

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

**March 10, 2022**

**CALL TO ORDER**

The meeting of the Nebraska Board of Nursing was called to order by Patricia Motl, Board President, at 8:31 a.m., March 10, 2022. The central meeting location was at the Nebraska State Office Building, Room 5D, 301 Centennial Mall South, Lincoln NE 68508. Copies of the agenda were emailed to the Board members on March 1, 2022, emailed to interested parties on March 1, 2022, posted outside the Licensure Unit within the Nebraska State Office Building on March 1, 2022, and posted on the Department of Health & Human Services website on March 1, 2022. Copies of the revised agenda were emailed to the Board members on March 7, 2022, emailed to interested parties on March 7, 2022, posted outside the Licensure Unit within the Nebraska State Office Building on March 7, 2022, and posted on the Department of Health & Human Services website on March 7, 2022. Motl announced that a copy of the Open Meetings Act was available in the room and online.

**ROLL CALL**

The following board member was present at the central meeting location and answered roll:

- Patricia Motl, RN *Board President*

The following board members answered roll call via videoconference:

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

No 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:

- Sherri Joyner, *Health Licensing Coordinator*
- Lisa Anderson, *Assistant Attorney General*
- Patricia Lemke, *Investigator*
- Dennis Scott, *Program Manager, Investigations Unit*

The following staff members from the Department and the Attorney General's Office attended all or part of the meeting via videoconference:

- Ann Oertwich, RN, *Executive Director*
- Kathy Hoebelheinrich, APRN-NP, *Nursing Practice Consultant*
- Jacci Reznicek, RN, *Nursing Education Consultant*
- Anna Harrison *Compliance Monitor*
- Jessica Bowman, *Investigator*
- Andrea Cramer-Price, *Investigator*
- Susan Held, *Investigator*
- Mendy Mahar-Clark, *Investigator*

A quorum was present, and the meeting convened.

These minutes were approved by the Board  
of Nursing on April 14, 2022.

**ADOPTION OF THE AGENDA**

**MOTION:** Stones made the motion, seconded by Delahoyde, to adopt the agenda for the March 10, 2022, Board of Nursing meeting.

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

**APPROVAL OF THE MINUTES**

**MOTION:** Stones made the motion, seconded by Ruiz, to approve the consent agenda with corrections to the Board of Nursing's February 10, 2022, minutes.

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

**PRACTICE COMMITTEE**

Stones reported that the Practice Committee has elected Motl as its next Chair.

**JOURNAL ARTICLE DISCUSSION**

Members discussed "U.S. Hospital Employment of Foreign-Educated Nurses and Patient Experience: A Cross-Sectional Study," which was published in the October 2017 issue of *Journal of Nursing Regulation*.

Delahoyde said that in her experience, foreign-educated nurses seem to be excited to work in the U.S. She wondered if the article's finding of lower patient satisfaction in hospitals that employ more foreign-educated nurses might be due to language issues.

Reznicek noted that foreign-educated nurses often receive more extensive midwifery training than U.S. nurses. Reznicek said that staff at the hospital in North Platte, Nebraska, which uses a lot of foreign-educated nurses, have expressed appreciation for these nurses' labor and delivery nursing skills.

Stones pointed out that while the study showed a correlation between the number of foreign-educated nurses at a hospital and patient satisfaction, it does not show definitive cause-and-effect relationships. Stones wondered if employers' orientation process for foreign-educated nurses might be inadequate.

Motl said that orienting international nurses using a facility's general orientation is usually not sufficient. She suggested the use of a cultural liaison who can help explain differences between the way things are done in the U.S. and the nurse's home country. Motl also noted that nurses in every country use their own slang and acronyms. If foreign-educated nurses do not receive training in the nursing jargon used in the U.S, they are being set up for failure.

Smutny reported that she recently talked with a nurse from the Philippines who described the steps he had to take in order to work in the U.S. Smutny noted that it was an extensive process.

Anderson said that when foreign-educated nurses have been investigated for discipline, it is usually unclear whether cultural differences or language barriers exacerbated the problems that led to the investigation. Anderson also noted that in some parts of the world, nurses do tasks that in the U.S. are normally done by physicians and pharmacists.

Oertwich reported that a couple of articles about foreign-educated nurses have been printed in *Nursing News*. The International Centre on Nurse Migration has also completed studies on the issue. Oertwich noted that nursing is increasingly becoming an international profession.

**2022 LEGISLATIVE SESSION**

Oertwich reported that the Center for Nursing and the Nebraska Nursing Association testified at the Legislature on behalf of LB1044, LB1055, and LB1091. LB1044 would provide \$2 million in American Rescue Plan Act (ARPA) funds to hospitals for the purpose of developing new care models. LB1055 would provide \$50 million in ARPA funds for premium pay to frontline nurses. LB1091 would appropriate ARPA funds to provide scholarships to build the nursing workforce. Oertwich noted that there was a testifier who opposed LB1091 on the basis that there was no seats available at nursing programs. Oertwich said that Center for Nursing and DHHS staff scrambled to get the Health and Services Committee data showing that seats were available at many programs. Another bill, LB1269, would allocate ARPA funds for the repayment of student loans for some health care professionals.

**COVID-19 LICENSING WAIVERS**

Oertwich reported that the Executive Order that allows for the waiver of certain licensing requirements is due to expire on March 31, 2022. Waiver currently allowed under this Executive Order include the issuance of provisional licenses to nurses who have not yet passed NCLEX and the reinstatement of RN and LPN licenses to persons who do not meet the continuing competency requirement. Oertwich noted that provisional licenses were needed at the start of the COVID-19 pandemic because NCLEX testing locations had closed down. Even though testing sites are now fully operational, Oertwich reported that some nursing students seems to have the impression that they are required to obtain provisional licenses.

**HRSA GRANT**

Oertwich reported that UNMC did publicize their receipt of a HRSA grant to develop programs aimed at promoting resiliency among nurses. Oertwich expressed hopes that future publicity will acknowledge the role played by the Center for Nurse and other partners in the grant. Oertwich said the UNMC School of Public Health is working on mental first aid and nursing wellness. Oertwich noted that many nurses seem to prefer the term “wellness” rather than “resiliency.” Oertwich also reported that they will try to use the ECHO platform to pilot critical incident debriefing sessions for nurses who experience traumatic events at work.

**NCSBN MIDYEAR MEETING**

Oertwich and Motl will attend the NCSBN Midyear Meeting in person. Stones will attend virtually. Motl said that one issue she would like to bring up at the President’s Meeting is how other states view telenursing across state lines, and whether they consider nursing care to occur where the patient is, where the nurse is, or where the organization is located. Anderson noted that the Department has a clear position that patient care occurs where the patient is. Oertwich said that the NCSBN also holds the position that patient care happens where the patient is located, but she said that the American Nurses Association’s position is that care happens where the nurse is located. Delahoyde asked about attending Midyear Meeting sessions virtually. Stones reported that when she registered for the meeting, she was notified that she would be emailed the links. Oertwich said that it appeared that people need to register for the meeting in order to attend virtually.

**COMMUNICATION**

Oertwich reported that a new edition of *Nursing News* was just published. She also reported that they still have not found a replacement for Hoebelheinrich’s position.

**CLOSED SESSION**

**MOTION:** Stones made the motion, seconded by Delahoyde, 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, Kula, Lefler, Motl, Ruiz, Smidt, Smutny, Stones, and Thalken. Voting No: None. Abstain: None. Absent: None. Motion carried

Motl 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.

9:38 a.m. Meeting went into closed session.  
 10:38 a.m. Meeting went into recess.  
 11:00 a.m. Meeting reconvened.  
 11:03 a.m. Ruiz left the meeting.  
 11:05 a.m. Ruiz returned to the meeting.  
 11:22 a.m. Delahoyde, Hampton, Hoover, Motl, and Ruiz left the meeting.  
 11:55 a.m. Hoover and Motl returned to the meeting.  
 11:56 a.m. Delahoyde returned to the meeting.  
 11:58 a.m. Ruiz returned to the meeting. Meeting returned to open session.

**LICENSURE RECOMMENDATIONS****JALANEA TABKE LPN APPLICATION**

**MOTION:** Stones made the motion, seconded by Smidt, to recommend issuing an unrestricted LPN license to Jalanea Tabke.

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

**THERESA L. BIRMINGHAM – RN REINSTATEMENT FROM DISCIPLINE**

**MOTION:** Stones made the motion, seconded by Delahoyde, to recommend issuing Theresa Birmingham a temporary license for the purpose of completing an approved refresher course within 18 months, and following successful completion of the refresher course, reinstating her 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; notify the Department within seven days of receipt of any criminal citations, filing of criminal complaints, or other contact with law enforcement; 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; provide written notice to Department of any employment, address or phone changes within seven (7) days; 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 upon diagnosis of a substance use disorder and misdemeanor convictions rationally related to the profession. The recommendation for reinstatement is based on applicant's current participation in treatment, completion of treatment, compliance with treatment recommendations, active involvement in the recovery process, reported period of sobriety from June 2020, and positive letters of reference from current employer and friends.

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

**JENNIFER K. FISCHER– RN REINSTATEMENT FROM DISCIPLINE**

**MOTION:** Ruiz made the motion, seconded by Stones, to recommend issuing Jennifer Fischer a temporary license for the purpose of completing an approved refresher course within 18 months, and following successful completion of the refresher course, reinstating her RN license without restrictions. The recommendation for reinstatement is based on applicant’s current participation in addiction/recovery treatment, compliance with treatment recommendations, active involvement in the substance abuse/recovery process, reported period of sobriety from March 2016, documented attendance at support group meetings and maintaining a sponsor, and positive letters of reference from sponsor.

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

**NIKKI L. ZEGAR – LPN REINSTATEMENT FROM DISCIPLINE**

**MOTION:** Stones made the motion, seconded by Delahoyde, to recommend issuing Nikki Zegar a temporary license for the purpose of completing an approved refresher course within 18 months, and following successful completion of the refresher course, reinstating her LPN license without restrictions. The recommendation for reinstatement is based on applicant’s current participation in treatment, completion of treatment, compliance with treatment recommendations, active involvement in the substance abuse/recovery process, reported period of sobriety from April 2011, and positive letters of reference from pastor, primary care provider, and friends.

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

**EDUCATION COMMITTEE**

**MOTION:** Stones made the motion, seconded by Smutny, to place the Purdue University Global Associate Degree Nursing Program on warning status based on information presented in closed session.

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

**CONCLUSION AND ADJOURNMENT**

There being no further business, the meeting adjourned at 12:12 p.m.

Respectfully submitted,



Sherri Joyner  
Health Licensing Coordinator