

NEBRASKA BOARD OF NURSING
MINUTES OF THE VIRTUAL MEETING

September 12, 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., September 12, 2024, at the Best Western Plus Conference Room, 2201 Wildcat Circle, Lincoln NE 68521. Copies of the agenda were emailed to the Board members and to interested parties on August 30, 2024, posted in the east entryway of the Nebraska State Office Building on August 30, 2024, and posted on the Department of Health & Human Services website on 30, 2024. 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. Statute 84-1411(7).

ROLL CALL

The following board members were present and answered roll call:

- Theresa Delahoyde, RN, *Board President*
- Mary Guthrie, *Public Member*
- Kathy Harrison, RN
- Lisa Kollasch-Parker, APRN-NP
- Kandis Lefler, LPN
- Patricia Motl, RN
- 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: Angela Kula, LPN, *Board Secretary*.

The following Board member was absent: Clay Jordan, 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 (attended virtually)*
- Sherri Joyner, *Health Licensing Coordinator*
- Anna Harrison, RN, *DHHS Compliance Monitor*
- Teresa Hampton, *DHHS Legal*
- Mindy Lester, *Assistant Attorney General (arrived at 8:40 a.m.)*
- Abigail Nissen, *Assistant Attorney General*
- Brittany Bigham, RN, *Investigator*
- Jessica Bowman, RN, *Investigator*
- Andrea Cramer-Price, RN, *Investigator*
- Susan Held, RN, *Investigator*
- Patricia Lemke, RN, *Investigator*
- Mendy Mahar-Clark, RN, *Investigator*

A quorum was present, and the meeting convened.

These minutes were approved by the Board
of Nursing on October 10, 2024.

ADOPTION OF THE AGENDA

MOTION: Motl made the motion, seconded by Lefler, to adopt the agenda for the September 12, 2024, Board of Nursing meeting.

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

APPROVAL OF THE MINUTES

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

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

PRACTICE COMMITTEE UPDATES

Rogers reported that at its previous meeting the Practice Committee discussed the recently published Bloomberg article, “The Miseducation of America’s Nurse Practitioners.” Rogers said that the article felt a bit like a “hit piece,” and that the authors did not seem to fully understand the role of nurse practitioners. (As Rogers noted, nurse practitioners do not replace physicians.) At the same time, the article brought up valid concerns, such as nurse practitioner education programs that are offered primarily online, that admit students with no bedside nursing experience, or that provide inadequate orientation to clinical experiences. Rogers reported that some states do regulate nurse practitioner education programs, and that Nebraska might consider whether it wishes to pursue this option.

CLOSED SESSION

MOTION: Ruiz 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, Kollasch-Parker, Kula, Lefler, Motl, Rogat, Ruiz, Russ, and Smidt. Voting No: None. Abstain: None. Absent: Jordan. 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.

8:42 a.m. Meeting went into closed session.
 9:18 a.m. Lefler left the meeting.
 9:21 a.m. Lefler returned to the meeting. Smidt left the meeting.
 9:25 a.m. Smidt returned to the meeting.
 9:40 a.m. Motl left the meeting.
 9:42 a.m. Motl returned to the meeting.
 9:54 a.m. Kollasch-Parker left the meeting.
 9:57 a.m. Kollasch-Parker returned to the meeting.
 10:07 a.m. Meeting went into recess.
 10:15 a.m. Meeting reconvened.
 10:24 a.m. Kollasch-Parker left the meeting.
 10:33 a.m. Kollasch-Parker returned to the meeting.
 11:35 a.m. Meeting returned to open session.

LICENSURE RECOMMENDATIONS**MIKAELA N. DUNKLE – RN APPLICANT**

MOTION: Lefler made the motion, seconded by Ruiz, to recommend issuing an unrestricted RN license to Mikaela Dunkle.

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

PAUL G. BEMESDERFER – RN APPLICANT

MOTION: Motl made the motion, seconded by Smidt, to recommend denying Paul Bemederder's application for RN licensure based on disciplinary action taken against his license in another jurisdiction.

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

JACQUELINE G. BURGESS – RN REINSTATEMENT FROM DISCIPLINE

MOTION: Ruiz made the motion, seconded by Smidt, to recommend reinstating Jacqueline Burgess'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 3,120 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, misdemeanor convictions, and previous disciplinary history. The recommendation for reinstatement is based on current participation in treatment, compliance with treatment recommendations, active involvement in the recovery process, and documented attendance at support group meetings.

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

DIANA M. DALLY/JACQUELINE BURGESS – LPN REINSTATEMENT FROM DISCIPLINE

MOTION: Smidt made the motion, seconded by Kollasch-Parker, to recommend issuing a temporary license to Diana Dally on probation for the purpose of completing a Board-approved refresher course within 18 months, and following successful completion of the course, reinstating Diana Dally's LPN license on probation for one year with the following terms and conditions: practice only under direct RN supervision during the first six months of practice while on probation; active practice for 1,040 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 failure to complete previous probation term. The recommendation for reinstatement is based on completion of the didactic portion of a refresher course.

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

ANN M. HAUPTMAN – RN REINSTATEMENT FROM DISCIPLINE

MOTION: Motl made the motion, seconded by Smidt, to deny Ann Hauptman’s application for reinstatement of her RN license based on insufficient evidence presented to substantiate a change in circumstances.

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

NCSBN ANNUAL MEETING

Delahoyde, Kollasch-Parker, Kula, Motl, Oertwich, and Smidt attended the National Council of State Boards of Nursing’s Annual Meeting on August 28-30, 2024. Oertwich was elected to the NCSBN Board of Directors. Items that attendees found meaningful included the importance of strategic planning, the use of artificial intelligence in proctoring examinations (NCLEX candidates might be able to take NCLEX at home as early as 2026), and the diversity of opinions on various subjects. Another topic discussed by meeting participants was new law passed by the Florida legislature without input from the Florida Board of Nursing, requiring persons applying for RN and LPN licensure by endorsement in Florida to have at least three years of nursing experience. The law prevents recent grads who have already been licensed in another state from obtaining Florida licensure unless they retake NCLEX. Oertwich noted that the Florida experience underscores how important it is for the Board to review the legislative bills introduced each year.

2025 BOARD MEETING SCHEDULE

Board of Nursing meetings were scheduled for the following days: January 9, 2025, February 6, 2025, March 6, 2025, April 3, 2025, May 1, 2025, June 12, 2025, July 10, 2025, August 7, 2025, September 11, 2025, October 9, 2025, November 13, 2025, and December 11, 2025.

STRATEGIC PLANNING

Members reviewed the Board’s 2022-2024 strategic plan. Delahoyde asked members to think of potential goals for the Board’s next strategic plan, which will be worked on at the Board’s October and November meetings.

CENTER FOR NURSING UPDATES

Oertwich said that Stacey Ocander from the Nebraska Hospital Association will present at the Board’s November meeting on the status of various initiatives funded by LB227 to expand the nursing workforce. Oertwich also reported that the Center for Nursing Board is scheduled to meet on September 26th. One item on the agenda will be the Center’s budget, which will then be brought to the Board of Nursing in October for approval. Oertwich is also working on renewing the contract with Learfield, the company that is leading the Center’s media campaign to promote nursing careers.

COMMUNICATION

Nursing News – Oertwich reported that October 18th is the deadline for submitting items for the winter edition of *Nursing News*. This will be the last winter issue that will be mailed to all licensed Nebraska nurses. Going forward, only the fall issue will be mailed to all licensees. Oertwich noted that the publisher, who prints newsletters for boards of nursing across the U.S., has provided positive feedback on the quality of Nebraska’s newsletter.

Draft Revisions to Chapter 97 – Reznicek report that DHHS Legal has finished reviewing the proposed changes to Chapter 97 (Regulations Governing the Approval of Basic Nursing Programs in Nebraska). The draft regulations are now at the Governor’s Policy Research Office (GPRO).

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

PUBLIC COMMENT

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

CONCLUSION

The meeting adjourned at 1:06 p.m.

Respectfully submitted,



Sherri Joyner
Health Licensing Coordinator