

# NEBRASKA BOARD OF NURSING

## MINUTES OF THE MEETING

May 12, 2022

### **CALL TO ORDER**

The meeting of the Nebraska Board of Nursing was called to order by Patricia Motl, Board President, at 8:30 a.m., May 12, 2022, at the Best Western Plus Conference Room, 2201 Wildcat Circle, Lincoln NE 68521. Copies of the agenda were emailed to the Board members on May 2, 2022, emailed to interested parties on May 2, 2022, posted outside the Licensure Unit within the Nebraska State Office Building on May 2, 2022, and posted on the Department of Health & Human Services website on May 2, 2022. Motl 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
- Tom Hoover, RN
- Kandis Lefler, LPN
- Patricia Motl, RN *Board President*
- Kristin Ruiz, RN
- Brenda Smidt, RN
- Sonét Smutny, RN
- Linda Stones, RN
- Rita Thalken, *Public Member*

The following Board members were absent: Tag Herbek, *Public Member*, Lisa Kollasch, APRN-NP, and Angela Kula, LPN.

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* (attended via virtual conference)
- Kathy Hoebelheinrich, APRN-NP, *Nursing Practice Consultant*
- Jacci Reznicek, RN, *Nursing Education Consultant* (attended via virtual conference)
- Sherri Joyner, *Health Licensing Coordinator*
- Anna Harrison, *Compliance Monitor*
- Teresa Hampton, *DHHS Legal* (attended via virtual conference)
- Lisa Anderson, *Assistant Attorney General*
- Brittany Bigham, *Investigator*
- Jessica Bowman, *Investigator*
- Andrea Cramer-Price, *Investigator*
- Susan Held, *Investigator*
- Patricia Lemke, *Investigator*
- Mendy Mahar-Clark, *Investigator*

A quorum was present, and the meeting convened.

### **ADOPTION OF THE AGENDA**

**MOTION:** Thalken made the motion, seconded by Delahoyde, to adopt the agenda for the May 12, 2022, Board of Nursing meeting.

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

These minutes were approved by the Board of Nursing on June 9, 2022.

**APPROVAL OF THE MINUTES**

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

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

**CLOSED SESSION**

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

8:36 a.m.      *Meeting went into closed session.*  
 10:22 a.m.      *Meeting went into recess.*  
 10:45 a.m.      *Meeting reconvened.*  
 10:53 a.m.      *Ruiz left the meeting*  
 10:54 a.m.      *Ruiz returned to the meeting.*  
 10:57 a.m.      *Meeting returned to open session.*

**LICENSURE RECOMMENDATIONS****NIKKI J. MERRITT – LPN APPLICATION**

**MOTION:** Stones made the motion, seconded by Hoover, to recommend issuing Nikki Merritt an unrestricted LPN license.

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

**TAYLOR R. DENNIS – LPN REINSTATEMENT FROM DISCIPLINE**

**MOTION:** Stones made the motion, seconded by Ruiz, to recommend issuing Taylor Dennis 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 substance abuse treatment, compliance with treatment recommendations, active involvement in the substance abuse/recovery process, reported period of sobriety from June 2020, documented attendance at support group meetings and maintaining a sponsor, positive letters of reference, and a substance use evaluation with diagnoses of sustained remission.

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

## **PRACTICE COMMITTEE**

**MOTION:** The Practice Committee moved that the Board reaffirm the *CPR: Nurse's Accountability to Perform Advisory Opinion*.

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

**MOTION:** The Practice Committee moved that the Board reaffirm the *Sub-Anesthetic Ketamine Advisory Opinion*.

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

**MOTION:** The Practice Committee moved that the Board reaffirm the *Abandonment Advisory Opinion*.

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

The Practice Committee did not introduce motions on the *Sedation and Analgesia Advisory Opinion* and the *Nasal Ketamine Advisory Opinion*.

## **HRSA GRANT**

Oertwich reported that the HRSA grant project is moving forward. They are currently working on a pilot program to promote mental health awareness among nursing staff at three or four hospitals in Nebraska.

## **NCLEX REPORTS**

Reznicek reported that of the 56 graduates of Nebraska LPN programs took NCLEX-PN for the first time during the first quarter of 2022, 89.29% passed. 300 graduates of Nebraska RN programs took NCLEX-RN for the first time during this period, and 91.67% passed. Only three jurisdictions had higher NCLEX-RN pass rates for this quarter. Reznicek also noted that when an RN applicant has failed NCLEX-RN after three or four attempts, she will contact them about the option of taking NCLEX-PN. If they do pass NCLEX-PN, they could enter the workforce as an LPN. Some RN graduates are not aware of this option.

## **LPN IV THERAPY COURSE REQUIREMENT**

Oertwich reported that the five year grace period for LPNs to complete an IV therapy education course will end on August 24, 2022. Approximately 2,300 LPNs have not yet submitted proof of completing an 8-hour course or equivalent to the DHHS Licensure Unit. Postcards will be mailed to these LPNs reminding them of the deadline. Ruiz noted that a large number of LPNs may have already completed a course but do not know that they need to submit their course certificates to DHHS.

## **2022 RN AND APRN RENEWALS**

Oertwich reported that the Executive Order waiving continuing competency requirements during renewal is in effect until September 30, 2022. The Licensure Unit will waive continuing education and other continuing competency requirements for all license types, including RNs and APRNs, that are in

an active renewal period at any point prior to September 30, 2022. Motl noted that some employers are telling RNs that they need to complete CE in order to renew this year. Joyner said that staff understand that there may be confusion about whether or not continuing education is required this year. It has been challenging getting out a consistent message because the Executive Order waiving continuing competency was originally set to expire on March 31, 2022, and staff only recently learned that all RNs and APRNs, even those who renew after September 30, 2022, will be eligible for the waiver.

11:15 a.m. Delahoyde left the meeting.

### **INTERNATIONAL CENTER FOR REGULATORY SCHOLARSHIP**

Stones gave a presentation on the International Center for Regulatory Scholarship (ICRS). Stones, Motl, and Reznicek recently graduated from the program. Persons interested in participating in ICRS first take an assessment and then take a required orientation course. There are a variety of other courses participants can choose from in order to complete a certificate program. Most courses last 8-12 weeks and typically consist of a weekly module to review and a discussion component. Stones has found the discussions very valuable especially because nurses from around the world participate. There are also classes, such as course on parliamentary procedures, that do not count towards the certificate but that can be very informative for board members. Most courses can be used as continuing education, and they are free for board members. Participants complete the ICRS certificate program by participating in the Advanced Leadership Institute.

Stones found the Administrative Law course particularly helpful. She noted that it was fascinating to look at the history of nursing and see how the same issues that came up in the past are still relevant today. Motl also highly recommended the Administrative Law course. Motl said she appreciated learning how the court system might see a particular case and learning about judges' rationales for their decisions and why particular cases have been overturned. Reznicek said that the course helped her better understand the differences between federal and state responses to the COVID pandemic.

Motl also mentioned that she enjoyed learning how boards in other states handle certain issues. In some states, for example, a hearing is held for every discipline case. In class discussions she has found that people who serve on independent boards often look at issues differently than people who serve on umbrella boards. Stones said that although the independent boards have certain advantages, now that she has finished the ICRS program, she better appreciates the checks and balances that come with being an umbrella board.

Stones said that the program is a wonderful way to find resources, meet interesting people, and develop leadership skills. Board members are welcome to reach out to Stones, Motl, or Reznicek if they wanted more information about the ICRS program.

### **COMMUNICATION**

2022 Legislation – Oertwich reported that of the ARPA monies that were allocated during the 2022 legislative session, nursing-related projects received \$10 million. \$5 million will go to a loan repayment program that is primarily designed for those earning master's degrees or above. Information about the loan repayment program can be found on the Office of Rural Health webpages on the DHHS website. Another \$5 million will go to a scholarship program for nurse aides, LPNs, and RNs. The scholarship monies will be administered through DHHS, but not through the Licensure Unit. Oertwich said that she did not think that administering a scholarship program needed to be part of the Board of

Nursing's responsibilities. Stones suggested linking information about the loan repayment and scholarship programs to the Center for Nursing's website.

Nursing News – Oertwich reported that the next edition of *Nursing News* should be distributed in approximately three weeks. The issue will include a roundup of 2022 legislation.

Staff Updates – Oertwich reported that the Nursing Section is currently fully staffed, although Hoebelheinrich plans to retire in the near future. Oertwich said that if any Board members knew of a Nurse Practitioner who was ready for a career change, they might refer the NP to the Nursing Practice Consultant opening.

### **CONCLUSION AND ADJOURNMENT**

There being no further business, the meeting adjourned at 11:53 a.m.

Respectfully submitted,



Sherri Joyner  
Health Licensing Coordinator