 1st Floor, Licensure Unit Conference Room, 301 Centennial Mall South, Lincoln NE 68508. Copies of the agenda were emailed to the Board members on January 4, 2021, emailed to interested parties on January 4, 2021, posted outside the Licensure Unit within the Nebraska State Office Building on January 4, 2021, and posted on the Department of Health & Human Services website on January 4, 2021. Motl announced that a copy of the Open Meetings Act was available at the meeting locations and online.

ROLL CALL

The following board members were present at the central meeting location and answered roll:

- Patricia Motl, RN *Board President*
- Kandis Lefler, LPN

The following board members answered roll call via teleconference:

- Theresa Delahoyde, RN
- Anne Dey, RN
- Tag Herbek, *Public Member*
- Tom Hoover, RN
- Angela Kula, LPN
- Kristin Ruiz, RN
- Linda Stones, RN
- Rita Thalken, *Public Member*
- Katherine Werth, APRN-NP

The following Board member was absent: Lana Taylor, RN.

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

- Ann Oertwich, RN, *Executive Director*
- Sherri Joyner, *Health Licensing Coordinator*
- Lisa Anderson, *Assistant Attorney General*

The following staff members from the Department and the Attorney General's Office attended part or all of the meeting via teleconference:

- Kathy Hoebelheinrich, APRN-NP, *Nursing Practice Consultant*
- Jacci Reznicek, RN, *Nursing Education Consultant*
- Anna Harrison, *Compliance Monitor*
- Teresa Hampton, *DHHS Legal*
- Natalee Hart, *Assistant Attorney General*
- Brittany Bigham, *Investigator*
- Jessica Bowman, *Investigator*
- Andrea Cramer-Price, *Investigator*
- Susan Held, *Investigator*
- Patricia Lemke, *Investigator*
- Mendy Mahar-Clark, *Investigator*

A quorum was present, and the meeting convened.

These minutes were approved by the Board
of Nursing on February 11, 2021.

ADOPTION OF THE AGENDA

MOTION: Thalken made the motion, seconded by Ruiz, to adopt the agenda for the January 14, 2021, Board of Nursing meeting.

Voting Yes: Delahoyde, Dey, Herbek, Hoover, Kula, Lefler, Motl, Ruiz, Stones, Thalken, and Werth.
Voting No: None. Abstain: None. Absent: Taylor. Motion carried.

APPROVAL OF THE MINUTES

Joyner requested that a motion not be made to approve the consent agenda as the date of the minutes listed on the agenda was incorrect. Joyner said she would include approval of the Board's December 10, 2020, minutes on the consent agenda for the February meeting.

PUBLIC NOTICE OF MEETINGS

MOTION: Hoover made the motion, seconded by Thalken to continue notifying the public of Board of Nursing meetings by posting agendas at the Nebraska State Office Building, posting agendas on the Department's website, and emailing agendas to an interested parties list.

Voting Yes: Delahoyde, Dey, Herbek, Hoover, Kula, Lefler, Motl, Ruiz, Stones, Thalken, and Werth.
Voting No: None. Abstain: None. Absent: Taylor. Motion carried.

IMPACT OF COVID-19 ON LICENSURE

Oertwich reported that staff are continuing to issue provisional LPN and RN licenses to new graduates who have not yet taken NCLEX. A new Executive Order allows for these provisional licenses to remain active beyond December 31, 2020. Staff are now setting the expiration date on provisional licenses to 90 days after issuance, which coincides with the 90-day testing window within which applicants must schedule an NCLEX test date.

Delahoyde asked if changes have been made in how NCLEX candidates are informed if they fail the exam. Staff explained that in addition to being mailed a formal notice, candidates are also being notified by email once the Nursing Office learns that they have not passed NCLEX. The email is being sent because the provisional license is no longer valid once the Nursing Office verifies that a candidate failed the exam.

Oertwich reported that the Licensure Unit has received approval to allow RNs whose license renewals were deferred due to COVID-19 to begin renewing their licenses. Renewal at this time is optional. The Licensure Unit cannot require RNs to renew their licenses until the COVID-19 emergency is lifted. Oertwich said that beta testing is currently being conducted for the online renewal website. Postcards will be mailed to RNs when the website is open.

407 REVIEW OF APRN LICENSURE

Stones reported that APRN stakeholders have decided to wait until 2022 to introduce legislation to align Nebraska's APRN statutes with the APRN Consensus Model.

2021 LEGISLATIVE SESSION

Oertwich reported that bills are currently being introduced in the Legislature. She is not aware of any bills specifically related to nursing. A bill that affects occupational board has been introduced, but Oertwich said she has not yet learned the particulars.

NATIONAL COUNCIL OF STATE BOARDS OF NURSING

Motl reported that the NCSBN Midyear meeting will be held virtually this year, with presentations scheduled from March 9 to March 11, 2021. Motl noted that many of the presentations are COVID-19 related, such as sessions on remote proctoring, vaccination rollouts, and regulating during a pandemic. All Board members are eligible to attend the sessions, and there is no cost to attend.

BOARD MEMBER ORIENTATION

Oertwich gave a presentation using the Licensure Unit's materials for orienting new board members. Topics included the organizational structure of the Department of Health and Human Services, the responsibilities and rights of board members, conflicts of interest, and confidentiality. Oertwich noted that the role of a Board of Nursing member is to protect the consumer, while professional organizations have the role of protecting the nursing profession. Oertwich also noted that in order to speak on behalf of the Board, such as at a legislative committee, members must first obtain the Board's approval. Members discussed the disciplinary process with Anderson. Hampton explained guidance documents, which provide helpful information to the public on how regulations and statutes are being interpreted. Guidance documents are binding on the Department but are not binding on the public. The Board's Advisory Opinions are not currently considered to be guidance documents, but Hampton said that the Board's opinions on practice issues are still important, noting that Advisory Opinions are sometimes referred to in discipline cases.

JOURNAL ARTICLE DISCUSSION

Members discussed the article "Management of Complaints Against Nurses: Review, Investigation, Action Resolution" from the April 2013 issue of the *Journal of Nursing Regulation*. Stones noted that she had not been aware that a nursing license is legally considered to be property, and that as property, it is protected by the 5th and 14th Amendments. Delahoyde asked if Nebraska had provisions for immediate or emergency suspensions. Anderson said that Nebraska has an expedited process, called a temporary suspension, but that the case must still go through Investigations and then be reviewed by the Board before the Attorney General's Office can request a temporary suspension. Motl noted that the Board has held emergency teleconference meetings in the past in order to expedite urgent cases.

COMMUNICATION

172 NAC 97 – Oertwich reported that a second public hearing for Chapter 97 (Regulations for Approval of Basic Nursing Programs) has not yet been scheduled

Nursing News – Oertwich reported that the content for the next edition of *Nursing News* is due at the publisher on January 22nd. The issue will include an article by Juan Paolo Ramirez, consultant for the Center for Nursing, and Lina Bostwick and Theresa Delahoyde, members of the Center for Nursing Foundation. The article will cover the Foundation's study on the needs of rural nurses. Hoebelheinrich will also contribute an article on the joint opinion issued by Emergency Medical Services (EMS) Board and the Board of Nursing. Based on legislation passed last year, LPNs who serve on EMS squads are no longer exempt from EMT licensure requirements. Education grants are available to LPNs who wish to obtain EMT licensure.

Staff Updates – Oertwich reported that the Licensing Specialist primarily responsible for RN by Examination license applications has retired. The opening is currently being advertised

10:40 a.m. Meeting went into recess.

10:55 a.m. Meeting reconvened.

CLOSED SESSION

MOTION: Lefler made the motion, seconded by Hoover, 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: Delahoyde, Dey, Herbek, Hoover, Kula, Lefler, Motl, Ruiz, Stones, Thalken, and Werth.
Voting No: None. Abstain: None. Absent: Taylor. Motion carried.

10:59 a.m. Meeting went into closed session. Anderson and Hart left the meeting.
11:08 a.m.. Hampton left the meeting. Anderson and Hart returned to the meeting.
11:57 a.m. Meeting returned to open session.

LICENSURE RECOMMENDATIONS

STEPHANIE N. RAMOS – RN REINSTATEMENT

MOTION: Dey made the motion, seconded by Ruiz to recommend issuing a temporary license to Stephanie Ramos for the purpose of completing a refresher course within 18 months, and following successful completion of the course, reinstating her RN license without restrictions. The recommendation for reinstatement is based on positive letters of reference from community members and employers, compliance with court order, and completion of additional education.

Voting Yes: Delahoyde, Dey, Herbek, Hoover, Kula, Lefler, Motl, Ruiz, Stones, Thalken, and Werth.
Voting No: None. Abstain: None. Absent: Taylor. Motion carried.

CONCLUSION AND ADJOURNMENT

There being no further business, the meeting adjourned at 12:06 p.m.

Respectfully submitted,



Sherri Joyner
Health Licensing Coordinator