

**NEBRASKA BOARD OF NURSING**  
**MINUTES OF THE VIRTUAL MEETING**

**January 12, 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., January 12, 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 January 3, 2023, emailed to interested parties on January 3, 2023, posted outside the Licensure Unit within the Nebraska State Office Building on January 3, 2023, and posted on the Department of Health & Human Services website on January 3, 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:

- Theresa Delahoyde, RN
- Tag Herbek, *Public Member*
- Tom Hoover, RN
- Lisa Kollasch-Parker, APRN-NP
- Kandis Lefler, LPN, *Board Secretary*
- Kristin Ruiz, RN
- Brenda Smidt, RN
- Sonét Smutny, RN
- Linda Stones, RN
- Rita Thalken, *Public Member*

The following Board members were absent: Angela Kula, LPN, and Patricia Motl, 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*
- Teresa Hampton, *DHHS Legal* (attended virtually)
- Jennifer Miralles, *DHHS Legal* (attended virtually)
- Mindy Lester, *Assistant Attorney General*
- Jeanne Burke, *Assistant Attorney General*
- Brittany Bigham, *Investigator*
- Andrea Cramer-Price, *Investigator*
- Susan Held, *Investigator*
- Patricia Lemke, *Investigator*

A quorum was present, and the meeting convened.

**ADOPTION OF THE AGENDA**

**MOTION:** Ruiz made the motion, seconded by Hoover, to adopt the agenda for the January 12, 2023, Board of Nursing meeting.

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

These minutes were approved by the Board  
of Nursing on February 9, 2023.

**APPROVAL OF THE MINUTES**

**MOTION:** Lefler made the motion, seconded by Kollasch-Parker, to approve the consent agenda.

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

**CLOSED SESSION**

**MOTION:** Ruiz 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, Herbek, Hoover, Kollasch-Parker, Lefler, Smidt, Ruiz, Smutny, Stones, and Thalken. Voting No: None. Abstain: None. Absent: Kula and Motl. 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.  
 8:53 a.m. Smidt left the meeting.  
 8:55 a.m. Smidt returned to the meeting. Kollasch-Parker left the meeting  
 8:58 a.m. Kollasch-Parker returned to the meeting.  
 9:11 a.m. Smidt left the meeting.  
 9:13 a.m. Smidt returned to the meeting.  
 9:29 a.m. Meeting went into recess.  
 9:45 a.m. Meeting reconvened.  
 10:29 a.m. Meeting returned to open session.

**LICENSURE RECOMMENDATIONS****DANIELA URZIKA – RN APPLICANT**

**MOTION:** Ruiz made the motion, seconded by Hoover, to table Daniela Urzika's application in order to obtain more information.

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

**MARY BARNEY – RN NON-DISCIPLINARY REINSTATEMENT APPLICANT**

**MOTION:** Stones made the motion, seconded by Smidt, to recommend denying Mary Barney's application for reinstatement based on misdemeanor convictions rationally related to the profession, failure to comply with an investigation, lack of good character, and Statute 38.178(3).

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

**ANNETTE CLARK – RN NON-DISCIPLINARY REINSTATEMENT APPLICANT**

**MOTION:** Lefler made the motion, seconded by Hoover, to table Annette Clark's reinstatement application in order to obtain more information.

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

**LINDSAY QUIGLEY – RN NON-DISCIPLINARY REINSTATEMENT APPLICANT**

**MOTION:** Smidt made the motion, seconded by Stones, to table Lindsay Quigley’s reinstatement application in order to obtain more information.

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

**CHANDRA MERKEL – RN REINSTATEMENT FROM DISCIPLINE**

**MOTION:** Ruiz made the motion, seconded by Kollasch-Parker, to recommend issuing Chandra Merkel a temporary license for the purpose of completing a board-approved refresher course within 18 months, and following successful completion of the course, reinstating Merkel’s RN license without restrictions. The recommendation for reinstatement is based on her compliance with treatment recommendations, reported period of sobriety from 2017, and positive letters of reference.

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

**JEREMY YOUNG – RN REINSTATEMENT FROM DISCIPLINE**

**MOTION:** Smutny made the motion, seconded by Stones, to table Jeremy Young’s application in order to obtain additional information.

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

**PUBLIC NOTICE OF BOARD MEETINGS**

Joyner reported that public is currently notified of upcoming Board of Nursing meetings by posting the meeting agenda at the lobby of the Licensure Unit’s office the Nebraska State Office Building, posting the agenda on the DHHS website, and emailing the agenda to an interested parties list.

**MOTION:** Stones made the motion, seconded by Ruiz, to continue to use the current methods to notify the public of Board of Nursing meetings.

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

**EDUCATION COMMITTEE**

Reznicek reported that she expects to receive an application soon from Chamberlain University. Reznicek and Oertwich had become aware that the school had been making arrangements for students in their online nursing education program to do clinicals in Nebraska, which raised concerns that they were operating an unapproved prelicensure program in Nebraska. Chamberlain did submit an application to the Nebraska Coordinating Commission for Postsecondary Education (CCPE), but both Chamberlain University and CCPE now seem to understand that Chamberlain must first be approved by the Board of Nursing. Reznicek and Oertwich explained that online nursing education programs were once exclusively post-licensure programs, which are not required to be approved by the Board. This had led to a misunderstanding that pre-licensure online programs did not require Board approval either.

Reznicek said that the Nebraska Assembly of Nursing Deans and Directors is concerned about the limited availability of clinical sites for nursing students in the Omaha and Lincoln areas, but they also realize that there is a need to educate more nurses in Nebraska. Stones asked if nursing programs need to show they have clinical sites available when they apply for Board approval. Reznicek said

that they do. Ruiz noted that when schools contact a facility to make arrangements for clinicals, the facility may not know that the out-of-state program is not approved by the Nebraska Board of Nursing.

### **NCSBN MIDYEAR MEETING**

Oertwich expects that a “call-to-meeting” will be available by the end of January for the National Council of State Boards of Nursing’s MidYear Meeting in March. Generally the Board President and the Executive Director attend the MidYear Meeting, but funds might be available from NCSBN so that additional members can also attend. Reznicek noted that in recent years people have also been able to attend NCSBN meetings virtually.

### **2023 LEGISLATION**

Oertwich said that while DHHS staff do play a role in developing the Department’s position on legislative bills, Board staff cannot advocate for a particular bill. Oertwich said that there are now also limitations on speaking with stakeholders. Hampton clarified that DHHS staff need permission from the Department before they speak with stakeholders. Stones asked if this policy also limited Board members ability to speak with stakeholders. Hampton said that it did not.

Stone reported that LB335, which was recently introduced in the Legislature, would require health care staffing agencies to register with the State. Stones said that the intent of the bill is to help prevent price gouging.

Delayhoyde asked about situations in which the Board is asked to support a bill. In such cases, would a draft letter or support would be sent to all Board members? Oertwich said it would.

### **NEBRASKA HOSPITAL ASSOCIATION**

Oertwich said that she expects bills will be introduced in the Legislature this year based on ideas from the Nebraska Workforce Collaboration, a new group created by the Nebraska Hospital Association.

### **HRSA GRANT**

Oertwich reported that as part of the HRSA grant project to promote nursing resiliency and mental health, UNMC is conducting psychological first aide training to nurses at critical access hospitals. UNMC is also introducing self-care awareness topics to its nursing students. Another component of the grant project is to expand access to DHHS’s Critical Incident Stress Management training, which is currently utilized primarily by EMTs. Oertwich said that \$100 scholarships will be made available to nurses who wish to attend the training.

### **CREDENTIALING REVIEW PROGRAM UPDATES**

Oertwich reported that the Technical Review Committee did not recommend approving the proposal to create an anesthesiologist assistant license in Nebraska. The recommendation against approving the proposal, however, does to prevent legislation from being introduced to license anesthesiologist assistants in Nebraska.

### **CENTER FOR NURSING UPDATES**

Oertwich reported that in December seven new members were appointed to the Center for Nursing Board and three current members were reappointed to second terms. Previous to these appointments and reappointments, the terms for all members of the Center for Nursing Board had expired in June 2022 or earlier. The Center now only has three or four members with significant experience on the board.

**JOURNAL ARTICLE**

Members discussed the article “The Alabama Board of Nursing Campaign to Promote the Voluntary Disciplinary Alternative Program” from the October 2020 edition of the *Journal of Nursing Regulation*. Stones noted that one of the components of the Board’s current strategic plan is to see if other professional boards in Nebraska would support an alternative-to-discipline program. Ruiz said that the one of the strengths of the Alabama program was the availability of an online application. Oertwich noted that legislation would need to be passed in order to establish an alternative to discipline program in Nebraska.

**COMMUNICATION**

RN and APRN Renewals – Staff will bring data to the February Board meeting on renewal numbers from the 2022 renewal cycle.

Nursing News – Oertwich reported that the deadline for submissions to the next edition of *Nursing News* in January 20<sup>th</sup>. Stones suggested including an article in a future edition on wasting medications and other issues related to diversion of controlled substances so that nurses can better understand how to keep their licenses safe when they administer narcotics. Delahoyde and Kollasch-Parker noted that there was also a need for more information on mandatory reporting. Lester said that she willing to give presentations at professional meetings on mandatory reporting.

Staff Updates - Oertwich reported that two positions in the Nursing Section are still vacant, and there are no applicants in the hiring pool

**CONCLUSION AND ADJOURNMENT**

The meeting adjourned at 11: 40 a.m.

Respectfully submitted,



Sherri Joyner  
Health Licensing Coordinator