

# NEBRASKA BOARD OF NURSING

## MINUTES OF THE MEETING

March 9, 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., March 9, 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 February 27, 2023, emailed to interested parties on February 27, 2023, posted outside the Licensure Unit within the Nebraska State Office Building on February 27, 2023, and posted on the Department of Health & Human Services website on February 27, 2023. Delahoyde announced that a copy of the Open Meetings Act was available in the room.

Board members, staff, and the public were able to attend the meeting virtually via video conference or phone as authorized by Neb. Rev. Statue 84-1411(7) and Executive Orders Nos. 21-12 and 22-02

### **ROLL CALL**

The following board members were present in the room and answered roll call:

- Theresa Delahoyde, RN, *Board President*
- Tom Hoover, RN
- Lisa Kollasch-Parker, APRN-NP
- Angela Kula, LPN
- Kandis Lefler, LPN
- Patricia Motl, RN
- Brenda Smidt, RN

The following Board members were absent: Tag Herbek, *Public Member*, Kristen Ruiz, RN, Sonét Smutny, RN, Linda Stones, RN, *Board Vice-President*, and Rita Thalken, *Public Member*.

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)
- Shanerika Flemings, *DHHS Legal* (attended virtually)
- Danielle Sund, *DHHS Legal* (attended virtually)
- Emily Yslas, *DHHS Legal* (attended virtually)
- Mindy Lester, *Assistant Attorney General*
- Jeanne Burke, *Assistant Attorney General*
- Anna Harrison, *DHHS Compliance Monitor*
- Brittany Bigham, *Investigator*
- Andrea Cramer-Price, *Investigator*
- Susan Held, *Investigator*
- Patricia Lemke, *Investigator*

A quorum was present, and the meeting convened.

These minutes were approved by the Board of Nursing on April 13, 2023.

**ADOPTION OF THE AGENDA**

**MOTION:** Motl made the motion, seconded by Kula, to adopt the agenda for the March 9, 2023, Board of Nursing meeting.

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

**APPROVAL OF THE MINUTES**

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

Voting Yes: Delahoyde, Hoover, Kollasch-Parker, Kula, Lefler, Motl, and Smidt. Voting No: None. Abstain: None. Absent: Herbek, Ruiz, Smutny, Stones, and Thalken. 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, Hoover, Kollasch-Parker, Kula, Lefler, Motl, and Smidt. Voting No: None. Abstain: None. Absent: Herbek, Ruiz, Smutny, Stones, and Thalken. 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.  
 9:03 a.m. Smidt left the meeting.  
 9:10 a.m. Smidt returned to the meeting.  
 9:36 a.m. Meeting went into recess.  
 9:46 a.m. Meeting reconvened.  
 9:47 a.m. Delahoyde left the meeting.  
 9:52 a.m. Delahoyde returned to the meeting.  
 10:25 a.m. Meeting returned to open session.

**LICENSURE RECOMMENDATIONS****KELLY DEWING – RN REINSTATEMENT APPLICANT**

**MOTION:** Motl made the motion, seconded by Smidt, to recommend denying Kelly Dewing's application for reinstatement based on a substance use disorder diagnosis and misdemeanor convictions rationally related to the profession.

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

**MELONEY SMITH – RN REINSTATEMENT APPLICANT**

**MOTION:** Motl made the motion, seconded by Smidt, to table Meloney Smith's reinstatement application.

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

**BENJAMIN SNYDER – RN REINSTATEMENT FROM DISCIPLINE**

**MOTION:** Lefler made the motion, seconded by Kula, to recommend reinstating an unrestricted license to Benjamin Snyder based on his completion of treatment, compliance with treatment recommendations, active involvement in the substance abuse/addiction recovery process, reported period of sobriety from 2017, and documented attendance at support group meetings and maintaining a sponsor.

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

**DAWN MCGARY – RN REINSTATEMENT FROM DISCIPLINE**

**MOTION:** Motl made the motion, seconded by Smidt, to recommend issuing Dawn McGary a temporary license for the purpose of completing a refresher course within 18 months, and following successful completion of the course, reinstating her RN license without restrictions. The recommendation for reinstatement is based on her compliance with treatment recommendations, reported period of sobriety from June 2017, and medical evaluations.

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

**SHERYL SMAILYS – RN REINSTATEMENT FROM DISCIPLINE (Early Release from Probation)**

**MOTION:** Kula made the motion, seconded by Lefler, to recommend reinstating an unrestricted license to Sheryl Smailys based on her completion of treatment, compliance with treatment recommendations, reported period of sobriety from June 2020, documented attendance at support group meetings and maintaining a sponsor, and positive letters of reference.

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

**EDUCATION COMMITTEE UPDATES****Purdue University Global – Closure of Nebraska Program**

Delahoyde noted that despite Purdue University Global notifying the Board that they would close their program in Nebraska on March 22, 2023, representatives from Purdue recently reserved clinical spots for their students in the Lincoln area for this fall.

Oertwich said that Purdue is now asking to slow down the closure process. Oertwich also said that she checked with the Coordinating Commission for Postsecondary Education regarding Purdue University Global's contention that SARA ( the State Authorization Reciprocity Agreements) allows them to continue to place Purdue students in clinical assignments in Nebraska. Oertwich said that she was told that state rights are protected under SARA and that a state Board of Nursing's requirements would trump SARA policy.

Hoover noted that in their letters notifying the Board that they were moving their program to Iowa, Purdue failed to address the reasons why the school was issued a warning.

**MOTION:** Motl made the motion, seconded by Smidt, to approve the closure of the Purdue University Global nursing program in Nebraska effective March 22, 2023, the closing date identified in the letters dated January 26, 2023, and February 2, 2023, that were submitted to the Board by Purdue University Global.

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

Oertwich said she hopes other nursing programs in Nebraska will consider making accommodations to admit into their programs current Purdue students who are not able to complete their program through Purdue.

### **CONTINUING EDUCATION FOR REMEDIATION**

Joyner reported that the National Council of State Boards of Nursing (NCSBN) is not currently offering many of the continuing education courses that the Board previously relied on when making remedial education recommendations for disciplinary cases. Currently, NCSN, through its International Center for Regulatory Scholarship (ICRS), is only offering two remediation courses: *Righting a Wrong – Ethics & Professionalism in Nursing* and *Upholding the Standard: Professional Accountability in Nursing*. Reznicek noted that the scope for both of these courses has been expanded so that they now cover topics such as critical thinking and boundary violations.

### **OFFICER SUCCESSION PLAN**

The Board had considered establishing a policy on officer roles, terms, and responsibilities approximately five years previously. Members reviewed a new draft Board policy for Officer Roles, Terms, Responsibilities & Process for Elections, which Delahoyde drafted using the previous versions reviewed by the Board along with feedback from Motl, Oertwich, and Reznicek. Under the proposed plan, a board member elected to the Vice-President position, would serve for one-year as Vice-President, followed by one year as Board President, and then one year as Advisor. Delahoyde said it was important to have a member with previous officer experience available to mentor new a new President.

The proposed policy for elections is to collect nominations for positions in November and then submit the list of nominees to Board members prior to the December Board meeting. Nominations from the floor would not be accepted, and members nominated by others must accept the nomination in order to have their name on the ballot. Kollasch suggested allowing all board members to vote for officers by email ballot or another electronic means. After discussing the specifics of the process, members agreed to hold officer elections via email, and then ratify the results at the December Board meeting.

### **NCSBN MIDYEAR MEETING**

Oertwich and Delahoyde will attend the National Council of State Boards of Nursing's MidYear Meeting in March. Reznicek will attend virtually.

### **2023 LEGISLATION**

Oertwich reported that two bills are still in committee that would provide scholarships to students in accelerated BSN programs. Another bill, LB586, would provide funds to the Nebraska Center for Nursing to coordinate clinical sites for nursing students in rural Nebraska using a model that has been deployed in other states. Oertwich said that LB335, the Health Care Agency Registration Act, is complicated, but is an attempt to address the problems that occurred with staffing agencies during the COVID pandemic.

### **OPERATION NIGHTINGALE**

Oertwich reported on the Department of Justice and FBI investigation of fraudulent nursing programs. Three additional schools in Florida have been identified as providers of fraudulent RN-

level nursing degrees. Nebraska has not issued an RN license to any of the individuals identified as potentially receiving a fraudulent nursing degree from any of these programs. Oertwich noted that some of the schools exposed by Operation Nightingale seem to have started as legitimate programs before becoming diploma mills, and some graduates of these programs are contesting efforts to have their state licenses repealed.

### **CENTER FOR NURSING**

Oertwich reported that the public can now order Nebraska Center for Nursing specialty license plates from the DMV's website.

Oertwich reported that the HRSA grant project in which the Center is involved has several upcoming educational sessions, including a Healing the Healer webinar on the topic of incivility and bullying in the workplace. Additional details on the sessions can be found in the most recent edition of *Nursing News*.

### **COMMUNICATION**

**Staffing** – Oertwich reported that the Nursing Section is still down three staff members. Jeanette Peterson has accepted the supervisor position for Nursing Support staff, which was formerly held by Dan Taylor. Peterson previously worked as a Nurse Aide Surveyor for the Licensure Unit.

**Nursing News** – Oertwich reported that the newest edition of *Nursing News* includes articles on mandatory reporting, Operation Nightingale, and NCLEX pass rates for Nebraska nursing programs for the previous five years.

### **JOURNAL ARTICLE**

Members discussed the article “Contributing to Evidence-Based Regulatory Decisions: A Comparison of Traditional Clinical Experience, Mannequin-Based Simulation, and Screen-Based Virtual Simulation” from the January 2023 edition of the *Journal of Nursing Regulation*. Delayhojde noted that the article was timely given the Education Committee's recent discussions on virtual simulations. She noted that the overall conclusion of the article seems to be that traditional clinical experiences are better, but that additional research on the question is still needed. Reznicek said that the student feedback cited in the articles seems to align with the feedback that the Education Committee received from Purdue University Global students. She noted that virtual learning experiences do have the potential for excellence if done well, such as the simulation unit used by Columbus Community Hospital to orient new nurses. Kollasch-Parker remarked that many young people already spend a significant amount of time interacting with screens, and she was concerned that simulation experiences might result in fewer opportunities for nursing students to develop interpersonal communication skills.

### **CONCLUSION AND ADJOURNMENT**

The meeting adjourned at 11: 43 a.m.

Respectfully submitted,



Sherri Joyner  
Health Licensing Coordinator