

NEBRASKA BOARD OF NURSING

MINUTES OF THE MEETING

July 14, 2022

CALL TO ORDER

The meeting of the Nebraska Board of Nursing was called to order by Patricia Motl, Board President, at 8:36 a.m., July 14, 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 July 1, 2022, emailed to interested parties on July 1, 2022, posted outside the Licensure Unit within the Nebraska State Office Building on July 1, 2022, and posted on the Department of Health & Human Services website on June 30, 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
- Lisa Kollasch, APRN-P
- Angela Kula, LPN
- Kandis Lefler, LPN, *Board Secretary*
- Patricia Motl, RN *Board President*
- Kristin Ruiz, RN
- Brenda Smidt, RN
- Sonét Smutny, RN
- Linda Stones, RN, *Board Vice-President*
- Rita Thalken, *Public Member*

The following Board member was absent: Tag Herbek, *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*
- Kathy Hoebelheinrich, APRN-NP, *Nursing Practice Consultant*
- Ginger Rogers, APRN-NP, *Nursing Practice Consultant*
- Jacci Reznicek, RN, *Nursing Education Consultant*
- Sherri Joyner, *Health Licensing Coordinator*
- Anna Harrison, *Compliance Monitor*
- Teresa Hampton, *DHHS Legal* (attended virtually)
- Lisa Anderson, *Assistant Attorney General*
- Brittany Bigham, *Investigator*
- Jessica Bowman, *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 Stones, to adopt the agenda for the July 14, 2022, Board of Nursing meeting.

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

These minutes were approved by the Board of Nursing on August 11, 2022.

APPROVAL OF THE MINUTES

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

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

CLOSED SESSION

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

8:43 a.m. Meeting went into closed session
 9:17 a.m. Kula left the meeting.
 9:22 a.m. Kula returned to the meeting.
 9:45 a.m. Ruiz left the meeting.
 9:47 a.m. Ruiz returned to the meeting.
 10:10 a.m. Meeting went into recess.
 10:23 a.m. Meeting reconvened.
 11:00 a.m. Meeting returned to open session.

LICENSURE RECOMMENDATIONS**CANDACE DEMPSEY – LPN REINSTATEMENT FROM DISCIPLINE**

MOTION: Delahoyde made the motion, seconded by Ruiz, to recommend reinstating an unrestricted license to Candace Dempsey based on applicant's completion of all requirements for discipline in another state.

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

KAREN ECKLEY – LPN REINSTATEMENT FROM DISCIPLINE

MOTION: Kula made the motion, seconded by Stones, to recommend reinstating an unrestricted license to Karen Eckley based on applicant's compliance with treatment recommendations and positive letters of reference

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

PAIGE GARRISON – RN REINSTATEMENT FROM DISCIPLINE

MOTION: Stones made the motion, seconded by Hoover, to recommend reinstating Paige Garrison's's 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; practice under direct RN supervision for one (1) year, followed by practicing under indirect RN supervision for one (1) year; have no access to controlled substances in the course of nursing employment for one (1) year, followed by access to controlled substances under direct supervision for one (1) year; active practice for 3120 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 misdemeanor convictions rationally related to the profession, diagnosis of a substance use disorder, and violation of the Uniform Controlled Substances Act. The recommendation for reinstatement is based on applicant's current participation in treatment, compliance with treatment recommendations, reported period of sobriety from June 6, 2021, and compliance with all court orders.

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

NANCY MORAVEC – RN REINSTATEMENT FROM DISCIPLINE

MOTION: Ruiz made the motion, seconded by Delahoyde, to recommend issuing a temporary license on probation to Nancy Moravec for the purpose of completing a refresher course within three (3) months, and following successful completion of the course, reinstating Moravec's RN license with the terms and conditions specified in the reinstatement order dated June 10, 2019.

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

HALEY SHERMAN – LPN REINSTATEMENT FROM DISCIPLINE

MOTION: Delahoyde made the motion, seconded by Stones, to recommend reinstating an unrestricted license to Haley Sherman based on applicant's current participation in substance abuse treatment, completion of treatment, compliance with treatment recommendations, active involvement in the substance abuse/addiction recovery process, reported period of sobriety from August 25, 2017, and positive letters of reference from employer and co-workers.

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

PRACTICE COMMITTEE

MOTION: The Practice Committee moved that the Board approve the revised *Sedation and Analgesia* Advisory Opinion.

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

MOTION: The Practice Committee moved that the Board approve the revised *Verbal Orders* Advisory Opinion.

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

MOTION: The Practice Committee moved that the Board approve the revised *Wound Debridement Advisory Opinion*.

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

MOTION: The Practice Committee moved that the Board approve the new *Esketamine (Spravato): Direction and Monitoring Advisory Opinion*.

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

Joint Board Workgroup on Elective IV Therapy

Hoebelheinrich reported that she has received an increasing number of inquiries regarding elective IV therapy. Hoebelheinrich noted that elective IV therapy at hydration spas is not an evidence-based practice, and that it often involves products that are not FDA approved. Hoebelheinrich expressed concerns that RNs who manipulate the contents of IV bags at these spas are engaging in drug compounding. There are reports of people setting up “IV bars” in their homes and garages. Two deaths have been reported in other states following elective IV infusions.

Hoebelheinrich reported that the APRN Board, the Board of Pharmacy, and the Board of Medicine have expressed interest in participating in a joint workgroup to study the subject of elective IV therapy. Because Hoebelheinrich has received inquiries about whether EMTs can run IV therapy lines at hydration spas, she also plans to keep the manager for the EMS Board posted on developments.

MOTION: Stones made the motion, seconded by Ruiz, to approve the Board of Nursing’s participation in a joint board workgroup on elective IV therapy.

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

NCSBN ANNUAL MEETING

Oertwich noted that each board that is a member of the National Council of State Boards of Nursing (NCSBN) gets to have two voting delegates at the NCSBN Annual Meeting. Because no members of the APRN Board have expressed interest in attending, Oertwich said that she and Motl might represent the Nebraska APRN Board, and that Stones and Smutny might represent the Nebraska Board of Nursing.

CENTER FOR NURSING

Oertwich reported that focus groups have been conducted for the Center’s project to assess the needs of frontline nurses. The data still needs to be analyzed. Both Oertwich and Reznicek have listened to recordings of some of the sessions. Oertwich said that one of the consistent messages in the recording is that nurses feel that no one was listening to them. Reznicek said she was struck by the little things that could make a big difference to a nurse, such as having a supervisor come in during an overnight shift.

Oertwich reported that the Nebraska Hospital Association has organized a task force to study scope of practice. Based on the information Oertwich has received, the group will examine ways for licensing boards to consider changes with non-licensed positions so that everyone can work at the top of their scope. Stones noted that attempts to allow APRNs to practice to the full extent of their education have been opposed in the legislature.

Oertwich reported that a marketing company is drafting a proposal for the Center for Nursing. Oertwich said that the marketing plan might better ensure that the voice of nursing gets heard in the public sphere.

As part of the HRSA grant project to enhance resiliency among nurses, Oertwich reported that UNMC will hold a Healing the Healer seminar for RNs and other health care providers. The seminar will be held virtually, and there is no cost to participate.

LPN IV THERAPY COURSE REQUIREMENT

Oertwich reported that she recently met with DHHS Legal and Becky Wisell, DHHS Deputy Director, regarding the requirement that LPNs complete an 8-hour IV therapy course or equivalent. Oertwich said that it was the opinion of DHHS Legal that the Department does not have the statutory authority to expire licenses of LPNs who do not meet the IV therapy education requirement by August 24, 2022.

2022 RN and APRN LICENSE RENEWALS

RNs and APRNs will be able to renew their licenses starting in August. Oertwich said that continuing education and other continuing competency requirements will be waived this year, and that no audits will be conducted.

CREDENTIALING REVIEW

Two proposals that are currently being reviewed by the Credentialing Review Program were discussed. First, the Nebraska Pharmacists Association is proposing that certified pharmacy technicians be allowed to administer vaccinations under the supervision of a pharmacist. Hoebelheinrich attended the first review committee meeting for this proposal. She reported that compelling arguments were made in support of allowing pharm techs to provide immunizations, but she thought that there was a lack of clarity on whether pharmacists would be allowed to supervise pharm techs remotely. Hoebelheinrich noted that the Nebraska Medical Association spoke at the meeting in opposition to the supervision of pharm techs via telehealth when administering vaccines.

The Credentialing Review Program is also reviewing a proposal to create a license for Certified Anesthesiologist Assistants. Oertwich expressed concerns that the proposed credential will lead to Certified Registered Nurse Anesthetists (CRNAs) being replaced with Anesthesiologist Assistants. Hoebelheinrich said that Anesthesiologist Assistants might not have experience levels comparable to those of CRNAs, who are required to have critical care experience in order to enter CRNA school. Motl wondered if physicians would be allowed to bill for the Anesthesiologist Assistant's services. Ruiz and others noted the important role that CRNAs play at critical access hospitals, and expressed concerns that the expansion of Anesthesiologist Assistants into Nebraska, might reduce the number of CRNAs, which would then affect access to health care in rural Nebraska. Stones said that it was possible to increase access to care and support patient safety without substituting nurses. Stones said she wanted to send a message that there is value in nursing and that we need to keep qualified nurses in the workforce.

MOTION: Stones made the motion, seconded by Kollasch, that in the interest of patient safety and access to care, that the Board of Nursing opposes the creation of an Anesthesiologist Assistant role in Nebraska.

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

JOURNAL ARTICLE DISCUSSION

Due to time constraints, the discussion of the NCSBN 2022 Environmental Scan was deferred to the Board's August meeting.

COMMUNICATION

Joyner reported that Anthony Batiste has requested a hearing before the Board to appeal the denial of his application for early release or probation.

Motl recommended that the Board hold a strategic planning session prior to the end of the year. The Board agreed to hold a strategic planning session following the regular Board meeting on October 13, 2022.

CONCLUSION AND ADJOURNMENT

There being no further business, the meeting adjourned at 1:04 p.m.

Respectfully submitted,



Sherri Joyner
Health Licensing Coordinator