

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

**February 9, 2023**

**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 9, 2023, 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 3, 2023, emailed to interested parties on January 30, 2023, posted outside the Licensure Unit within the Nebraska State Office Building on January 30, 2023, and posted on the Department of Health & Human Services website on January 30, 2023. Delahoyde announced that a copy of the Open Meetings Act was available in the room.

Board members, staff, and the public were able to attend the meeting virtually via video conference or phone as authorized by Neb. Rev. Statue 84-1411(7) and Executive Orders Nos. 21-12 and 22-02

**ROLL CALL**

The following board members were present in the room and answered roll call:

- Theresa Delahoyde, RN, *Board President*
- Tom Hoover, RN
- Lisa Kollasch-Parker, APRN-NP
- Patricia Motl, RN
- Kristin Ruiz, RN
- Linda Stones, RN, *Board Vice-President*
- Rita Thalken, *Public Member*

The following Board member attended via videoconference and answered roll call: Angela Kula, LPN, *Board Secretary*

- The following Board members were absent: Tag Herbek, *Public Member*, Kandis Lefler, LPN, Brenda Smidt, RN, and Sonét Smutny, RN

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*
- Ginger Rogers, APRN-NP, *Nursing Practice Consultant*
- Sherri Joyner, *Health Licensing Coordinator*
- Teresa Hampton, *DHHS Legal* (attended virtually)
- Mindy Lester, *Assistant Attorney General*
- Jeanne Burke, *Assistant Attorney General*
- Jessica Bowman, *Investigator*
- Brittany Bigham, *Investigator*
- Andrea Cramer-Price, *Investigator*
- Susan Held, *Investigator*
- Patricia Lemke, *Investigator*
- Mendy Mahar-Clark, *Investigator*

A quorum was present, and the meeting convened.

**ADOPTION OF THE AGENDA**

**MOTION:** Kula made the motion, seconded by Ruiz, to adopt the agenda for the February 9, 2023, Board of Nursing meeting.

These minutes were approved by the Board  
of Nursing on March 9, 2023.

Voting Yes: Delahoyde, Hoover, Kollasch-Parker, Kula, Motl, Ruiz, Stones, and Thalken. Voting No: None. Abstain: None. Absent: Herbek, Lefler, Smidt, and Smutny. Motion carried.

### **APPROVAL OF THE MINUTES**

**MOTION:** Stones made the motion, seconded by Thalken, to approve the consent agenda with corrections to the minutes of the January 12, 2023, Board of Nursing meeting.

Voting Yes: Delahoyde, Hoover, Kollasch-Parker, Kula, Motl, Ruiz, Stones, and Thalken. Voting No: None. Abstain: None. Absent: Herbek, Lefler, Smidt, and Smutny. Motion carried.

### **CLOSED SESSION**

**MOTION:** Ruiz made the motion, seconded by Thalken, 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, Hoover, Kollasch-Parker, Kula, Motl, Ruiz, Stones, and Thalken. Voting No: None. Abstain: None. Absent: Herbek, Lefler, Smidt, and Smutny. 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.

8:35 a.m. Meeting went into closed session.  
 9:18 a.m. Stones left the meeting.  
 9:24 a.m. Stones returned to the meeting.  
 9:59 a.m. Meeting went into recess.  
 10:10 a.m. Meeting reconvened.  
 10:48 a.m. Meeting returned to open session.

### **LICENSURE RECOMMENDATIONS**

#### **LINDSEY QUIGLEY – RN REINSTATEMENT APPLICANT**

**MOTION:** Ruiz made the motion, seconded by Motl, to recommend reinstating Lindsey Quigley's RN license 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; 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. The recommendation for probation is based upon substance use disorder diagnoses and misdemeanor convictions rationally related to the profession.

**TARA FARLEY – LPN APPLICANT**

**MOTION:** Stones made the motion, seconded by Motl, to recommend issuing an unrestricted LPN license to Tara Farley.

Voting Yes: Delahoyde, Hoover, Kollasch-Parker, Kula, Motl, Ruiz, Stones, and Thalken. Voting No: None. Abstain: None. Absent: Herbek, Lefler, Smidt, and Smutny. Motion carried.

**JESSE OSBORNE – RN REINSTATEMENT APPLICANT**

**MOTION:** Motl made the motion, seconded by Stones, to table Jesse Osborne's application for reinstatement.

Voting Yes: Delahoyde, Hoover, Kollasch-Parker, Kula, Motl, Ruiz, Stones, and Thalken. Voting No: None. Abstain: None. Absent: Herbek, Lefler, Smidt, and Smutny. Motion carried.

**JOLENE FREEL – RN REINSTATEMENT FROM DISCIPLINE**

**MOTION:** Stones made the motion, seconded by Hoover, to recommend reinstating Jolene Freel's RN license on probation for two 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 2080 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 on substance use disorder diagnosis, and previous disciplinary action. The recommendation for reinstatement is based on applicant's current participation in treatment, compliance with treatment recommendations, active involvement in the substance abuse/addiction recovery process, reported period of sobriety from May 2013, and positive letters of reference.

Voting Yes: Delahoyde, Hoover, Kollasch-Parker, Kula, Motl, Ruiz, Stones, and Thalken. Voting No: None. Abstain: None. Absent: Herbek, Lefler, Smidt, and Smutny. Motion carried.

**ADAM HINRIKUS – RN REINSTATEMENT FROM DISCIPLINE**

**MOTION:** Stones made the motion, seconded by Motl, to recommend reinstating Jolene Freel's RN license on probation for two 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; 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 substance use disorder diagnosis, and previous disciplinary action. The recommendation for reinstatement is based on applicant's current participation in treatment, compliance with treatment recommendations, active involvement in the substance abuse/addiction recovery process, reported period of sobriety from May 2013, and positive letters of reference.

Voting Yes: Delahoyde, Hoover, Kollasch-Parker, Kula, Motl, Ruiz, Stones, and Thalken. Voting No: None. Abstain: None. Absent: Herbek, Lefler, Smidt, and Smutny. Motion carried.

### **CHERYL KOOB – RN REINSTATEMENT FROM DISCIPLINE**

**MOTION:** Stones made the motion, seconded by Motl, to deny Cheryl Koob's application for reinstatement based on disciplinary action against license taken by another jurisdiction.

Voting Yes: Delahoyde, Hoover, Kollasch-Parker, Kula, Motl, Ruiz, and Stones. Voting No: Thalken. Abstain: None. Absent: Herbek, Lefler, Smidt, and Smutny. Motion carried.

### **EDUCATION COMMITTEE**

Ruiz reported that the pass rate for graduates of Nebraska LPN programs who took NCLEX-PN for the first time during the fourth quarter of 2022 was 87.50%. The national pass rate for first-time candidates during this period was 77.48%. Nebraskan candidates who passed NCLEX-PN during the fourth quarter included one who graduated from an LPN program in 2008 and two who graduated from RN programs but had not previously passed NCLEX-RN. Of the two Nebraska candidates who took NCLEX-PN based on having completed military training equivalent to an LPN educational program, one candidate passed.

The pass rate for graduates of Nebraska RN programs who took NCLEX-RN for the first time during the fourth quarter of 2022 was 75.51%. The national pass rate for first-time candidates during this period was 72.44%. The majority of RN programs in Nebraska saw a decline in their NCLEX pass rates in 2022 compared to the previous year. One notable exception to the trend was MidPlains Community College where the NCLEX-RN pass rate increased from 57.58% in 2021 to 82.61% in 2022.

Oertwich reported that Purdue University Global has notified her that they are closing their Associate Degree Nursing Program in Nebraska effective March 22, 2023, and transferring students at their Lincoln campus to their program in Council Bluffs, Iowa. Oertwich said that she will work with Hampton and Reznicek on a response to Purdue's letter. Oertwich wants to ensure that Purdue understands that they cannot place students at clinical sites in Nebraska unless they are a Nebraska Board of Nursing approved program.

### **OFFICER SUCCESSION PLAN**

Delahoyde reported that she and Motl will review drafts of officer succession plans that were presented at past Board meetings. They will then develop a new plan, which they will ask the Board to review at the March 2023 meeting.

## **NCSBN MIDYEAR MEETING**

Oertwich and Delahoyde will attend the National Council of State Boards of Nursing's MidYear Meeting in March. Stones is also interested in attending. Ruiz said she would likely attend virtually.

## **2023 LEGISLATION**

Oertwich reported that LB335, which would require health care staffing agencies to register with the State, has been referred to the Business and Labor Committee. Stones noted that the bill would require the creation of a lot of infrastructure to support the proposed registry. Oertwich noted that two bills have also been introduced that would provide scholarships to students in accelerated BSN programs. Another bill, LB586, would give the Nebraska Center for Nursing responsibility for coordinating clinical sites in rural Nebraska for nursing students. The bill would also provide funding to accomplish this task, which might enable hiring additional staff for the Center.

Delahoyde and Stones noted that in their experiences working with groups involved with legislative proposals, they often find fundamental misunderstandings about who is a nurse and about the differences between a nurse aide, medication aide, LPN, RN, and APRN.

Stones noted that approximately 900 bills have been introduced in the Legislature this year, compared to the usual number of 500-600 bills per session. Stones also noted that the NNA's Nursing Day and the Legislature is coming up and will have both virtual and in-person components this year.

## **CENTER FOR NURSING**

Oertwich reported that as part of the HRSA grant project to promote nursing resiliency, UNMC is organizing its second cohort of psychological first aid training for nurses at critical access hospitals. Lisa Walters from UNMC, who was formerly the Center for Nursing Board President, is working to set up four or five Critical Incident Stress Management teams throughout Nebraska.

## **RENEWAL DATA**

Oertwich reported that approximately 31,000 RNs renewed their licenses in 2022. Approximately 5,500 LPNs renewed in 2021. Staff will email Board members the report that Juan Ramirez presented at the most recent Center for Nursing meeting.

## **COMMUNICATION**

Anesthesiologist Assistants – Oertwich reported that the Technical Review Committee voted 6-4 against approving the proposal to license anesthesiologist assistants in Nebraska, but that vote would not prevent legislation to create an anesthesiologist assistant license from being introduced in 2024.

Nursing News – Oertwich reported that the next edition of *Nursing News* will include a short piece on Operation Nightingale, the Department of Justice and FBI investigation into fraudulent nursing programs. Boards of Nursing throughout the United States were given information on people who may have received fraudulent degrees from these programs. Oertwich said that Nebraska has not issued an RN license to any person identified as having received a fraudulent degree. There was a person on the list who briefly held a Nebraska LPN license, but that person had graduated from a legitimate LPN program prior to receiving the fraudulent RN degree.

## **STAFFING SHORTAGES**

Oertwich reported that the Nursing Section now has three vacant positions. She is working diligently to get the positions filled. Joyner noted that the Nursing Sections normally has four permanent staff

persons and one temporary staff person who are primarily responsible for processing nurse license application. There is now one permanent staff person and one temporary.

### **JOURNAL ARTICLE**

Members discussed the article “A Description of Participants in North Carolina’s Alternative-to-Discipline Program for Licensed Nursing Diagnosed with Opioid Use Disorder” from the January 2021 edition of the *Journal of Nursing Regulation*. Stones said she was somewhat disappointed to find that only 43% of enrollees in the North Carolina program successfully completed the program. Motl said the low number was not necessarily surprising given the stigma associated with substance use disorders and high cost of treatment. Ruiz noted that the data in the article is from 2011-2013, and a lot of advances in the treatment of substance use disorders have been made since then. Members were also struck by the high number of nurses in the program who were also diagnosed with mental health conditions.

### **CONCLUSION AND ADJOURNMENT**

The meeting adjourned at 11: 30 a.m.

Respectfully submitted,



Sherri Joyner  
Health Licensing Coordinator