

NEBRASKA BOARD OF NURSING

MINUTES OF THE MEETING

May 11, 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., May 11, 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 May 1, 2023, emailed to interested parties on May 1, 2023, posted outside the Licensure Unit within the Nebraska State Office Building on May 1, 2023, and posted on the Department of Health & Human Services website on May 1, 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 call:

- Theresa Delahoyde, RN, *Board President*
- Tag Herbek, *Public Member*
- Lisa Kollasch-Parker, APRN-NP
- Angela Kula, LPN
- Patricia Motl, RN
- Kristin Ruiz, RN
- Brenda Smidt, RN
- Sonét Smutny, RN
- Rita Thalken, *Public Member*

The following member arrived after roll call: Kandis Lefler (arrived at 8:31 a.m.). No Board members were absent. Two board positions were 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*
- Jaci 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*
- T.J. O'Neill, *Assistant Attorney General*
- Anna Harrison, *DHHS Compliance Monitor*
- Brittany Bigham, *Investigator*
- Patricia Lemke, *Investigator*
- Mendy Mahar-Clark, *Investigator*
- Susan Held, *Investigator*
- Dennis Scott, *Program Manager, Investigations*

A quorum was present, and the meeting convened.

ADOPTION OF THE AGENDA

MOTION: Ruiz made the motion, seconded by Motl, to adopt the agenda for the May 11, 2023, Board of Nursing meeting.

These minutes were approved by the Board of Nursing on June 8, 2023.

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

APPROVAL OF THE MINUTES

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

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

CLOSED SESSION

MOTION: Kula 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, Kollasch-Parker, Kula, Lefler, Motl, Ruiz, Smidt, Smutny, and Thalken. Voting No: None. Abstain: None. Absent: None. 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.

8:32 a.m. Meeting went into closed session.
8:45 a.m. Smidt left the meeting.
8:48 a.m. Smidt returned to the meeting.
9:23 a.m. Meeting went into recess.
9:35 a.m. Meeting reconvened.
10:33 a.m. Meeting returned to open session.

LICENSURE RECOMMENDATIONS

KEANDRA P. JORDAN – RN APPLICANT

MOTION: Ruiz made the motion, seconded by Smidt, to recommend issuing Keandra Jordan an unrestricted RN License.

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

JEREMY R. YOUNG – RN REINSTATEMENT FROM DISCIPLINE

MOTION: Ruiz made the motion, seconded by Motl, to recommend reinstating an unrestricted RN license to Jeremy Young. The recommendation for reinstatement is based on applicant's completion of inpatient and outpatient treatment, compliance with treatment recommendations, active involvement in the substance abuse/addiction recovery process, reported period of sobriety from 2017, and reported attendance at support groups meetings and maintaining a sponsor.

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

PRACTICE COMMITTEE UPDATES

Motl reported on the topics covered by the Practice Committee at recent meetings. Elective IV therapy services continue to be a major issue, with some nurses motivated to join or start IV businesses for monetary reasons. The Committee has also looked into the use of fluoroscopy by Nurse Practitioners,

whether caring for family members counts as practice hours for the purpose of license renewal, and school nursing issues.

EDUCATION COMMITTEE

Clarkson College Surveyor's Report

Reznicek gave a brief overview of her findings from the on-site visit conducted at Clarkson College's BSN program. She noted that the school has a new President and a new Director for their traditional BSN program. The program also has solid NCLEX pass rates, and Reznicek was impressed with their new simulation labs.

MOTION: Ruiz made the motion, seconded by Kula, to approve the Surveyors Report for the survey conducted at Clarkson College on March 21 and 22, 2023.

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

Purdue University Global – Closure of Nebraska Program

Oertwich reported that she has received another email from the Chancellor of Purdue University Global asking her to answer a question about whether or not Nebraska will license the Nebraska Purdue students who are being transferred to Purdue's Iowa program. Oertwich said she thought Nebraska had adequately addressed this issue in previous communications with Purdue and felt the question was redundant. Hampton noted that Nebraska does not promise any other schools that we will license their students.

NCLEX Pass Rates

Reznicek reported on the NCLEX pass rates for graduates of Nebraska nursing education programs who took NCLEX for the first time during the first quarter of 2023. Reznicek noted that these candidates took NCLEX prior to the implementation of Next Generation NCLEX. For Nebraska graduates taking NCLEX-PN during the first quarter, 86.89% passed. The national NCLEX-PN pass rate during this timeframe was 79.96%. For Nebraska graduates taking NCLEX-RN during the first quarter, 91.29% passed. The national NCLEX-RN pass rate was 80.48%. Reznicek noted that only one jurisdiction had a higher pass rate than Nebraska during the quarter.

CHAPTER 97 REGULATIONS GOVERNING APPROVAL OF BASIC NURSING PROGRAMS

Oertwich said that she would like to add language in the regulations governing nursing education programs in Nebraska in order to clarify that programs approved by the Board must be physically located in Nebraska. Delahoyde noted the current regulations are a bit vague on this issue. Reznicek suggested adding language to specify that Nebraska does not approve online programs, that the Director of the program must be physically present in Nebraska, and that clinicals must occur at a physical site. Reznicek noted that these requirements are in alignment with NCSBN standards.

Oertwich noted the low NCLEX pass rates for graduates of online nursing programs. Ruiz noted the high tuition rates that some online programs charge. Delahoyde said that she does not want create a misconception that online classes are not allowed. She noted that ACEN (the Accreditation Commission for Education in Nursing) allows for up to 25% of coursework to be done online.

NCSBN ANNUAL MEETING

Oertwich reported that she and Delahoyde will attend the National Council of State Boards of Nursing (NCSBN) Annual Meeting to be held August 16 -18, 2023. Funding is often available through NCSBN to cover the registration and travel costs for additional Board members who wish to attend. Activities at the Annual Meeting include electing NCSBN officers and voting on policy issues. Oertwich noted

that Nebraska can have four voting delegates at the meeting. Kollasch-Parker, Smidt, and Smutny expressed interest in attending.

NURSE LICENSURE COMPACT

Oertwich reported that Washington State has enacted legislation to join the Nurse Licensure Compact, making it the 40th state to join. Oertwich also reported that the Nurse Licensure Compact will hold a public hearing on June 26, 2023, regarding proposed amendments to the Compact's rules. One of proposed changes would give nurses who move from one Compact state to another Compact state up to 60 days to apply for a license in the new home state. Under the Compact's current rules, a nurse is supposed to apply for a license in the new state when the nurse becomes a resident of that state. Joyner noted that under the original Nurse Licensure Compact's rules, a nurse could practice in the new state for up to 60 days while application in the new state was pending. She noted that this created confusion over whether a nurse could practice in the new state prior to submitting a license application.

OPERATION NIGHTINGALE

Oertwich reported the she and other Board Executive Officers attended a long presentation at the NCSBN Midyear Meeting on Operation Nightingale, a federal investigation into schools that issued fraudulent nursing degrees. Oertwich said that the investigation has identified three Florida schools so far. She noted that the programs seemed to have started as legitimate education programs before devolving into diploma mills. She also noted that some people who received diplomas from these fraudulent programs had previously completed coursework at other for-profit schools, but they could not get a degree because the schools used high-stakes exams as a graduation requirement.

2023 LEGISLATION

Oertwich reported that LB586, which would provide funds to the Center for Nursing for the purpose of expanding clinical sites for nursing students, has been amended into an omnibus bill. Given the stalemates at the Capitol for the current legislative session, she was not hopeful it would be voted on.

Oertwich also reported that the Executive Order currently in place that waives some licensing requirements will expire on June 30th. She is not anticipating that it will be extended.

COMMUNICATION

Staffing – Oertwich reported that applicants are starting to come through the pipeline for the three vacancies in the Licensure Unit's Nursing Section as well as a vacant position in the Nursing Support Section. A new staff members will start the following week, and interviews have been conducted for the remaining vacancies.

Nursing News – Oertwich reported that the next issue of *Nursing News* will be published as soon as the proofs are approved by the DHHS Communications Office.

CONCLUSION AND ADJOURNMENT

The meeting adjourned at 11: 50 a.m.

Respectfully submitted,



Sherri Joyner
Health Licensing Coordinator