

# NEBRASKA BOARD OF NURSING

## MINUTES OF THE MEETING

March 7, 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., March 7, 2024, at the Best Western Plus Conference Room, 2201 Wildcat Circle, Lincoln NE 68521. Copies of the agenda were emailed to the Board members on February 26, 2024, emailed to interested parties on February 26, 2024, posted in the east entryway of the Nebraska State Office Building on February 26, 2024, and posted on the Department of Health & Human Services website on February 27, 2024. Delahoyde announced that a copy of the Open Meetings Act was available in the room.

### **ROLL CALL**

The following board members were present answered roll call:

- Theresa Delahoyde, RN, *Board President*
- Mary Guthrie, *Public Member*
- Kathy Harrison, RN
- Clay Jordan, RN
- Angela Kula, LPN, *Board Secretary*
- Kandis Lefler, LPN
- Patricia Motl, RN
- Kristin Ruiz, RN
- Jules Russ, *Public Member*
- *Brenda Smidt, RN, Board Vice-President*

The following Board member was absent: Lisa Kollasch-Parker, APRN-NP.

One Board position was vacant.

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 (attended virtually)*
- *Ginger Rogers, APRN-NP, Nursing Practice Consultant*
- Sherri Joyner, *Health Licensing Coordinator*
- Anna Harrison, *DHHS Compliance Monitor (attended virtually)*
- Sean Loving, *DHHS Program Manager*
- Teresa Hampton, *DHHS Legal*
- Mindy Lester, *Assistant Attorney General*
- Abigail Nissen, *Assistant Attorney General*
- Brittany Bigham, *Investigator*
- Jessica Bowman, *Investigator*
- Andrea Cramer-Price, *Investigator*
- Susan Held, *Investigator*
- Patricia Lemke, *Investigator*

A quorum was present, and the meeting convened.

Delahoyde announced that Sheila Exstrom had recently passed away. Ms. Exstrom served as the Board's Nursing Education Consultant for twenty-five years and is remembered for the many contributions she made to the nursing profession in Nebraska.

These minutes were approved by the Board of Nursing on April 11, 2024.

**ADOPTION OF THE AGENDA**

**MOTION:** Motl made the motion, seconded by Kula, to adopt the agenda for the March 7, 2024, Board of Nursing meeting.

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

**APPROVAL OF THE MINUTES**

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

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

**CLOSED SESSION**

**MOTION:** Kula made the motion, seconded by Motl, 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, Kula, Lefler, Motl, Ruiz, Russ, and Smidt. Voting No: None. Abstain: None. Absent: Kollasch-Parker. 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.

8:36 a.m. Meeting went into closed session.  
 9:33 a.m. Smidt left the meeting.  
 9:36 a.m. Smidt returned to the meeting.  
 9:49 a.m. Smidt left the meeting.  
 9:52 a.m. Smidt returned to the meeting.  
 9:56 a.m. Meeting went into recess.  
 10:06 a.m. Meeting reconvened.  
 10:07 a.m. Ruiz left the meeting.  
 10:09 a.m. Ruiz returned to the meeting.  
 10:32 a.m. Harrison left the meeting.  
 10:36 a.m. Harrison returned to the meeting.  
 10:51 a.m. Meeting returned to open session.

**LICENSURE RECOMMENDATIONS****JANICE E. MCCLAIN – RN APPLICANT**

**MOTION:** Ruiz made the motion, seconded by Jordan to recommend issuing an RN license to Janice McClain 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 3120 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 upon diagnosis of a substance use disorder and misdemeanor convictions rationally related to the profession.

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

#### **CHARVEZ T. SMITH – LPN APPLICANT**

**MOTION:** Jordan made the motion, seconded by Harrison, to recommend issuing an unrestricted LPN license to Charvez Smith.

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

#### **MARY E. BARNEY – RN REINSTATEMENT FROM DISCIPLINE**

**MOTION:** Ruiz made the motion, seconded by Smidt, to deny Mary Barney's reinstatement application based on insufficient evidence presented to substantiate a change in circumstances.

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

#### **DANIEL A. HARRIS – LPN REINSTATEMENT FROM DISCIPLINE**

**MOTION:** Jordan made the motion, seconded by Smidt, to deny Daniel Harris's reinstatement application based on insufficient evidence presented to substantiate a change in circumstances

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

#### **SANDRA L. STEINBACH – LPN REINSTATEMENT FROM DISCIPLINE**

**MOTION:** Smidt made the motion, seconded by Ruiz, to deny Sandra Steinbach's reinstatement application based on insufficient evidence presented to substantiate a change in circumstances

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

#### **CARLA S. BUNDY – RN REINSTATEMENT FROM DISCIPLINE**

**MOTION:** Smidt made the motion, seconded by Jordan, to recommend reinstating an RN license to Carla Bundy 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 3120 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 Board recommends reinstatement

based on current participation in substance abuse treatment, completion of treatment, compliance with treatment recommendations, active involvement in the substance abuse/addiction recovery process, and reported period of sobriety from December 26, 2022. The recommendation for probation is based upon diagnosis of a substance use disorder and misdemeanor conviction(s) rationally related to the profession.

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

### **JACQUELINE G. BURGESS – RN REINSTATEMENT FROM DISCIPLINE**

**MOTION:** Kula made the motion, seconded by Motl, to deny Jacqueline Burgess's reinstatement application based on substance use disorder diagnosis, insufficient evidence presented to substantiate a change in circumstances, and insufficient length of sobriety.

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

### **BRIDGET E. HEGARTY – RN REINSTATEMENT FROM DISCIPLINE**

**MOTION:** Ruiz made the motion, seconded by Jordan, to recommend reinstating an RN license to Bridget Hegarty 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 3120 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 Board recommends reinstatement based on current participation in substance abuse treatment, compliance with treatment recommendations, active involvement in the substance abuse/addiction recovery process, reported period of sobriety from February 2023, and reported attendance at support groups and maintaining a sponsor. The recommendation for probation is based upon diagnosis of a substance use disorder and misdemeanor conviction(s) rationally related to the profession.

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

### **EDUCATION COMMITTEE**

#### *Nursing Continuing Education Advisory Opinion*

Members reviewed an Advisory Opinion that had been drafted by the Board's Education Committee regarding continuing education. Reznicek reported that the Advisory Opinion is in response to the elimination of the term "peer-reviewed continuing education" from Nebraska's nursing regulations. Whether or not a particular course would count as "peer-reviewed" seemed to be the source of considerable confusion during renewal periods. Instead, Nebraska RNs and LPNs must now complete twenty hours of continuing education from "an approved provider" during each renewal cycle. The

Advisory Opinion recommends that nurses look for evidence that the provider is approved by the American Nurses Credentialing Center (ANCC), the Joint Accreditation for Interprofessional Continuing Education, or by another state Board of Nursing in order to determine if a CE course will count towards their renewal requirements. Academic courses that a nurse has completed towards an advanced nursing degree will count as approved continuing education. One semester credit hour is equivalent to fifteen contact hours of CE. Nurses can also claim BLS, ACLS, and PALS certifications for renewal contact hours; each type of life support certification can be claimed for the number of hours stated on the certification, or if no hours are listed, each certification can be claimed for four CE hours. The Advisory Opinion also clarifies that RNs and LPNs cannot use Continuing Medical Education to meet their renewal requirements.

**MOTION:** Ruiz moved, seconded by Harrison, that the Board approve the *Nursing Continuing Education* Advisory Opinion.

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

### **NURING NEWS**

Oertwich reported that she has been notified by Publishing Concepts, Inc (PCI), which publishes *Nebraska Nursing News*, that they are changing their method of delivering newsletters. PCI, which also publishes newsletters for other state Boards of Nursing, will continue to publish four issues a year at no cost to the Board. However, they will cover the cost of mailing the newsletter directly to all licensed nurses within a state for only one issue per year. To deliver the other three issues, Boards can opt either to 1) pay PCI for the cost of mailing each issue directly to each licensed nurse or 2) use PCI's "workplace model" in which packets of the newsletters are mailed in bulk to employers, such as hospitals, clinics, and nursing homes, and the newsletters would then be distributed to individual nurses at the workplace. Board members expressed concerns that if they chose the workplace model, only a small percentage of the newsletters would actually get into the hands of individual nurses. Oertwich noted that PCI also publishes an online version of each newsletter, and that an email with a link to the publication could be sent to licensed nurses when new editions are published.

**MOTION:** Ruiz moved, seconded by Lefler, to approve paying the mailing fees so that hard copies of *Nursing News* can be mailed directly licensed nurses for one more year along with emailing licensed nurses the electronic version of the newsletter, and then after the one year period, transitioning to the model where only one edition each year is mailed in hard-copy format directly to licensees.

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

### **LORNA BREEN FOUNDATION**

Oertwich reported that the Nebraska Board of Nursing is one of the first Boards of Nursing to be recognized as a Well Being Champion by the Dr. Lorna Breen Heroes' Foundation. The accolade is awarded to states that do not use overly intrusive mental health questions on their license applications.

### **NEW BOARD MEMBER ORIENTATION**

Due to the length of closed session, members and staff agreed to conduct the orientation session during a future meeting.

**2024 LEGISLATIVE SESSION**

Oertwich reported that earlier in the year, she had heard that LB1417 was unlikely to get enacted during the current legislative session, but she has heard from others who expect it to pass. The bill includes a proposal to dissolve the APRN Board and put its duties under the Board of Nursing. Oertwich said that language is being drafted to add four more APRN members to the Board of Nursing if LB1417 passes. Hampton noted that LB1417 also includes proposals to merge the Hearing Instrument Specialists Board into the Audiology Board and to merge the Alcohol & Drug Counselors Board into the Mental Health Board.

Oertwich reported that part of the Department's bill for this session, LB1215, includes language that would make enrollment in the Nurys e-Notify system a renewal requirement for all RNs and LPNs. The goal is to use e-Notify to obtain Nebraska's workforce data instead of having nurses fill out workforce surveys when they renew their licenses.

Delahoyde asked about a pending bill that proposes to split the Department of Health and Human Services into three separate departments. Staff did not think the bill had much chance of passing during the current session.

**NCSBN MIDYEAR MEETING**

Delahoyde, Motl, and Oertwich, plan to attend the National Council of State Boards of Nursing's Midyear Meeting on March 12-14, 2023. Motl noted that one of the sessions will cover IV hydration issues. Motl was uncertain if the NCSBN project that is formulating uniform education standards for nursing assistants (CNAs) would be addressed at the meeting.

**CENTER FOR NURSING UPDATES**

Oertwich reported that the Center for Nursing's marketing plan is expected to launch on March 11<sup>th</sup>. The campaign will be conducted over a three-year period. Oertwich also reported that Stacy Ocander, from the Nebraska Hospital Association, is spearheading efforts to expand clinic sites for nursing students in rural areas of the state. The project includes developing a clinical model that can be shared among sites, finding housing for students, increasing access to simulation labs, and creating paid internships for nursing students.

**COMMUNICATION**

Oertwich reported that the Licensure Unit's Nursing Section now has one vacancy after a staff member resigned in January. Staff have also begun processing license applications from nursing students who expect to graduate this spring. Applications have been received from most of the nursing programs in Nebraska.

**CONCLUSION**

The meeting adjourned at 11:50 a.m.

Respectfully submitted,



Sherri Joyner  
Health Licensing Coordinator