

NEBRASKA BOARD OF NURSING

MINUTES OF THE MEETING

February 8, 2024

CALL TO ORDER

The meeting of the Nebraska Board of Nursing was called to order by Theresa Delahoyde, Board President, at 8:30 a.m., February 8, 2024, at the Best Western Plus Conference Room, 2201 Wildcat Circle, Lincoln NE 68521. Copies of the agenda were emailed to the Board members on January 29, 2024, emailed to interested parties on January 29, 2024, posted in the east entryway of the Nebraska State Office Building on January 2, 2024, and posted on the Department of Health & Human Services website on January 29, 2024. Delahoyde announced that a copy of the Open Meetings Act was available in the room.

ROLL CALL

The following board members were present answered roll call:

- Theresa Delahoyde, RN, *Board President*
- Mary Guthrie, *Public Member*
- Kathy Harrison, RN
- Clay Jordan, RN
- Lisa Kollasch-Parker, APRN-NP
- Angela Kula, LPN, *Board Secretary*
- Kandis Lefler, LPN
- Patricia Motl, RN
- Kristin Ruiz, RN
- Jules Russ, *Public Member*

The following Board member was absent: Brenda Smidt, RN, *Board Vice-President*.

One Board position was vacant.

The following staff members from the Department and the Attorney General's Office were present during all or part of the meeting:

- Ann Oertwich, RN, *Executive Director*
- Jacci Reznicek, RN, *Nursing Education Consultant*
- Ginger Rogers, APRN-NP, *Nursing Practice Consultant*
- Sherri Joyner, *Health Licensing Coordinator*
- Anna Harrison, *DHHS Compliance Monitor*
- Teresa Hampton, *DHHS Legal*
- Mindy Lester, *Assistant Attorney General*
- Abigail Nissen, *Assistant Attorney General*
- Brittany Bigham, *Investigator*
- Andrea Cramer-Price, *Investigator*
- Patricia Lemke, *Investigator*
- Mendy Mahar-Clark, *Investigator*

A quorum was present, and the meeting convened.

ADOPTION OF THE AGENDA

MOTION: Motl made the motion, seconded by Ruiz, to adopt the agenda for the February 8, 2024, Board of Nursing meeting.

Voting Yes: Delahoyde, Guthrie, Harrison, Jordan, Kollasch-Parker, Kula, Lefler, Motl, Ruiz, and Russ. Voting No: None. Abstain: None. Absent: Smidt. Motion carried.

These minutes were approved by the Board of Nursing on March 7, 2024.

APPROVAL OF THE MINUTES

MOTION: Ruiz made the motion, seconded by Motl, to approve the consent agenda.

Voting Yes: Delahoyde, Guthrie, Harrison, Jordan, Kollasch-Parker, Kula, Lefler, Motl, Ruiz, and Russ. Voting No: None. Abstain: None. Absent: Smidt. Motion carried.

CLOSED SESSION

MOTION: Kula made the motion, seconded by Lefler, 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, Guthrie, Harrison, Jordan, Kollasch-Parker, Kula, Lefler, Motl, Ruiz, and Russ. Voting No: None. Abstain: None. Absent: Smidt. Motion carried.

Delahoyde announced that the Board was in 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.

8:34 a.m. Meeting went into closed session.
 8:36 a.m. Harrison left the meeting.
 8:38 a.m. Harrison returned to the meeting.
 8:46 a.m. Ruiz left the meeting.
 8:48 a.m. Ruiz returned to the meeting.
 9:03 a.m. Harrison left the meeting.
 9:06 a.m. Harrison returned to the meeting.
 8:46 a.m. Ruiz left the meeting.
 8:48 a.m. Ruiz returned to the meeting.
 9:23 a.m. Meeting went into recess.
 9:33 a.m. Meeting reconvened.
 9:34 a.m. Ruiz left the meeting.
 9:43 a.m. Ruiz returned to the meeting.
 10:24 a.m. Meeting returned to open session.

LICENSURE RECOMMENDATIONS**HANNAH N. CARROLL – LPN APPLICANT**

MOTION: Jordan made the motion, seconded by Harrison to recommend issuing an LPN license to Hannah Carrol on probation for three 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; active practice for 3120 hours; 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; 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. The recommendation for probation is based upon diagnosis of a substance use disorder and conviction of a misdemeanor rationally related to the profession.

Voting Yes: Delahoyde, Guthrie, Harrison, Jordan, Kollasch-Parker, Kula, Lefler, Motl, and Russ.
Voting No: None. Abstain: Ruiz. Absent: Smidt. Motion carried.

ELIZA L. HAGER – LPN APPLICANT

MOTION: Lefler made the motion, seconded by Kula, to recommend issuing an unrestricted LPN license to Eliza Hager.

Voting Yes: Delahoyde, Guthrie, Harrison, Jordan, Kollasch-Parker, Kula, Lefler, Motl, and Russ.
Voting No: None. Abstain: Ruiz. Absent: Smidt. Motion carried.

MARTYNA E. HOLTHUS – LPN APPLICANT

MOTION: Lefler made the motion, seconded by Kula, to recommend issuing an unrestricted LPN license to Martyna Holthus.

Voting Yes: Delahoyde, Guthrie, Harrison, Jordan, Kollasch-Parker, Kula, Lefler, Motl, and Russ.
Voting No: None. Abstain: Ruiz. Absent: Smidt. Motion carried.

JANICE E. MCCLAIN – RN APPLICANT

MOTION: Ruiz made the motion, seconded by Harrison, to table the application in order to obtain additional information.

Voting Yes: Delahoyde, Guthrie, Harrison, Jordan, Kollasch-Parker, Kula, Lefler, Motl, Ruiz, and Russ. Voting No: None. Abstain: None. Absent: Smidt. Motion carried.

ALLISON D. POLSON– RN APPLICANT

MOTION: Ruiz made the motion, seconded by Harrison to recommend issuing an unrestricted RN license to Allison Polson.

Voting Yes: Delahoyde, Guthrie, Harrison, Jordan, Kollasch-Parker, Kula, Lefler, Motl, Ruiz, and Russ. Voting No: None. Abstain: None. Absent: Smidt. Motion carried.

HEATHER M. KILPATRICK – RN REINSTATEMENT FROM DISCIPLINE

MOTION: Motl made the motion, seconded by Ruiz, to recommend approving the reinstatement of Heather Kilpatrick’s privilege to practice in Nebraska. The recommendation is based on her successful completion of probation requirements in the state of Iowa and maintaining an active, unrestricted Iowa RN license since 2018.

Voting Yes: Delahoyde, Guthrie, Harrison, Jordan, Kollasch-Parker, Kula, Lefler, Motl, Ruiz, and Russ. Voting No: None. Abstain: None. Absent: Smidt. Motion carried.

MISTY B. MASTERS – RN REINSTATEMENT FROM DISCIPLINE

MOTION: Lefler made the motion, seconded by Kula, to deny Misty Masters’ reinstatement application based on insufficient evidence presented to substantiate a change in circumstances.

Voting Yes: Delahoyde, Guthrie, Harrison, Jordan, Kollasch-Parker, Kula, Lefler, Motl, Ruiz, and Russ. Voting No: None. Abstain: None. Absent: Smidt. Motion carried.

EDUCATION COMMITTEE

MOTION: The Education Committee moved that the Board of Nursing acknowledge receipt of annual program reports from 1) the following BSN education programs: Bryan College, Clarkson College, Creighton University., College of St. Mary, Midland University., Nebraska Methodist, Nebraska Wesleyan, Union College, and UNMC College of Nursing, 2) the following ADN education programs: Central Community College, Metro Community College , Mid-Plains Community College, Northeast Community College, Southeast Community College, and Western Nebraska Community College, and 3) the following LPN education programs: Central Community College , College of St. Mary, Metro , Community College Mid-Plains Community College, Northeast Community College, Southeast Community College, and Western Nebraska Community College.

Voting Yes: Delahoyde, Guthrie, Harrison, Jordan, Kollasch-Parker, Kula, Lefler, Motl, Ruiz, and Russ. Voting No: None. Abstain: None. Absent: Smidt. Motion carried.

NCLEX Reports

Reznicek reported that 271 Nebraska LPN candidates took NCLEX-PN in 2023, and 94.46% of these candidates passed the exam. In 2023, thirteen jurisdictions had higher pass rates on NCLEX-PN than Nebraska. There were 1,287 Nebraska RN candidates who took NCLEX-RN in 2023, and 95.03% of these candidates passed. Only two jurisdictions had higher NCLEX-RN pass rates than Nebraska.

10:33 a.m. Meeting went into recess.

11:00 a.m. Meeting reconvened.

BOARD HEARING

The reinstatement hearing requested by Brenda Thieman, convened at 11:00 a.m. Teresa Hampton, Department Attorney, served as the hearing officer. Ms. Thieman appeared *pro se*. The Department was represented by Mindy Lester, Assistant Attorney General. A court reporter was present. Exhibits were presented, and testimony was provided by Ms. Thieman, by Ann Oertwich, Program Manager, Nebraska Department of Health and Human Services, and by Brittany Bigham, Investigator, Nebraska Department of Health and Human Services.

MOTION: Kula made the motion, seconded by Motl, for the Board to go into closed session in order to deliberate upon the hearing.

Voting Yes: Delahoyde, Guthrie, Harrison, Jordan, Kollasch-Parker, Kula, Lefler, Motl, Ruiz, and Russ. Voting No: None. Abstain: None. Absent: Smidt. Motion carried.

11:34 a.m. Lester, Thieman, Oertwich, and Bigham left the meeting. Meeting went into closed session.

11:59 a.m. Meeting returned to Open Session. Lester, Oertwich, and Bigham returned to the meeting.

MOTION: Jordan made the motion, seconded by Ruiz, to recommend reinstating Brenda Thieman's RN license on probation for two years with the following terms and conditions: verification from treating practitioner of all prescription medications; report all prescription medications taken; advise Department of any professional counseling and submit reports; comply with treatment recommendations including recommendations for attendance at support group meetings and sponsor; active practice for 2080 hours; complete Professional Accountability course and Righting a Wrong course during first sixty (60) days of probation, attend a minimum of six (6) counseling sessions per year that address professional conduct with patients, 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; 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. The recommendation for probation is based on previous discipline and to ensure compliance with recommendations. The motion for reinstatement is based on positive letters of recommendation from multiple sources and initiation of counseling sessions.

Voting Yes: Delahoyde, Guthrie, Jordan, Kollasch-Parker, Kula, Lefler, Motl, Ruiz, and Russ.

Voting No: Harrison. Abstain: None. Absent: Smidt. Motion carried.

2024 LEGISLATIVE SESSION

Oertwich reported that LB1417, which aims to decrease the number of state boards and commissions, includes a proposal to dissolve the APRN Board and put its duties under the Board of Nursing. Oertwich said that based on what she has heard, there might not be sufficient time during this session to take action on the bill. Another bill, LB1215, would include a requirement that all licensed nurses in Nebraska enroll in the National Council of State Boards of Nursing's eNotify system.

NCSBN MIDYEAR MEETING

Delahoyde, Motl, and Oertwich, plan to attend the National Council of State Boards of Nursing's Midyear Meeting on March 12-14, 2023.

CENTER FOR NURSING UPDATES

Oertwich reported on the project headed by the Nebraska Hospital Association and the Center for Nursing to increase clinical sites for nursing students in rural Nebraska. Six facilities have applied for grants to fund technology of simulation labs. Two new facilities have applied to serve as clinical sites. Oertwich is also meeting regularly with Learfield, the company that is developing a marketing plan for the Center. Once the Center's new website is up, the company will begin a statewide media campaign to promote nursing careers.

CONCLUSION

The meeting adjourned at 12:08 p.m.

Respectfully submitted,



Sherri Joyner
Health Licensing Coordinator