

NEBRASKA BOARD OF NURSING

MINUTES OF THE MEETING

April 13, 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., April 13, 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 April 4, 2023, emailed to interested parties on April 4, 2023, posted outside the Licensure Unit within the Nebraska State Office Building on April 4, 2023, and posted on the Department of Health & Human Services website on April 4, 2023. Delahoyde announced that a copy of the Open Meetings Act was available in the room.

ROLL CALL

The following board members were present and answered roll call:

- Theresa Delahoyde, RN, *Board President*
- Tag Herbek, *Public Member*
- Lisa Kollasch-Parker, APRN-NP
- Angela Kula, LPN
- Kandis Lefler, LPN
- Patricia Motl, RN
- Kristin Ruiz, RN
- Brenda Smidt, RN
- Sonét Smutny, RN
- Rita Thalken, *Public Member*

No Board members were absent.

Two board positions were 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*
- Teresa Hampton, *DHHS Legal* (attended virtually)
- Jennifer Miralles, *DHHS Legal* (attended virtually)
- Danielle Sund, *DHHS Legal* (attended virtually)
- Mindy Lester, *Assistant Attorney General*
- Jeanne Burke, *Assistant Attorney General*
- Anna Harrison, *DHHS Compliance Monitor*
- Brittany Bigham, *Investigator*
- Jessica Bowman, *Investigator*
- Andrea Cramer-Price, *Investigator*
- Patricia Lemke, *Investigator*
- Mendy Mahar-Clark, *Investigator*
- Dennis Scott, *Program Manager, Investigations*
- Heather Cramer, *RN, Board of Health*

A quorum was present, and the meeting convened.

These minutes were approved by the Board of Nursing on May 11, 2023.

ADOPTION OF THE AGENDA

MOTION: Motl made the motion, seconded by Thalken, to adopt the agenda for the April 13, 2023, Board of Nursing meeting.

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

APPROVAL OF THE MINUTES

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

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

CLOSED SESSION

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

8:41 a.m. Meeting went into closed session.
8:42 a.m. Smutny left the meeting.
8:49 a.m. Smutny returned to the meeting.
8:58 a.m. Smidt left the meeting.
9:06 a.m. Smidt returned to the meeting.
9:49 a.m. Meeting went into recess.
10:00 a.m. Meeting reconvened.
10:18 a.m. Meeting returned to open session.

LICENSURE RECOMMENDATIONS

ANNETTE CLARK – RN REINSTATEMENT APPLICANT

MOTION: Motl made the motion, seconded by Smidt, to recommend denying Annette Clark's application for reinstatement based on felony convictions and failure to provide Board with requested information..

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

CYNTHIA CRAMER – RN REINSTATEMENT APPLICANT

MOTION: Ruiz made the motion, seconded by Lefler, to recommend issuing Cynthia Cramer a temporary license for the purpose of completing a refresher course within 18 months, and following successful completion of the course, reinstating her RN license without restrictions.

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

KARRIE YORK – RN REINSTATEMENT FROM DISCIPLINE

MOTION: Smutny made the motion, seconded by Kula, to table Karrie York’s reinstatement application in order to obtain additional information.

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

BRANDI HURLBURT – LPN REINSTATEMENT FROM DISCIPLINE

MOTION: Ruiz made the motion, seconded by Herbek, to recommend issuing Brandi Hurlburt a temporary license for the purpose of completing a refresher course within 18 months, and following successful completion of the course, reinstating her LPN license without restrictions. The recommendation for reinstatement is based on her compliance with treatment recommendations and positive letters of reference.

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

EDUCATION COMMITTEE

MOTION: The Education Committee moved that the Board of Nursing approve the following course for the Northeast Community College Associate Degree Nursing program: NURS 1990 Special Topic: School Nurse Scholar II.

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

MOTION: The Education Committee moved that the Board of Nursing approve the following plan and course for College of St. Mary: PN to BSN program option plan of Study & NURS 188 LPN to BSN Bridge Course

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

Purdue University Global – Closure of Nebraska Program

Reznicek reported that a letter was sent to Purdue University Global notifying them that the Board had accepted the closure of Purdue’s nursing education program in Nebraska.. The Purdue’s Chancellor sent a letter asking if Nebraska would be willing to license the 34 students who had been enrolled in Purdue’s Nebraska program. Reznicek and Oertwich responded that Nebraska residents who complete Purdue’s Iowa program and meet all other licensure requirements would be able to obtain Nebraska nursing licenses. Reznicek reported that Purdue is now asking if the students who have been transferred to Iowa can do their clinicals in Nebraska. Reznicek said that the Purdue Chancellor has seen the Board’s documents regarding the deficiencies in Purdue’s Nebraska program

Reznicek has received many phone calls from Purdue students and their parents. Many have the misunderstanding that they will not be able to be licensed in Nebraska if they receive their degree from Purdue’s Iowa program. Some are concerned that they will have to pay back scholarship monies that they received from the State of Nebraska. One caller forwarded to Reznicek an email from a Purdue administrator asking that students not contact the Nebraska Board because the Board was providing incorrect information. . Reznicek said that she and Oertwich plan to develop talking points to try to alleviate confusion surrounding Purdue’s closure of their Nebraska program. Reznicek noted that the closure might be particularly difficult for Purdue students who fall out of progression in the program.

Oertwich said that because Purdue is currently unaccredited, students who try to transfer to another school might have difficulty transferring their credits to an accredited program.

CHAPTER 97 REGULATIONS GOVERNING APPROVAL OF BASIC NURSING PROGRAMS

Oertwich expressed interest in adding language to the Chapter 97 Regulations (172 NAC 97), to specifically address online pre-licensure education programs. Oertwich said that based on the evidence, including poor NCLEX pass rates, online pre-licensure programs did not seem like a good idea. Ruiz noted that it would be important to define what is meant by an “online program,” since many schools do some on their didactic classes online. Delahoyde said that the concerns were with programs that did all of their instruction online. She added that it might be helpful to add language to the regulations regarding the physical location of a program.

Oertwich and Hampton gave a brief overview of the regulation approval process, noting that the process can take a year or more. Oertwich said that a draft of proposed changes to Chapter 97 might be available in time for the Board’s next meeting.

Reznick suggested that the Board might also review language currently in the regulations that requires nursing program faculty, including clinical faculty, to have either an MSN degree or be working towards an MSN. Ruiz said that it might be preferable to approve waivers to this requirement on an individual basis rather than lower the overall standards.

Another topic that might be merit review is limits on how many times a person could attempt NCLEX or time limits on taking NCLEX following graduation. Reznicek noted that Nebraska currently has no limits on NCLEX attempts. Ruiz wondered if states with limits have higher pass rates. Delahoyde said that occasionally former students will not attempt NCLEX until years after they graduate, but their results will still be used to calculate the program’s pass rate. Delahoyde suggested discussing potential limits on NCLEX attempts with the Nebraska Assembly of Nursing Deans and Directors. Oertwich suggested that the Education Committee might also develop an advisory opinion on the topic. Hampton noted that in order to enforce limitations on how many times an applicant can take a licensing exam, the limitations must be written in the profession’s statutes.

NCSBN MIDYEAR MEETING

Delahoyde reported on the session for Board Presidents at the National Council of Nursing’s Midyear Meeting. Topics discussed included running efficient meetings, (one recommendation was to move tasks such as approval of minutes to the end of the meeting), how to discipline nurses who were practicing virtually, and one state’s executive order that allows new nursing graduates to practice even after they have failed NCLEX. Delahoyde said that attendees reviewed the Nebraska Board’s *Aesthetic Nursing Advisory Opinion*, which received a lot of positive feedback.

Sessions that Oertwich attended included discussions of telehealth and Operation Nightingale. A presenter from the University of Michigan who spoke about telehealth covered some good tools that can be used to evaluate simulation experiences. Oertwich said the Operation Nightingale, the investigation into schools that sold fraudulent nursing degrees, is still ongoing and that future developments are expected.

The meeting’s last session covered the use of artificial intelligence to proctor remote examinations. Both Oertwich and Delahoyde were impressed with the “sci fi” level of the technology available to detect if a tester might be cheating. Reznicek noted that with the increasingly popularity of ChatGPT and similar products, nursing education programs are wondering if they need to require that students write their papers in class.

OFFICER SUCCESSION PLAN

Delahoyde reported that she removed language in the draft policy on “Officer Roles, Terms, Responsibilities & Process for Elections” that required the Board’s President to have previously served as Vice-President. Delahoyde also added language to the policy to accommodate absentee voting for officers.

The Officer Roles, Terms, Responsibilities & Process for Elections policy outlines the responsibilities for the Board’s President, Vice President, Secretary, Advisor to the President, Education Committee Chair, and Practice Committee Chair. The policy requires that nominations for the Board’s three officer positions be made in November of each year. Nominations and self-nominations from the floor after the November meeting will not be accepted. In order for a nominated member’s name to appear on the ballot, the member must accept the nomination. A ballot with the accepted nominations from the November meeting will be emailed to all Board members at least one week prior to the Board’s December meeting. Election of Board officers will take place at the Board’s December meeting via private ballot. Members who are not able to attend the December meeting in person can submit an absentee vote electronically. Absentee votes must be submitted by 5:00 p.m. the day prior to the December Board meeting. Officers can be re-elected to the same officer position for a maximum of three consecutive years, after which they must wait at least one year before running for that same officer position.

Nominations and elections for the Committee Chairs will occur during each Committee’s first meeting of the year (either in January or February depending on committee). Members who are not able to be present in person can submit an electronic ballot. Absentee votes must be received by the end of the day when the election is held.

MOTION: Ruiz made the motion, seconded by Motl, to approve the Officer Roles, Terms, Responsibilities & Process for Elections policy for the Nebraska Board of Nursing

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

2023 LEGISLATION

Oertwich reported that Senator Riepe was made LB586 his priority bill. The bill would provide over \$10 million to the Center for Nursing to create more clinical sites for nurses in Nebraska. Oertwich was uncertain if this bill or the bills providing scholarships to nursing students will be passed this year given the current situation in the Legislature.

COMMUNICATION

Staffing – Oertwich reported that three of the Nursing Section’s four Health Licensing Specialist positions are still vacant. She is hoping that a 5% pay raise that goes into effect in July will increase the number of applicants for the vacancies.

Nursing News – Oertwich reported that the deadline for submissions to the next edition of *Nursing News* is April 22nd. The next issue will include a board member bio from Kollasch-Parker and an article about LPN renewals. Oertwich said that there is room for more content and that Board members are welcome to send her suggestions.

CONCLUSION AND ADJOURNMENT

Heather Cramer, who has recently appointed as a nurse representative to the Board of Health, introduced herself and provided a brief overview of the Board of Health’s current activities. She said she plans to attend more Board meetings in the future.

The meeting adjourned at 11: 50 a.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Sherri Joyner". The signature is written in a cursive, flowing style.

Sherri Joyner
Health Licensing Coordinator