

NEBRASKA BOARD OF NURSING

MINUTES OF THE MEETING

March 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., March 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 February 24, 2025, posted in the east entryway of the Nebraska State Office Building on February 24, 2025, and posted on the Department of Health & Human Services website on February 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
- Lisa Kollasch-Parker, APRN-NP
- Kandis Lefler, LPN
- Eric Rogat, RN
- Kristin Ruiz, RN
- Jules Russ, *Public Member*
- Brenda Smidt, RN, *Board Vice-President*

The following Board members were absent: Angela Kula, LPN, *Board Secretary*, 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*
- Andrea Cramer, 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

MOTION: Jordan made the motion, seconded by Ruiz, to adopt the agenda for the March 6, 2025, Board of Nursing meeting.

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

These minutes were approved by the
Board of Nursing on April 3, 2025.

APPROVAL OF THE MINUTES

MOTION: Ruiz made the motion, seconded by Smidt to approve the consent agenda with corrections.

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

CLOSED SESSION

MOTION: Smidt made the motion, seconded by Rogat, 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, Kollasch-Parker, Lefler, Rogat, Ruiz, Russ, and Smidt. Voting No: None. Abstain: None. Absent: Kula 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.

8:34 a.m. Meeting went into closed session.
 9:04 a.m. Ruiz left the meeting.
 9:06 a.m. Ruiz returned to the meeting.
 9:44 a.m. Smidt left the meeting.
 9:53 a.m. Smidt returned to the meeting.
 9:56 a.m. Delahoyde left the meeting.
 9:59 a.m. Delahoyde returned to the meeting.
 10:04 a.m. Meeting went into recess.
 10:18 a.m. Meeting reconvened.
 11:04 a.m. Meeting returned to open session.

LICENSURE RECOMMENDATIONS**BENJAMIN M. MARTIN - RN APPLICATION**

MOTION: Ruiz made the motion, seconded by Rogat, to recommend issuing an unrestricted license to Benjamin Martin.

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

MINDY M. JONES - RN APPLICATION

MOTION: Smidt made the motion, seconded by Lefler, to recommend issuing an unrestricted license to Mindy Jones.

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

JAPHET N. MFEFE - RN APPLICATION

MOTION: Rogat made the motion, seconded by Smidt, to recommend denying Japhet Mfebe's application for an RN license based on disciplinary action in another jurisdiction and lack of valid education credentials.

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

KRISTINE D. CALLAGHAN - RN REINSTATEMENT

MOTION: Jordan made the motion, seconded by Harrison, to recommend reinstating an unrestricted license to Kristine Callaghan.

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

DONLEY A. DURRE – RN REINSTATEMENT FROM DISCIPLINE

MOTION: Ruiz made the motion, seconded by Harrison, to recommend issuing Donley Durre a temporary license for the purpose of completing a Board-approved refresher course within eighteen months, and following successful completion of the refresher course, reinstating an RN license to Donley Durre 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, Kollasch-Parker, Lefler, Rogat, Ruiz, Russ, and Smidt. Voting No: None. Abstain: None. Absent: Kula and Motl. Motion carried.

EDUCATION COMMITTEE

MOTION: The Education Committee moved that the Board approve the College of St Mary's Practical Nurse Curriculum revisions, Plan of Study, End of Program Student Learning Outcomes, Framework, Course Descriptions & Outcomes, and the following courses: PNC 220: PN Pharmacology 1, PNC 320 PN Pharmacology 2, and PNC 330: Professional Integration & Transition to PN Practice.

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

MOTION: The Education Committee moved that the Board approve the following courses for Nebraska Methodist College's Practical Nurse Program: LPN 100: PN Health Assessment, LPN 101: PN Foundational Concepts, and LPN 102: PN Psychosocial Nursing Concepts.

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

Academic Year Reports. The Education Committee acknowledged receipt of 2023-2024 Academic Year Nursing Program reports. BSN Programs: Bryan College of Health Sciences, Clarkson College, College of St. Mary, Creighton University, Midland University, Nebraska Methodist College, Nebraska Wesleyan University, Union Adventist University, & University of Nebraska Medical Center. ADN Programs: Central Community College, Metro Community College, Mid-Plains Community College, Northeast Community College, Southeast Community College, Western Nebraska Community College. PN Programs: Central Community College, College of St. Mary, Metro Community College, Mid-Plains Community College, Northeast Community College, Southeast Community College, Western Nebraska Community College.

CREDENTIALING REVIEW (407 REVIEW)

Members reviewed the proposal currently under review by the Credentialing Review Committee to recognize APRN-Nurse Practitioners as licensed practitioners under the Medical Radiography Practice Act. This change has been sought in order to allow Nurse Practitioners to use fluoroscopy. Rogers noted that there have been delays in care for procedures, such as inserting PICC lines, because Nurse Practitioners have had to find staff authorized to use fluoroscopy. Kollasch-Parker said she thought that allowing more people to perform fluoroscopy would be good for public health, but that more data is needed on the topic. She noted that some urology practices will hire Physician Assistants instead of Nurse Practitioners because the PAs can perform fluoroscopy. Jordan noted that Medicare will not reimburse for some injections unless fluoroscopy has been used, but that he was not sure if it was appropriate for a Nurse Practitioner to actually operate the fluoroscopy equipment. Oertwich and Hampton noted that CRNAs are able to use fluoroscopy for some procedures, but that they worked with the Office of Radiological Health to obtain this authorization rather than trying to amend the Medical Radiography Practice Act.

MOTION: Jordan made the motion, seconded by Harrison, to provide a letter of neutrality on the proposal to allow Nurse Practitioners to use fluoroscopy.

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

2025 LEGISLATIVE SESSION

Oertwich reported on the public hearing for LB281, which proposes transferring the duties of the APRN Board to the Board of Nursing. The bill would also add three additional APRNs and one additional public member to the Board of Nursing. Oertwich said that those who spoke at the hearing supported the bill, and although she was not aware of any opposition, there was a possibility that the Governor's office would consider a sixteen-member board to be too large.

Oertwich reported that LB676, which proposes to eliminate the supervising physician requirement for APRN-Certified Nurse Midwives, also received a lot of support at its hearing. There was some opposition to the portion of the bill that would add APRN-CNMs to the Nebraska Hospital-Medical Liability Act.

Oertwich also noted that two bills have been introduced proposing changes to the Credentialing Review process. One of these bills would create a medical commission that would review and approve any scope of practice changes for a variety of licensed professions.

NCSBN UPDATES

Oertwich reported that she along with Delahoyde and Motl, will attend the NCSBN's MidYear Meeting from March 11th through the 13th.

PUBLICATION OF DISCIPLINARY ACTIONS

Members reviewed comments submitted at the Board's previous meeting by Mark Darby, APRN-NP, and Erin Pemberton, JD, regarding publication of disciplinary actions in the Board's quarterly newsletter. Lefler noted that disciplinary actions are public information and that publishing the actions in *Nursing News* helps protect public safety.

MOTION: Lefler made the motion, seconded by Smidt, to continue to publish disciplinary actions in *Nursing News*.

Ruiz said that the public and employers can look up nurses online to find out if the nurse has been disciplined. She was also concerned that publishing names of disciplined nurses in *Nursing News* could lead to shaming of nurses who were working hard to overcome substance use disorders.

Kollasch-Parker said she supported publishing disciplinary actions in the newsletter. She noted that employers are not notified by the Department when an employee's license is disciplined.

Smidt said that publication of disciplinary actions in the Board's newsletter has helped her facility identify nurses who have been disciplined.

Jordan said that employers who are enrolled in the Nursys e-Notify program will receive a notification whenever disciplinary action is taken against one of their nurses, and that this notification method is faster than using *Nursing News*. Jordan noted that publishing names of disciplined nurses in *Nursing News* discourages nurses who have been disciplined from reading the newsletter. He was also concerned about how the list affects nurses who have underlying mental health conditions that may have contributed to discipline against their licenses.

Oertwich reported that the NCSBN will provide assistance to employers who wish to enroll in e-Notify. Joyner noted that lists of disciplinary actions against health care licenses are published monthly on the Department's website.

Voting Yes: Kollasch-Parker, Lefler, and Smidt. Voting No: Delahoyde, Guthrie, Harrison, Jordan, Rogat, Ruiz, and Russ. Abstain: None. Absent: Kula and Motl. Motion did not pass.

Jordan and others suggested that if employers knew that publication of disciplined nurses in the newsletter would stop at some point in the future, these employers would be motivated to implement other methods for identifying disciplined nurses.

Motion: Jordan made the motion, seconded by Kollasch-Parker, to continue to post discipline actions in *Nursing News* for the remainder of 2025, and to provide education to the public and to employers about alternative methods of finding disciplinary actions.

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

COMMUNICATION

Nursing News – Oertwich reported on the transition to electronic distribution of the Board's newsletter. The expectation was that all licensed Nebraska nurses would be emailed a link to Spring 2025 edition instead of being mailed a hard copy. It appears that many nurses did not receive the email. Some nurses were mailed a hard copy. Some received both the emailed link and the hard copy.

Staff Updates – Oertwich reported that the Licensure Unit has migrated its data to a new database. The project took over a year to complete.

PUBLIC COMMENT

Erin Pemberton thanked the Board for its discussion on publication of disciplinary actions. She noted the distinction between license discipline and criminal convictions. No other comments were received from the public.

CONCLUSION

The meeting adjourned at 12:36 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Sherri Joyner".

Sherri Joyner
Health Licensing Coordinator