

NEBRASKA BOARD OF NURSING

MINUTES OF THE MEETING

February 6, 2025

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., February 6, 2025, at the Best Western Plus Conference Room, 2201 Wildcat Circle, Lincoln NE 68521. Copies of the agenda were emailed to the Board members and to interested parties on January 24, 2025, posted in the east entryway of the Nebraska State Office Building on January 24, 2025, and posted on the Department of Health & Human Services website on January 24, 2025. 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*
- Mary Guthrie, *Public Member*
- Kathy Harrison, RN
- Clay Jordan, RN
- Angela Kula, LPN, *Board Secretary*
- Eric Rogat, RN
- Kristin Ruiz, RN
- Jules Russ, *Public Member*
- Brenda Smidt, RN, *Board Vice-President*

The following Board members were absent: Lisa Kollasch-Parker, APRN-NP, Kandis Lefler, LPN, and Patricia Motl, RN

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*
- Mindy Lester, *Assistant Attorney General*
- Brittany Bigham, RN, *Investigator*
- Jessica Bowman, RN, *Investigator*
- Susan Held, RN, *Investigator*
- Patricia Lemke, RN, *Investigator*
- Mendy Mahar-Clark, RN, *Investigator*

A quorum was present, and the meeting convened.

ADOPTION OF THE AGENDA

Due to the large number of items on the agenda and the unavailability of the representative from the Nebraska Hospital Association, Delahoyde recommended that updates on the Nebraska Center for Nursing be deferred until the Board's March meeting.

MOTION: Ruiz made the motion, seconded by Smidt, to adopt the agenda for the February 6, 2025, Board of Nursing meeting with the removal of the item for the Nebraska Center for Nursing.

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

These minutes were approved by the Board of Nursing on March 6, 2025.

APPROVAL OF THE MINUTES

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

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

CLOSED SESSION

MOTION: Kula made the motion, seconded by Smidt, 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, Rogat, Ruiz, Russ, and Smidt. Voting No: None. Abstain: None. Absent: Kollasch-Parker, Lefler, and Motl. 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.
 9:22 a.m. Smidt left the meeting.
 9:24 a.m. Smidt returned to the meeting.
 9:49 a.m. Harrison left the meeting.
 9:52 a.m. Harrison returned to the meeting. Meeting went into recess
 10:02 a.m. Meeting reconvened.
 11:00 a.m. Ruiz left the meeting.
 11:08 a.m. Ruiz returned to the meeting. Meeting returned to open session. Meeting went into recess.
 11:14 a.m. Meeting reconvened.

LICENSURE RECOMMENDATIONS**KIMBERLY G. HOUSTON- LPN APPLICATION**

MOTION: Jordan made the motion, seconded by Harrison, to recommend denying Kimberly Houston's application for an LPN license based on disciplinary action in another jurisdiction, misrepresentation of material facts on a license application, and practicing without a license.

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

CHERYL A. GONZALEZ - RN APPLICATION

MOTION: Ruiz made the motion, seconded by Smidt, to recommend issuing an unrestricted license to Cheryl Gonzalez.

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

ALEC W. BRITTEN - RN APPLICATION

MOTION: Ruiz made the motion, seconded by Jordan, to recommend issuing an unrestricted license to Alec Britten.

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

BRANDY S. JARRELL - RN APPLICATION

MOTION: Smidt made the motion, seconded by Rogat, to recommend issuing an unrestricted license to Brandy Jarrell.

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

KAREN D. MESTAS - RN APPLICATION

MOTION: Smidt made the motion, seconded by Rogat, to recommend issuing an RN license to Karen Mestas 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 any recommendations for attendance at support group meetings and sponsor; active practice for 3,120 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 on substance use disorder diagnosis and disciplinary action against license in another jurisdiction.

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

TAMARA E. NELSON – LPN REINSTATEMENT

MOTION: Harrison made the motion, seconded by Guthrie, to recommend reinstating an LPN license to Tamara Nelson on probation for one year 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 any recommendations for attendance at support group meetings and sponsor; active practice for 1,040 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 on substance use disorder diagnosis and misdemeanor convictions rationally related to the profession.

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

FELICIA C. JANOVICH – RN REINSTATEMENT

MOTION: Kula made the motion, seconded by Smidt, to recommend denying reinstatement of Felicia Janovich's RN license based on unlicensed practice, unlawful invasion into the practice of pharmacy, practicing outside the scope of nursing, unprofessional conduct, and inappropriate delegation or direction.

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

NATALIE Y. FADEN – RN REINSTATEMENT FROM DISCIPLINE

MOTION: Ruiz made the motion, seconded by Jordan, to recommend reinstating an RN license to Natalie Faden 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 any recommendations for attendance at support group meetings and sponsor; active practice for 3,120 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 on substance use disorder diagnosis and misdemeanor convictions rationally related to the professions. The recommendation for reinstatement is based on active participation in treatment, compliance with treatment recommendations, active involvement in the substance abuse/addiction recovery process, reported period of sobriety from May 2023, and positive letters of reference from coworkers..

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

HEATHER A. REESE – RN REINSTATEMENT FROM DISCIPLINE

MOTION: Jordan made the motion, seconded by Harrison, to deny reinstatement an RN license to Heather Reese based on substance use disorder diagnosis, failure to comply with treatment recommendations, and insufficient evidence presented to substantiate a change in circumstance.

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

JANA M. MULLINS – RN REINSTATEMENT FROM DISCIPLINE

MOTION: Smidt made the motion, seconded by Rogat, to recommend reinstating an unrestricted RN license to Jana Mullins.

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

ADOPTION OF AMENDED REGULATIONS – 172 NAC 97

Members reviewed comments that were submitted for the public hearing held on proposed amendments to the regulations governing the approval of pre-licensure nursing programs in Nebraska. Most comments received were in support of the amendments and/or recommended for fairly minor wording changes. One commentor opposed allowing adjunct faculty to have a baccalaureate rather than a graduate degree and expressed concerns with not establishing degree requirements for clinical nurse instructors. Oertwich and Delahoyde noted that many nursing programs in Nebraska currently rely on temporary waivers of the graduate degree requirement for adjunct faculty, and many programs already utilize clinical models that do not require clinical instructors to have a baccalaureate or graduate degree. Programs are allowed to set higher standards than those specified in the regulations.

MOTION: Ruiz made the motion, seconded by Kula, to approve the amended regulations, Title 172 Nebraska Administrative Code, Chapter 97 – Approval of Basic Nursing Programs in Nebraska.

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

PUBLIC NOTICE OF BOARD MEETINGS

In 2024, the Board notified the public of its meetings by posting an agenda in the Nebraska State Office Building, publishing the agenda on the DHHS website, and emailing the agenda to a list of interested parties.

MOTION: Rogat made the motion, seconded by Jordan, to continue to use the same methods to notify the public of Board of Nursing meeting dates.

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

PRACTICE COMMITTEE UPDATES

Rogers reported that the Practice Committee is interested in working with the Board of Pharmacy and the Board of Medicine to create a multi-board statement regarding the topic of compounding.

NCLEX REPORTS

Reznicek reported on NCLEX results for the fourth quarter of 2024. For the 19 graduates of Nebraska LPN programs who took NCLEX-PN for the first time during this quarter, the pass rate was 89.47%. The pass rate for first-time Nebraska NCLEX-PN candidates for all of 2024 was 96.05%. There were 12 jurisdictions that had higher PN pass rates for 2024.

For the 28 graduates of Nebraska RN programs who took NCLEX-RN for the first time during the fourth quarter, the pass rate was only 75%. Reznicek noted that many of the first-time candidates during this quarter are spring graduates who have delayed taking the test. The pass rate for first-time Nebraska NCLEX-RN candidates for all of 2024 was 95.06%. There were 3 jurisdictions that had higher RN pass rates for 2024.

Reznicek also noted that pass rates for internationally-educated nurses taking NCLEX for the first time seem to be improving. The pass rate this quarter for nurses from the Philippines was 45%, from India 37%, from Kenya 64%, and from Nigeria 54%.

NCSBN UPDATES

Oertwich reported that the NCSBN MidYear Meeting will be held in Pittsburgh on March 11th through the 13th. Oertwich and Delahoyde will attend as representatives of the Nebraska Board of Nursing.

Motl, who is on the NCSBN Leadership Committee, will also attend. Oertwich said that there might still be time to obtain funding for any other Board members interested in attending.

COMMUNICATION

RN and APRN Renewal Audits – Reznicek reported that 100% of the APRNs who were audited for continuing competency have submitted the required information and passed the audit. Of the approximately 800 RNs who were audited, twelve requested inactive status after they found out they did not have enough practice hours, two have been notified that they have failed the audit, three have not respond to either the audit notices or staff attempts to contact them.

Nursing News – Oertwich reported that the spring edition of *Nursing News* will soon be available. Licensees should receive an email soon with a link to the newsletter.

Legislative Updates – Oertwich summarized several nursing-related bills that have been introduced in the Unicameral. LB 281 would dissolve the APRN Board and would add three additional APRNs and one additional public member to the Board of Nursing. LB 374 would create a board for “licensed midwives” (who are not APRN-Certified Nurse Midwives). LB 676 would allow APRN-Certified Nurse Midwives to practice without having a practice agreement in place with a physician.

PUBLIC COMMENT

Mark Darby submitted a letter to the Board requesting that the names of disciplined nurses no longer be published in *Nursing News*, describing the practice as punitive and as a hindrance to the early detection and treatment of substance abuse issues. Erin Pemberton also submitted a comment noting the profound sense of shame and ostracization that nurses can experience following publication of the discipline list. Both commentators noted that employers can find discipline information on the DHHS website.

CONCLUSION

The meeting adjourned at 12:01 p.m.

Respectfully submitted,



Sherri Joyner
Health Licensing Coordinator