

NEBRASKA BOARD OF NURSING

MINUTES OF THE MEETING

October 10, 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., October 10, 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 September 30, 2024, posted in the east entryway of the Nebraska State Office Building on September 30, 2024, and posted on the Department of Health & Human Services website on September 30, 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, RN, *Board President*
- Mary Guthrie, *Public Member*
- Kathy Harrison, RN
- Clay Jordan, RN
- Lisa Kollasch-Parker, APRN-NP
- Kandis Lefler, LPN
- Kandis Lefler, LPN
- Patricia Motl, RN
- Eric Rogat, RN
- Kristin Ruiz, RN
- Jules Russ, *Public Member*
- Brenda Smidt, RN, *Board Vice-President*

No Board members were absent.

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*
- Teresa Hampton, *DHHS Legal*
- Katherine Amyot, *DHHS Legal (attended virtually)*
- Annika Gleason Schoch, *DHHS Legal (attended virtually)*
- Mindy Lester, *Assistant Attorney General (arrived at 8:40 a.m.)*
- Milissa Johnson-Wiles, *Assistant Attorney General*
- Brittany Bigham, RN, *Investigator*
- Jessica Bowman, RN, *Investigator*
- Andrea Cramer-Price, RN, *Investigator*
- Susan Held, RN, *Investigator*
- Patricia Lemke, RN, *Investigator*

A quorum was present, and the meeting convened.

These minutes were approved by the Board of Nursing on November 14, 2024.

ADOPTION OF THE AGENDA

MOTION: Motl made the motion, seconded by Rogat, to adopt the agenda for the October 10, 2024, Board of Nursing meeting.

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

APPROVAL OF THE MINUTES

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

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

CLOSED SESSION

MOTION: Kula made the motion, seconded by Jordan, 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, Lefler, Motl, Rogat, Ruiz, Russ, and Smidt. Voting No: None. Abstain: None. Absent: None. 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.
 9:28 a.m. Smidt left the meeting.
 9:29 a.m. Smidt returned to the meeting.
 9:34 a.m. Meeting went into recess.
 9:45 a.m. Meeting reconvened.
 10:17 a.m. Meeting returned to open session.

LICENSURE RECOMMENDATIONS**KIMBERLY G. HOUSTON – LPN APPLICANT**

MOTION: Ruiz made the motion, seconded by Harrison, to table Kimberly Houston's application in order to obtain additional information.

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

MINDY M. JONES – LPN APPLICANT

MOTION: Smidt made the motion, seconded by Motl, to table Mindy Jones' application in order to obtain additional information.

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

STEPHANIE K. UMALI – LPN REINSTATEMENT FROM DISCIPLINE

MOTION: Ruiz made the motion, seconded by Smidt, to recommend reinstating Stephanie Umali's 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; practice under direct RN supervision for one (1) year followed by practice under indirect RN supervision for one (1) year; have no access to controlled substances in the course of nursing employment for one (1) year, followed by access to controlled substances under direct supervision for one (1) year; 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 conviction, and felony conviction. The recommendation for reinstatement is based on current participation in treatment, compliance with treatment recommendations, active involvement in the recovery process, reported period of sobriety from September 2023, documented attendance at support group meetings, and positive letters of reference.

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

EDUCATION COMMITTEE

MOTION: The Education Committee moved that the Board of Nursing approve Nebraska Methodist College's revised BSN Program Outcomes.

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

MOTION: The Education Committee moved that the Board of Nursing approve Southeast Community College's RN and LPN Refresher Courses.

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

PROPOSED LIMITS ON NCLEX ATTEMPTS

Reznicek reviewed proposed limits on the number of times Nebraska might authorize applicants to take NCLEX exams. After researching limits imposed by other states, the Education Committee formulated language that would allow applicants educated in the United States to take NCLEX four times within two years of graduation, and would allow non-U.S. graduates to take NCLEX five times within two years of their initial Nebraska application. Applicants could petition to take NCLEX one additional time if they complete an approved NCLEX review course. After discussion, Board members agreed that both U.S. and non-U.S. graduates should be limited to four NCLEX attempts. Chapter 101 (Regulations Governing the Practice of Nursing) would need to be amended before the limits could go into effect. The Board will address other potential revisions to Chapter 101 at a future meeting.

CENTER FOR NURSING UPDATES

10:39 a.m. Russ left the meeting.

Oertwich explained that the Nebraska Center for Nursing receives revenues from two sources: 1) funds allocated to the Center by the Legislature for the purpose of implementing LB227, and 2) funds from licensure fees allocated to the Center with the approval of the Board of Nursing. For the 2024-2025 fiscal year, the Center is requesting that the Board of Nursing approve a budget of \$130,000.00. The amount includes the salary for the Center's statistician and monies for projects that the Center has been interested in doing for several years.

MOTION: Motl made the motion, seconded by Ruiz, to approve the Center for Nursing's budget for the 2024-25 fiscal year.

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

Oertwich reported that the Center's Board has a large number of vacancies, and the Governor's office has not approved any appointments for several years. Given the difficulty in obtaining quorums for Board meetings, Oertwich noted that the role of the Center's Board has become more advisory in recent years. Many of the functions of the Center have been subgranted to the Nebraska Hospital Association, which has been working hard to get more nurses and nursing students into rural areas, and to the marketing firm Learfield.

10:43 a.m. Russ returned to the meeting.

NCSBN UPDATES

Motl recommended that Board members visit the National Council of State Boards of Nursing's website. When members are logged into their NCSBN accounts, they can access resources on research, discipline, nursing practice, and other subjects. Members who sign up for various subject-based groups in the HIVE section of the website will receive regular updates from NCSBN relevant to that subject. Another resource Motl recommended was the Board Action Pathway Tool, which provides guidelines for evaluating potential disciplinary actions against nurses based on a patient safety model. Members can also complete NCSBN continuing education courses at no cost. Oertwich reminded Board members that they can access the *Journal of Nursing Regulation* through the NCSBN website.

10:51 a.m. Board went into recess.

10:57 a.m. Board reconvened.

RN & APRN RENEWALS

Joyner reported that approximately 16,000 RNs have already renewed their licenses. It is expected that over 30,000 RN licenses will be renewed prior to the October 31st expiration date. Approximately one-half of APRN licenses have also been renewed.

COMMUNICATION

2025 Officer Elections – Delahoyde announced the nominations for 2025 officer positions will occur at the November 14, 2024, Board meeting. Members can submit nominations either by emailing staff by 5:00 p.m. the day before the Board meeting or by making nominations from the floor at the November meeting. Self-nominations are allowed. Elections will occur at the December meeting.

Nursing News – Oertwich reported that content for the winter edition of Nursing News is due at the publishers on October 18th. The edition will include a bio of Eric Rogat. It will be the last winter edition that will be mailed directly to all licensed Nebraska nurses.

Draft Revisions to Chapter 97 – Oertwich reported that a public hearing will be held for the proposed changes to Chapter 97 (Regulations Governing the Approval of Basic Nursing Programs in Nebraska). A hearing date has not yet been assigned. After the hearing, the Board will need to review any public comments received.

Staff Updates – Oertwich reported that the Nursing Section is fully staffed, and that staff have been busy processing renewals.

PUBLIC COMMENT

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

STRATEGIC PLANNING

Members reviewed a draft of the Board's 2024-2026 strategic plan. Issues that the Board would like to address in upcoming years include 1) continuing to work with partners to educate the nursing community on RN and LPN scope of practice, 2) establishing guidelines for review of online nursing programs, and 3) completing a discipline case study similar to the study conducted in 2018.

CONCLUSION

The meeting adjourned at 11:49 a.m.

Respectfully submitted,



Sherri Joyner
Health Licensing Coordinator