

NEBRASKA BOARD OF NURSING

MINUTES OF THE VIRTUAL MEETING

May 9, 2024

CALL TO ORDER

The meeting of the Nebraska Board of Nursing was called to order by Brenda Smidt, Board Vice-President, at 8:39 a.m., May 9, 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 April 29, 2024, emailed to interested parties on April 29, 2024, posted in the east entryway of the Nebraska State Office Building on April 29, 2024, and posted on the Department of Health & Human Services website on April 29, 2024. Copies of the revised agenda were emailed to the Board members on May 7, 2024, emailed to interested parties on May 7, 2024, posted in the east entryway of the Nebraska State Office Building on May 7, 2024, and posted on the Department of Health & Human Services website on May 7, 2024. Smidt 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).

ROLL CALL

The following board members were present answered roll call:

- Kathy Harrison, RN
- Lisa Kollasch-Parker, APRN-NP
- Angela Kula, LPN, *Board Secretary*
- Kandis Lefler, LPN
- Eric Rogat, RN
- Kristin Ruiz, RN
- Jules Russ, *Public Member*
- Brenda Smidt, RN, *Board Vice-President*

The following Board member attended virtually and answered roll call: Clay Jordan, RN.

The following Board members were absent: Theresa Delahoyde, RN, *Board President*, Mary Guthrie, *Public Member*, and Patricia Motl, 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*
- Jacci Reznicek, RN, *Nursing Education Consultant* (attended virtually)
- Sherri Joyner, *Health Licensing Coordinator*
- Anna Harrison, *DHHS Compliance Monitor* (attended virtually)
- Danielle Sund, *DHHS Legal*
- Mindy Lester, *Assistant Attorney General*
- Abigail Nissen, *Assistant Attorney General*
- Brittany Bigham, *Investigator*
- Jessica Bowman, *Investigator*
- Andrea Cramer-Price, *Investigator*
- Susan Held, *Investigator*
- Patricia Lemke, *Investigator*

The following staff member attended virtually: Ginger Rogers, APRN-NP, Nursing Practice Consultant.

A quorum was present, and the meeting convened.

These minutes were approved by the Board of Nursing on June 13, 2024.

ADOPTION OF THE AGENDA

MOTION: Lefler made the motion, seconded by Kula, to adopt the revised agenda for the May 9, 2024, Board of Nursing meeting.

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

APPROVAL OF THE MINUTES

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

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

Smidt 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.

8:43 a.m. Meeting went into closed session. Harrison left the meeting.
 8:45 a.m. Harrison returned to the meeting.
 8:57 a.m. Harrison left the meeting.
 9:01 a.m. Harrison returned to the meeting.
 9:03 a.m. Ruiz left the meeting.
 9:05 a.m. Ruiz returned to the meeting.
 9:25 a.m. Meeting went into recess.
 9:38 a.m. Meeting reconvened.
 10:38 a.m. Meeting returned to open session.

LICENSURE RECOMMENDATIONS**WENDY K. MCCONNELL – LPN APPLICANT**

MOTION: Ruiz made the motion, seconded by Harrison, to recommend issuing Wendy McConnell an LPN 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; 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 diagnosis of a substance use disorder.

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

AJAY J. BERTSCHINGER – LPN REINSTATEMENT FROM DISCIPLINE

MOTION: Kollasch-Parker made the motion, seconded by Ruiz, to recommend issuing a temporary license to Ajay Bertschinger for the purpose of completing a Board-approved refresher course within 18 months, and following successful completion of a refresher course, reinstating his LPN license without restrictions. The recommendation for reinstatement is based on applicant's completion of treatment, compliance with treatment recommendations, active involvement in the substance abuse/addiction recovery process, reported period of sobriety from September 2015, and positive letters from employer.

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

DANIEL A. HARRIS – LPN REINSTATEMENT FROM DISCIPLINE

MOTION: Ruiz made the motion, seconded by Harrison to recommend reinstating Daniel Harris' LPN license under the terms and conditions specified in the February 20, 2020, Order placing his license on probation. The recommendation for probation is based upon prior disciplinary action. The recommendation for reinstatement is based on an updated substance use evaluation and letter from treating physician.

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

MARY E. BARNEY – RN REINSTATEMENT FROM DISCIPLINARY DENIAL

MOTION: Ruiz made the motion, seconded by Harrison, to recommend issuing a temporary license to Mary Barney for the purpose of completing a Board-approved refresher course within 18 months, and following successful completion of the refresher course, reinstating her 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; obtain a substance use evaluation from a provider licensed and in good standing in Nebraska within thirty (30) days after license is reinstated on probation, 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 misdemeanor convictions rationally related to the profession and prior disciplinary action. The recommendation for reinstatement is based on positive letters of reference from employers and co-workers and recent medical evaluations.

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

EDUCATION COMMITTEE

MOTION: The Education Committee moved that the Board of Nursing approve the SCC LPN to ADN advising plan for the Lincoln and Beatrice programs.

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

MOTION: The Education Committee moved that the Board of Nursing approve the following courses for the Nebraska Methodist College traditional and accelerated BSN Programs: NRS 102 Population Health I and NRS 102-90 Population Health I Practicum; NRS 110 & NRS 110-90 Health Assessment Across the Lifespan; NRS 200 Population Health II and NRS 200-90 Population Health II Practicum; NRS 300 Population Health III and NRS 300-90 Population Health III Practicum; NRS 400 Population Health IV and NRS 400-90 Population Health IV Practicum; NRS 410 Population Health I and NRS 410-90-Population Health I Practicum.

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

MOTION: The Education Committee moved that the Board of Nursing approve the following courses for the University of Nebraska Medical Center College of Nursing: NRSG 300 Nurse in Professional Practice I: Intro to Nursing; NRSG 301 Foundations in Pathopharmacology; and the Revised Plan of Study AY 2024-2025

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

MOTION: The Education Committee moved that the Board of Nursing approve the following for the Bryan College of Health Sciences BSN Program: Revision of Philosophy of Nursing; Revision of Conceptual Framework and Conceptual Model; Revision of End of Program Student Learning Outcomes; Revision of BSN Curriculum Plan; and Addition of an Accelerated BSN Curriculum Plan

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

MOTION: The Education Committee moved that the Board of Nursing approve the following courses for the Western Nebraska Community College LPN Program: LPNR 1270 Medical/Surgical I, and LPNR 2280 Medical/Surgical II.

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

MOTION: The Education Committee moved that the Board of Nursing approve the Surveyor's Report for the site visit conducted at Nebraska Wesleyan University on April 3-4, 2024.

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

NCLEX 1st Quarter Reports – Reznicek reported that for the 64 graduates of Nebraska LPN programs who took NCLEX-PN for the first time in the first quarter of 2024, the pass rate was 89.1%. For the 221 graduates of Nebraska RN programs, the pass rate of 98.2%. Only three jurisdictions had higher NCLEX-RN pass rates during the first quarter.

CHAPTER 97

Oertwich reviewed the proposed revisions that have been drafted for Title 172, Chapter 97, Approval of Basic Nursing Programs in Nebraska. She explained that after the Board approves the revisions, the draft will be sent to DHHS Legal for review. Proposed changes include the following:

- Adding a definition for Clinical Practice Instructor.
- Adding definitions for various education methods, including “asynchronously,” “didactic,” “hybrid education,” and “synchronous learning.”
- Expanding the definition of “simulation” to distinguish between low-fidelity and high-fidelity simulations and between virtual simulation and virtual reality simulation.
- Revising the accreditation requirements for approved pre-licensure programs so that new programs must hold national accreditation at the time of approval, and programs that do not have national accreditation must fully disclose this fact to students.
- Revising the degree requirements for nursing faculty. At LPN programs, full-time faculty would be required to have a baccalaureate degree and adjunct faculty an associate degree. At RN programs, full-time faculty would be required to have a graduate degree and adjunct faculty a baccalaureate degree.
- Adding language that would exempt Staff Nurse Clinical Instructors who work on Dedicated Education Units from the education requirements specified for nursing faculty.
- Adding language specifying that clinical preceptors must be physically present at the clinical location and be available to students at all times when the students are providing nursing care.
- Adding language that specifies that one simulation hour is equivalent to just one clinical hour, and that limits the number of simulation hours that can be used to meet clinical clock hours to fifty percent for programs that were approved prior to the implementation of the revised regulations and to twenty percent for programs approved after implementation.
- Adding language to specify that Nebraska does not approve or permit online prelicensure programs or programs that are outside of Nebraska’s jurisdiction.
- Adding requirements that programs submit a special report to the Board when there is a change in the program’s controlling institution, changes in the program’s or controlling institution’s administrative personnel, or the opening or closure of a site or campus.
- Expanding the section on disciplinary and non-disciplinary actions.

MOTION: Ruiz made the motion, seconded by Kula, to approve the proposed revisions to Chapter 97.

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

2024 LEGISLATIVE SESSION

Oertwich reported that Legislative Resolution 372 was approved. Based on the resolution, an interim study will be conducted on the composition of the Board of Nursing in preparation for a proposal to combine the Advanced Practice Registered Nurses Board with the Board of Nursing.

Oertwich reported that the Department's omnibus bill, LB1215, also passed. Part of the bill requires LPNs, RNs, and APRNs to be registered with NCSBN's eNotify system in order to renew their licenses. There is no cost for nurses to enroll in the system. Oertwich said that implementation of the requirement will likely begin with the LPN renewal period in 2025. Oertwich said that the change will expedite the renewal process for nurses because workforce data will be collected by eNotify rather than through the workforce surveys nurses are asked to complete during the renewal process.

CENTER FOR NURSING UPDATES

Oertwich reported that twenty nursing students are scheduled to start internships at Columbus Community Hospital as soon as their contracts are signed. Oertwich reported that the partnership between the Nebraska Center for Nursing and the Nebraska Hospital Association (NHA) is also trying to streamline the compliance process that facilities use to onboard nursing students who will complete clinicals at their sites.

Ruiz said that she has heard from nurses at rural facilities that the coursework required to become a Clinical Nurse Instructor may be a barrier to participation in the project to expand clinical sites for nursing students. Oertwich said she would pass this information along to the NHA.

COMMUNICATION

Licensure of New Grads - Oertwich reported that the Nursing Section usually licenses approximately 800 spring nursing graduates and 300-400 December graduates every year. Transcripts are starting to come in Staff have faced minimal obstacles in processing applications for the 2024 spring graduates.

Nursing News – Oertwich said she expects the next edition of Nebraska Nursing News to be published the following week. Hard copies will be mailed to all Nebraska licensed nurses for this edition, as well as for the August and November editions.

Staff Updates – Oertwich reported that the Nursing Section is currently fully staffed.

NEW BOARD MEMBER ORIENTATION

Oertwich gave a presentation that had been prepared by the Licensure Unit to orient new board members to their duties and roles. Topics covered included the organization of the Department and of the Licensure Unit, the discipline process, public records, mandatory reporting, the process for approving new regulations, online resources for board members, conflicts of interest, and expense reimbursements for board members.

PUBLIC COMMENT

No requests were received from members of the public to speak before the Board.

CONCLUSION

The meeting adjourned at 11:58 a.m.

Respectfully submitted,



Sherri Joyner
Health Licensing Coordinator