

NEBRASKA BOARD OF NURSING

MINUTES OF THE MEETING

July 11, 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., July 11, 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 June 28, 2024, emailed to interested parties on June 28, 2024, posted in the east entryway of the Nebraska State Office Building on June 28, 2024, and posted on the Department of Health & Human Services website on June 28, 2024. 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, *Board President*
- Mary Guthrie, *Public Member*
- Kathy Harrison, RN
- Clay Jordan, RN
- Lisa Kollasch-Parker, APRN-NP
- Angela Kula, LPN, *Board Secretary*
- Patricia Motl, RN
- Eric Rogat, RN
- Kristin Ruiz, RN
- Jules Russ, *Public Member*
- Brenda Smidt, RN, *Board Vice-President*

The following Board member was absent: Kandis Lefler, LPN.

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*
- Suzanna Glover-Ettrich, *DHHS Legal*
- Mindy Lester, *Assistant Attorney General*
- Abigail Nissen, *Assistant Attorney General*
- Vincent Schiffiano, *Law Clerk*
- 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.

ADOPTION OF THE AGENDA

MOTION: Motl made the motion, seconded by Rogat, to adopt the agenda for the July 11, 2024, Board of Nursing meeting.

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

These minutes were approved by the Board of Nursing on August 8, 2024.

APPROVAL OF THE MINUTES

MOTION: Kula made the motion, seconded by Jordan, to approve the consent agenda.

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

CLOSED SESSION

MOTION: Kula made the motion, seconded by Harrison, 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, Motl, Rogat, Ruiz, Russ, and Smidt. Voting No: None. Abstain: None. Absent: Lefler. 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.

8:33 a.m. Meeting went into closed session.
 8:52 a.m. Smidt left the meeting.
 8:50 a.m. Smidt returned to the meeting.
 8:57 a.m. Kollasch-Parker left the meeting.
 9:01 a.m. Kollasch-Parker returned to the meeting.
 9:15 a.m. Kollasch-Parker and Smidt left the meeting.
 9:16 a.m. Kollasch-Parker and Smidt returned to the meeting.
 9:30 a.m. Kollasch-Parker and Motl left the meeting.
 9:35 a.m. Kollasch-Parker and Motl returned to the meeting.
 9:35 a.m. Smidt left the meeting.
 9:39 a.m. Smidt returned to the meeting.
 9:44 a.m. Smidt left the meeting.
 9:46 a.m. Smidt returned to the meeting.
 9:57 a.m. Meeting went into recess.
 10:14 a.m. Meeting reconvened.
 10:39 a.m. Meeting returned to open session.

LICENSURE RECOMMENDATIONS**JACQUELINE S. EMBURY– RN APPLICANT**

MOTION: Motl made the motion, seconded by Ruiz, to recommend issuing Jacqueline Embury an unrestricted RN license.

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

TARA J. STORM– RN APPLICANT

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

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

LINDSEY R. NICKOLITE – LPN APPLICANT

MOTION: Jordan made the motion, seconded by Kula, to recommend issuing Lindsey Nickolite an LPN 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; 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 upon diagnoses of a substance use disorder and misdemeanor convictions rationally related to the professions.

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

DOUGLAS C. GIBSON– RN APPLICANT

MOTION: Ruiz made the motion, seconded by Motl, to recommend issuing Douglas Gibson an unrestricted RN license.

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

KAYLEIGH S. HEWETT – LPN APPLICANT

MOTION: Harrison made the motion, seconded by Ruiz, to recommend issuing Kayleigh Hewett 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 upon a substance use disorder diagnosis, misdemeanor conviction rationally related to the profession, and previous licensure denial.

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

KELLEY A. SHAFER – RN REINSTATEMENT FROM DISCIPLINE

MOTION: Ruiz made the motion, seconded by Harrison, to recommend reinstating Kelley Shafer's RN license on probation for one year 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 1040 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 from a licensed practitioner and previous disciplinary action. The recommendation for reinstatement is based on applicant's current participation in outpatient treatment, compliance with treatment recommendations, and positive letters of reference from coworkers.

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

PRACTICE COMMITTEE

Rogers reported on recent activities by the Practice Committee. Rogers is thinking of putting together an article for *Nursing News* on delegation that specifically covers Nebraska's requirements and definitions. Delahoyde noted that such an article might be especially helpful for nurses who have limited experience with team-based practice models. Motl also noted that with hospitals now hiring more LPNs, delegation has become more complex than it was previously.

The Practice Committee is also considering drafting an Advisory Opinion on compounding. Rogers has been working with Dean Willson, a Nebraska pharmacy inspector, on the topic. The way the pharmacy profession views compounding can differ from many nurses' understanding of the subject. Members noted that a lack of a national definition can create confusion during surveys by the Joint Commission. A process that a hospital considered to be an "admixture," for example, might be considered to be "compounding" by the inspector. Motl remarked that it can seem like each surveyor has a different definition of what constitutes compounding.

REGULATIONS (172 NAC 101) & NCLEX ATTEMPTS

Reznicek reported that Boards of Nursing in twenty-six other states have some type of limitation on the number of times a candidate can take NCLEX. In Colorado, candidates can take NCLEX three times within a three-year period. If they do not pass on their third attempt, they must take a review course before retaking the exam. Some states also limit how long a candidate can attempt the exam after they have graduated from nursing school. In Kansas, candidates who do not pass NCLEX within two years after their graduation date, must petition the board in order to be allowed to sit for the exam again. Nebraska does not have any limitations on either the number of attempts or the time elapsed since graduation. Reznicek noted that the Licensure Unit has received applications from people who have already attempted NCLEX twenty or more times. Members recommended that the Education Committee do a study on the issue. Reznicek said she would put the topic on the agenda for the Education Committee's meeting in September.

NCSBN ANNUAL MEETING

Delahoyde, Kollasch-Parker, Kula, Motl, Oertwich, and Smidt plan to attend the Annual Meeting of the National Council of State Boards of Nursing on August 28-30, 2024. All have been approved for travel vouchers. Delahoyde and Kula are expected to be delegates for the Nebraska Board of Nursing, while Oertwich and Kollasch-Parker will represent the Nebraska APRN Board.

CENTER FOR NURSING UPDATES

Oertwich reported on the project being helmed by the Nebraska Center for Nursing and the Nebraska Hospital Association to create a “talent pipeline” of nurses. The project has already distributed over \$1million to schools and facilities for simulation equipment. The media campaign is in full swing with ads promoting nursing careers being seen throughout the state. They expect that eight clinical sites in rural areas will host nursing students this fall using the shared clinical model developed by the Center. Internships have also brought nursing students to rural areas this summer.

COMMUNICATION

Draft Revisions to Chapter 97 - Oertwich reported that DHHS Legal is still reviewing the proposed changes to Chapter 97 (Regulations Governing the Approval of Basic Nursing Programs in Nebraska). So far, DHHS Legal has not recommended any revisions.

Nursing News – Oertwich said that copy for the next edition of *Nursing News* is due at the publisher by July 27th. The edition is expected to be published in August and will contain information about RN and APRN renewals.

Staff Updates – Oertwich reported that User Acceptance Testing (UAT) for the Licensure Unit’s upgraded database is expected to begin in August and September. The upgrade is expected to go live in December.

PUBLIC COMMENT

At the request of a member of the public attending the meeting virtually, staff repeated the outcome of a motion made earlier in the meeting.

CONCLUSION

The meeting adjourned at 11:24 a.m.

Respectfully submitted,



Sherri Joyner
Health Licensing Coordinator