

NEBRASKA BOARD OF NURSING

MINUTES OF THE MEETING

August 10, 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., August 10, 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 July 31, 2023, emailed to interested parties on July 31, 2023, posted outside the Licensure Unit within the Nebraska State Office Building on July 31, 2023, and posted on the Department of Health & Human Services website on July 31, 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*
- Kathy Harrison, RN
- Tag Herbek, *Public Member*
- Lisa Kollasch-Parker, APRN-NP
- Angela Kula, LPN, *Board Secretary*
- Kandis Lefler, LPN
- Patricia Motl, RN
- Kristin Ruiz, RN
- Brenda Smidt, RN
- Sonét Smutny, RN
- Rita Thalken, *Public Member*

The following Board member was absent: Adrienne Olson, 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*
- Ginger Rogers, APRN-NP, *Nursing Practice Consultant*
- Sherri Joyner, *Health Licensing Coordinator*
- Marciyanna Nielsen, *Administrative Technician*
- Teresa Hampton, *DHHS Legal* (attended virtually)
- Mindy Lester, *Assistant Attorney General*
- Abigail Nissen, *Senior Certified Law Clerk*
- Anna Harrison, *DHHS Compliance Monitor*
- Andrea Cramer-Price, *Investigator*
- Brittany Bigham, *Investigator*
- Susan Held, *Investigator*
- Patricia Lemke, *Investigator*
- Susan Held, *Investigator*
- Dennis Scott, *Program Manager, Investigations*
- Dina Mekic, *Licensure Unit Program Manager, Behavioral Health*

A quorum was present, and the meeting convened.

ADOPTION OF THE AGENDA

MOTION: Kula made the motion, seconded by Motl, to adopt the agenda for the August 10, 2023, Board of Nursing meeting.

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

These minutes were approved by the Board of Nursing on September 14, 2023.

APPROVAL OF THE MINUTES

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

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

CLOSED SESSION

MOTION: Kula 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, Harrison, Herbek, Kollasch-Parker, Kula, Lefler, Motl, Ruiz, Smidt, Smutny, and Thalken. Voting No: None. Abstain: None. Absent: Olson. 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. Delahoyde left the meeting.
 8:37 a.m. Delahoyde returned to the meeting.
 8:39 a.m. Kula left the meeting.
 8:42 a.m. Kula returned to the meeting.
 9:19 a.m. Meeting went into recess.
 9:30 a.m. Meeting reconvened.
 10:09 a.m. Meeting returned to open session.

LICENSURE RECOMMENDATIONS**HEATHER R. BALL – RN INITIAL APPLICATION**

MOTION: Smidt made the motion, seconded by Motl, to recommend issuing Heather Ball an unrestricted RN license.

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

KAYLEIGH S. HEWETT – LPN INITIAL APPLICATION

MOTION: Lefler made the motion, seconded by Kula, to table Kaleigh Hewett's application in order to obtain additional information.

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

TRACIE C. RATLIFF – RN NONDISCIPLINARY REINSTATEMENT

MOTION: Smutny made the motion, seconded by Smidt, to table Tracie Ratliff's reinstatement application in order to obtain additional information.

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

EDUCATION COMMITTEE

MOTION: The Education Committee moved that the Board of Nursing approve Western Nebraska Community College's Practical Nursing program courses Pharmacology I LPNR-1410 and Concepts of Nursing LPNR-1250.

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

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

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

NCLEX RESULTS

Reznicek reported on NCLEX pass rates for the second quarter of 2023, which is the first quarter to reflect pass rates for candidates who took Next Generation NCLEX, the new version of the exam that was implemented on April 1, 2023. There were five Nebraska LPN programs that had 100% pass rates in the second quarter. The overall pass rate for graduates of Nebraska programs who took NCLEX-PN for the first time during the second quarter was 95.97%. Twelve jurisdictions in the U.S. had higher pass rates. The pass rate for international graduates on NCLEX-PN was 63.64%.

Seven Nebraska RN programs had 100% pass rates on NCLEX-RN for the second quarter. The overall pass rates for Nebraska graduates who took NCLEX-RN for the first time was 96.52%. Only three jurisdictions in the U.S. had higher pass rates. The pass rate for international graduates was 56.67%.

Reznicek discussed highlights of the NCSBN's recent presentation on the Next Generation NCLEX. The goal of the new version of the exam is to make it more applicable to real-world nursing by placing a greater emphasis on clinical judgement. Since its implementation, states across the nation have seen increases in their pass rates. The presentation did point out that pass rates in recent years have been anomalous due to the impact of the COVID-19 pandemic. The high pass rates on Next Generation NCLEX are also attributed to the work done by nursing programs to prepare their students for situations involving clinical judgement. Reznicek noted that NCSBN regularly studies exam results and subsequent discipline rates to help ensure that the exam promotes public safety.

PRACTICE COMMITTEE UPDATES

Rogers provided a summary of the recent conference call held by the Food and Drug Administration (FDA) on the topic of IV hydration spas. Rogers noted that many of these spas are in unregulated locations, including garages. Customers are not always aware of the components included in the infusions they receive; instead, they chose transfusions from a "menu" that has generic description such as "sports booster" or "hangover fix." Another problem that has been observed at these sites is compounding of preparations without a hood. Some hydration spas also promote other non-evidence-based services such as hyperbaric treatments and peptides. Most states are limited in their ability to address potential health threats posed by these types of services until a complaint is filed with the state against an establishment. The FDA has conducted a number of investigations and has found unsanitary conditions, including at one location where a customer got sepsis and experienced organ failure following a transfusion. The Federal Trade Commission (FTC) can also get involved if an IV spa engages in deceptive advertising, such as claiming that their services cure cancer or other diseases. Rogers said that the Practice Committee is working on an Advisory Opinion on IV hydration spas, which they plan to bring to the September Board of Nursing meeting.

Rogers also reported that she attended the Board of Medicine's recent meeting to discuss aesthetic procedures, especially those that involve lasers. She said that she plans to review the Department's Joint Board Dermatologic Workgroup report to see if it can be updated, noting the changes in laser technologies that have occurred since the paper was approved in 2011.

Lefler asked if APRNs are allowed to administer Botox. Rogers said that they can, but they should be certified by a professional organization and have training with an experienced practitioner prior to providing Botox services. A week-end training seminar would not provide sufficient education.

CENTER FOR NURSING

Oertwich reported that the Center for Nursing met in July. With the passage of LB227, the Center has been awarded \$3 million in Fiscal Year 2023-2024 and \$3 million in Fiscal Year 2024-2025 to expand the availability of clinical sites for student nurses in rural areas. The Center is currently working with the Nebraska Hospital Association, the Nebraska Health Care Association, the Rural Health Care Association, and the Nebraska Assembly of Nursing Deans and Directors on plans to implement the project. The plan focuses on developing staff at rural health care facilities who can coordinate training and preceptorship for student nurses. Oertwich noted that students who have clinical experiences in rural areas might be more likely to work at rural facilities after they graduate. Oertwich said that she hopes the Center will be able to hire a consultant and assistant to help administer the project. An RFP has also been issued for bids for a marketing plan for the Center to promote the recruitment and retention of nurses.

The Center for Nursing collects data on the nursing workforce in Nebraska from surveys that nurses complete when they renew their licenses. Oertwich noted that Nursys e-Notify also captures workforce data and that if 100% of Nebraska nurses were enrolled in e-Notify, it would not be necessary to send out renewal surveys. Information about e-Notify can be found at <https://www.nursys.com/EN/ENDefault.aspx>.

CHAPTER 97 REGULATIONS

Board members reviewed proposed changes to 172 NAC 97, the Regulations Governing the Approval of Basic Nursing Programs in Nebraska. The proposed changes include the following:

- Language has been added to specify that Nebraska does not allow prelicensure programs that are geographically located in another state to provide didactic instruction within Nebraska, and that prelicensure programs located in another state must obtain Board approval in order to place students at clinical sites in Nebraska.
- The definition of “Director” has been revised to specify that a program’s Director must be geographically located at the site of the nursing program in Nebraska.
- The definition for “simulation” has been revised to include the specification that no more than 50% of any clinical course be provided via simulation.
- Proposed changes to the requirements for faculty would allow faculty members to complete approved Clinical Instructor Certificate Training in lieu of completing a graduate degree in nursing. The Clinical Instructor Certificate Training is part of the Center for Nursing’s plan to expand clinical sites in rural areas. The training would be financed by the Center.
- In the section on standards for prelicensure programs, an item has been added to require that as of 2022, new programs must hold current accreditation at the time the program is approved.
- In the section dealing with preceptors, the requirement the preceptors have an *educational* level at or above the level of the students they are precepting has been revised to require that preceptors have a *license* level at or above the level for which the student is being prepared. This change would allow RNs with ADN degrees to precept students in BSN programs.
- In the section for facility requirements, language has been added to specify that a program’s facilities must be physically present in the primary community served by the program. Delahoyde suggested adding language to specify that the program must have a space for student services, such as counseling and tutoring. She also noted that the requirement that programs have a physical library might become outdated as library resources increasingly become available only in electronic format.
- In the requirements for approval of new prelicensure programs, proposed language has been added stating that the Board does not approve or permit online prelicensure education programs in the state of Nebraska. An item has also been added that specifies that programs must be in good standing with respective Board of Nursing jurisdictions where programmatic activities are delivered.

Oertwich and Reznicek will work with Hampton on definitions for “suspension” and “revocation,” which are listed as actions that the Board can take against a program, but which are not defined in the current regulations.

The proposed revisions will be reviewed by the Nebraska Assembly of Nursing Deans and Directors for their input.

NCSBN ANNUAL MEETING

Oertwich, Delahoyde, Kollasch-Parker, and Smidt plan to attend the National Council of State Boards of Nursing’s Annual Meeting. Oertwich reported that on the Monday prior to the official start of the meeting, NCSBN will conduct focus groups on using unlicensed persons, such as CNAs, in the workforce. The goal of the project, which was started last year, is to create standards for unlicensed persons. Motl noted that some NCSBN staff and attendees at last year’s meeting were surprised by the significant variations between states in their requirements for nurse aides.

Oertwich will attend a meeting for the Nursing Licensure Compact on August 15th. The official start of the Annual meeting will be August 16th, which is when the Delegate Assembly will begin. Oertwich and Kollasch-Parker will serve as delegates for the Nebraska APRN Board. Delahoyde and Schmidt will be delegates for the Nebraska Board of Nursing. One item to be voted on at the meeting will be proposed changes to the APRN Compact.

COMMUNICATION

Staff Updates – Oertwich reported that the Licensure Unit is currently working on a project to stabilize the data in its existing licensure database. An RFP will need to be issued before the Licensure Unit can purchase a new system. The Nursing Section is also preparing for LPN renewals, which will start in August.

Nursing News –Oertwich reported that the next edition of *Nursing News* will include an article by Juan Ramirez and Janelle Francis based on Nebraska data on the social determinants of health. The issue also includes an article written by Rogers on how nurses can evaluate the quality of online courses and certifications.

The meeting adjourned at 11: 30 a.m.

Respectfully submitted,



Sherri Joyner
Health Licensing Coordinator