

NEBRASKA BOARD OF NURSING

MINUTES OF THE MEETING

September 14, 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., September 14, 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 August 25, 2023, emailed to interested parties on August 25, 2023, posted outside the Licensure Unit within the Nebraska State Office Building on August 25, 2023, and posted on the Department of Health & Human Services website on August 28, 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
- Lisa Kollasch-Parker, APRN-NP
- Kandis Lefler, LPN
- Patricia Motl, RN
- Kristin Ruiz, RN
- Brenda Smidt, RN
- Sonét Smutny, RN
- Rita Thalken, *Public Member*

The following Board members were absent: Tag Herbek, *Public Member*, Angela Kula, LPN, *Board Secretary*, and 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* (attended virtually)
- Sherri Joyner, *Health Licensing Coordinator*
- Misti Jamison, *Administrative Technician*
- Teresa Hampton, *DHHS Legal* (attended virtually)
- Danielle Sund, *DHHS Legal* (attended virtually)
- Mindy Lester, *Assistant Attorney General*
- Abigail Nissen, *Senior Certified Law Clerk*
- Anna Harrison, *DHHS Compliance Monitor*
- 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: Ruiz made the motion, seconded by Motl, to adopt the agenda for the September 14, 2023, Board of Nursing meeting.

These minutes were approved by the Board of Nursing on October 12, 2023.

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

APPROVAL OF THE MINUTES

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

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

CLOSED SESSION

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

8:35 a.m. Meeting went into closed session.
9:11 a.m. Delahoyde left the meeting.
9:13 a.m. Delahoyde returned to the meeting.
9:16 a.m. Delahoyde left the meeting.
9:19 a.m. Delahoyde returned to the meeting.
9:39 a.m. Smutny left the meeting.
9:42 a.m. Smutny returned to the meeting.
9:47 a.m. Meeting went into recess.
9:58 a.m. Meeting reconvened.
10:11 a.m. Meeting returned to open session.

LICENSURE RECOMMENDATIONS

NADYNE THARNISH – RN REINSTATEMENT

MOTION: Ruiz made the motion, seconded by Motl, to recommend reinstating an unrestricted RN license to Nadyne Tharnish. The recommendation for reinstatement is based on the applicant having been issued unrestricted RN licenses in Arizona in 2009 and in Missouri in 2015 with no subsequent disciplinary history.

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

PRACTICE COMMITTEE

Board members reported that they had only received partial copies of the Concierge Medicine/IV Spa Hydration Advisory Opinion and requested that approval of the document be tabled. Given the length of the advisory opinion, members also suggested that a summary be incorporated at the beginning of the document. Hampton said she was interested in meeting with Oertwich and Rogers to discuss the draft.

NCSBN ANNUAL MEETING REPORTS

Delahoyde reported that the NCSBN President's Meeting included information on Operation Nightingale, noting that the problems with fraudulent nursing programs are more extensive than previously thought. Participants also discussed Next Generation NLCEX, with some members concerned that the examination is now too easy. According to Delahoyde, Phil Dickison was confident that rather than being too easy, Next Generation NCLEX is testing what needs to be tested, and he noted that ten years of research went into the development of the new examination.

Delegates at the meeting approved the use of artificial intelligence (AI) for proctoring NCLEX examinations. Delahoyde said that the technology, which includes facial mapping and the ability to detect shadows and hidden cameras, is impressive. Delahoyde noted that the technology will not be used at existing testing centers. Instead, the plan is to implement it for remote proctoring of candidates who are geographically distant from testing sites.

Oertwich reported that a proposal to repeal the APRN Compact did not pass. Approximately 80% of the delegates voted against repealing or amending the APRN Compact.

Oertwich also reported on the Nurse Licensure Compact Commission meeting. The Commission voted to revise the rules for nurses who move from one Compact state to another Compact state. Instead of being required to apply for a license in their new home state upon moving to that state, RNs and LPNs now must apply for a license within 60 days after they move to another Compact state.

Oertwich said that Phil Dickison is interested in pursuing national standards for nursing assistants in order to encourage a workforce that is consistent and has standard core competencies. Currently, there is a wide variety of state standards for nursing support roles, Hampton said that it will be interesting to see how the industry responds to the NCSBN's proposals, especially with new federal requirements for mandatory staffing levels.

Oertwich noted that this was also the last NCSBN meeting for David Benton, who is retiring as the organization's Chief Executive Officer.

CENTER FOR NURSING

Oertwich presented the Board with the Center for Nursing budget for the current fiscal year. Oertwich noted that the \$140,000 budget request is in line with previous years' budgets. The major item on the budget is for the salary of the Center's Statistical Consultant. Oertwich said that the main focus of the Center for Nursing is to collect and review data to address the nursing workforce shortage.

Oertwich explained that the \$3 million that has been allocated to the Center for the purpose of expanding clinical sites is separate from the Center's basic operating budget. The plan to expand the availability of clinical sites for nursing students in rural areas is based on an innovative approach that will be reviewed by the Board of Nursing's Education Committee. The approach involves incentivizing facilities, schools, and clinical staff instructors to encourage participation in the program. Bids have also been submitted for a marketing campaign to recruit new people to the nursing profession, encourage nursing as a second career, and to help former nurses return to the workforce. Oertwich is also interested in hiring a full-time consultant and staff assistant for the Center for Nursing.

MOTION: Ruiz made the motion, seconded by Harrison, to approve the Center for Nursing's budget for Fiscal Year 2023-2024.

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

CHAPTER 97 REGULATIONS

Reznicek reported that she has received significant feedback from DHHS Legal and from the Nebraska Assembly of Nursing Deans and Directors on the draft revisions to the Regulations Governing the Approval of Basic Nursing Programs in Nebraska (“Chapter 97”). Their suggestions will be incorporated into another rewrite of the draft, which Reznicek expects to be ready for the Board to review in October. Reznicek hopes to strengthen the language regarding sanctions against programs that are out of compliance with the regulations.

Reznicek said that specific hour requirements for clinical experiences might also be added to the draft. She noted that she has received several more queries from online nursing programs interested in getting approved in Nebraska. Some of these programs have students complete anywhere from 50% to 90% of their clinicals via simulation. Some programs count one hour of a simulation experience as equivalent to 2 hours of in-person clinical, even though there is no evidence to support this ratio.

2024 BOARD MEETING DATES

The tentative 2024 meeting dates for the Board of Nursing are January 11th, February 8th, March 7th, April 11th, May 9th, June 13th, July 11th, August 8th, September 12th, October 10th, November 14th, and December 12th. Except for March, all dates are on the Board’s traditional meeting date of the second Thursday of the month. Joyner noted that the tentative meeting date for March 2024 has been moved to the first Thursday of the month (March 7, 2024) to avoid a conflict with NCSBN’s MidYear Meeting. Joyner asked that anyone with conflicts or objections to the proposed dates contact her.

LPN RENEWALS

Oertwich reported that 500 LPN licenses have been renewed as of September 13, 2023. The total number of active Nebraska LPN licenses is approximately 5,880.

COMMUNICATION

Staff Updates – Oertwich reported that the Licensure Unit’s Nursing Section is now fully staffed.

Nursing News –Oertwich reported that the most recent of *Nursing News* has been mailed. The edition includes information on continuing education opportunities available through the HRSA nursing resiliency grant program, an article by the Center for Nursing’s Juan Ramirez and Janelle Francis about the role of nursing in health equity, and an article about Next Generation NCLEX.

Reznicek said she is interested in including an article in the next edition of *Nursing News* on the School Nurse Scholars Program. The program enables nursing students to take extra courses in school nursing and complete some of their clinical experiences at a K12 school. Reznicek noted that schools must put in extra work and effort in order to participate in the program.

Delahoyde asked the Board for feedback on possibly resuming journal article discussions during Board meetings. Members indicated that the journal article discussions were a valuable experience. Delahoyde said that she and Oertwich can take primary responsibility for finding articles, but that Board members were more than welcome to email suggestions her or Oertwich.

The meeting adjourned at 11:11a.m.

Respectfully submitted,



Sherri Joyner
Health Licensing Coordinator