

NEBRASKA BOARD OF NURSING

MINUTES OF THE MEETING

June 8, 2023

CALL TO ORDER

The meeting of the Nebraska Board of Nursing was called to order by Angela Kula, Board Secretary, at 8:45 a.m., June 8, 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 30, 2023, emailed to interested parties on May 30, 2023, posted outside the Licensure Unit within the Nebraska State Office Building on May 30, 2023, and posted on the Department of Health & Human Services website on May 30, 2023. Kula 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:

- Tag Herbek, *Public Member*
- Angela Kula, LPN
- Kandis Lefler, LPN
- Patricia Motl, RN
- Kristin Ruiz, RN
- Brenda Smidt, RN
- Rita Thalken, *Public Member*

The following members were absent: Theresa Delahoyde, RN, Lisa Kollasch-Parker, APRN-NP, and Sonét Smutny, RN. 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*
- Jacci Reznicek, RN, *Nursing Education Consultant*
- Ginger Rogers, APRN-NP, *Nursing Practice Consultant*
- Sherri Joyner, *Health Licensing Coordinator*
- Teresa Hampton, *DHHS Legal* (attended virtually)
- Jeanne Burke, *Assistant Attorney General*
- T.J. O'Neill, *Assistant Attorney General*
- Jim Smith, *Assistant Attorney General*
- Anna Harrison, *DHHS Compliance Monitor*
- Andrea Cramer-Price, *Investigator*
- Brittany Bigham, *Investigator*
- Patricia Lemke, *Investigator*
- Mendy Mahar-Clark, *Investigator*

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 June 8, 2023, Board of Nursing meeting.

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

These minutes were approved by the Board of Nursing on July 13, 2023.

APPROVAL OF THE MINUTES

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

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

CLOSED SESSION

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

Kula 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.

8:50 a.m. Meeting went into closed session.

10:03 a.m. Meeting went into recess.

10:15 a.m. Meeting reconvened.

10:34 a.m. Meeting returned to open session.

LICENSURE RECOMMENDATIONS**CHRISTOPHER J. LA ROSE – RN APPLICANT**

MOTION: Smidt made the motion, seconded by Motl, to recommend issuing Christopher La Rose an RN license with the following disciplinary sanctions: censure, payment of \$1,000 civil penalty within twelve months, and completion of an ethics course within ninety days.

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

NIKOLAUS R. RHILEY – RN NONDISCIPLINARY REINSTATEMENT

MOTION: Ruiz made the motion, seconded by Herbek, to table Nikolaus Rhiley's reinstatement application.

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

EDUCATION COMMITTEEAnnual Program Reports

MOTION: The Education Committee moved that the Board of Nursing acknowledge receipt of and acceptance of the Annual Program Reports for the 2021-2022 academic year from the following programs: Bryan College (BSN), Central Community College (LPN, ADN), Clarkson College (BSN), College of St Mary (LPN, BSN), Creighton University (BSN), Metro Community College (LPN, ADN), Midland University (BSN), Mid-Plains Community College (LPN, ADN), Nebraska Methodist (BSN), Nebraska Wesleyan (BSN), Northeast Community College (LPN, ADN), Southeast Community College (LPN, ADN), Union College (BSN), UNMC College of Nursing (BSN), and Western Nebraska Community College (LPN, ADN).

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

Purdue University Global – Closure of Nebraska Program

Reznicek reported that Purdue Global has asked if the 34 Nebraska students who have been transferred to the school's Iowa program will be eligible for licensure in Nebraska. Reznicek said she requested that Purdue Global provide their "teach out" plan for these students as required when a nursing program is closed in Nebraska. She also requested information on where these students will be doing their clinicals. Reznicek said she has not yet received the requested information from Purdue.

APRN-NURSE PRACTITIONER PROPOSED REENTRY TO PRACTICE APPLICATION

Members reviewed a proposed reentry plan for APRN-Nurse Practitioners that had been developed by Reznicek and Rogers for NPs who graduated from their nurse practitioner program more than five years ago and who have not practiced at least 2080 hours in the previous five years. The plan is adapted from North Carolina's nurse practitioner reentry plan with the permission of the North Carolina Board. It includes hour requirements for pharmacology, continuing education, and precepted clinical experience based on how long the nurse practitioner has been absent from practice. It also includes an assessment plan to be completed by the applicant's preceptor. Board members expressed approval of the proposed plan. The plan will be presented to the APRN Board at its July 20th meeting for approval.

NCSBN ANNUAL MEETING

Oertwich reported that she has submitted waiver requests to the National Council of State Boards of Nursing (NCSBN) to cover attendance and travel costs for Board members who wish to attend the NCSBN's Annual meeting in August.

OPERATION NIGHTINGALE

Oertwich provided an update on Operation Nightingale, a federal investigation into schools that issued fraudulent nursing degrees. The FBI and Department of Justice have identified three of these schools. The NCSBN has created a report that states can use to find out if they have issued RN or LPN licenses to graduates of these programs. Nebraska has not issued any licenses based on a degree from the three schools identified as fraudulent. It is up to individual states to take action against any license that was issued based on a fraudulent degree. Oertwich said that some nurses who have had disciplinary charges filed against them in other states based on the findings of Operation Nightingale are insisting that they graduated from legitimate nursing programs. Oertwich said that some of the graduates of the suspected diploma mills appear to have attended legitimate programs previously but had their transcripts withheld because they did not pass a high-stakes graduation exam.

Motl asked if the Nurse Licensure Compact was doing anything to address the issue. She noted that the problem has now been identified, and that the next step is to take action to prevent it from happening in the future.

2023 LEGISLATION

Oertwich reported that LB227 passed. One part of the bill provides \$6 million to the Nebraska Center for Nursing over a two-year period for the purpose of increasing clinical placements for student nurses in Nebraska. Oertwich said that the funds would enable hiring an administrator and support staff for the Center in order to meet the objectives of the bill.

COMMUNICATION

Staffing – Oertwich reported that a new staff member is scheduled to start with the Licensure Unit's Nursing Section on June 28th, marking the first time in over a year that the section will be fully staffed.

Nursing News – Oertwich reported that the newest edition of *Nursing News* was just published. It includes an article from Juan Ramirez comparing the different results received when he asked ChatGPT and other chatbots questions about bullying in nursing and strategies for addressing the nursing shortage.

An article on Next Generation NCLEX is planned for a future edition of the newsletter. Reznicek reported that 225 Nebraska candidates have taken the new version of NCLEX since it was implemented on April 1, 2023. The overall pass rate for these candidates was 92% and the pass rate for graduates of Nebraska programs was 97%. These rates are higher than pass rates in recent years for candidates who took the previous version of NCLEX.

CHAPTER 97 - REGULATIONS GOVERNING APPROVAL OF BASIC NURSING PROGRAMS

Oertwich and Reznicek reviewed with Board members proposed changes to Chapter 97. Oertwich noted that the new language has not yet been vetted by DHHS Legal. Oertwich said that the Nebraska Board has never approved fully-online educational programs, and one objective for revising the regulations is to provide greater clarity that Nebraska does not approve or allow online prelicensure programs to operate within the state. One of the challenges is determining to what extent a nursing program can be conducted online before it starts affecting the quality of the program. Ruiz reported that in her program all didactic instruction is done online, while labs and clinicals are all conducted in person. Reznicek noted that the prelicensure nursing education program section of Chapter 97 would require programs to align their instruction modalities with NCSBN guidelines, which currently advise that no more than 50% of clinical instruction be conducted through simulation experiences.

The revised regulations would also require that the director of a nursing program be physically located in Nebraska, and that any institution applying for approval of a new education program must employ a director who is located in Nebraska at least 12 months prior to the anticipated opening date and must have sufficient faculty in place in Nebraska at least 6 months prior.

Oertwich reported that a stakeholder has requested that the regulations include a certificate training option for clinical instructors. Hampton advised that regulations should be used to establish requirements, and that it is best to avoid including items that are optional rather than required.

Reznicek reported that the Nebraska Assembly of Nursing Deans and Directors (NANDD) reviewed the draft regulations and suggested that the requirements for preceptors be changed so that the licensure level (rather than the educational level) of the preceptor must be at or above the level for which the student is being prepared. NANDD also recommended language requiring schools to be in good standing in the state where their "parent" school is located.

CONCLUSION AND ADJOURNMENT

The meeting adjourned at 11: 42 a.m.

Respectfully submitted,



Sherri Joyner
Health Licensing Coordinator