

Nevada State Board of **NURSING**

MINUTES OF REGULAR BOARD MEETING

January 12-13, 2011

The Regular Meeting of the Nevada State Board of Nursing was called to order by President Doreen Begley MS, RN, at 9:02 a.m. on January 12, 2011 at Tuscany Suites, 255 East Flamingo Road, Las Vegas, NV 89169.

MEMBERS PRESENT

Doreen Begley, MS, RN, President
Tish Smyer, DNSc, RN, Vice-President
Kelly Espinoza, MSN, RN, Secretary
Rick Carrauthers, LPN Member
Sandra Halley, Consumer Member

MEMBERS ABSENT

Belen Gabato, MS, RN, Member
Carrie McMurray, CNA, Member

OTHERS PRESENT

Debra Scott, MSN, RN, FRE, Executive Director
Chris Sansom, BSN, RN, Director of Operations
Fred Olmstead, General Counsel
Dean Estes, Director of Finance and Technology
Gail Trujillo, Management Assistant
Roseann Colosimo, PhD, MSN, RN, Education Consultant (1/12)
Cheryl Lloyd, BA, BSN, MHA, RN, CM, Application Coordinator (1/12)
Kathleen Reynolds, BHS, RN, Compliance Coordinator (1/12)
Sophia Long, Attorney General, Board Counsel (1/12)
Kim Arguello, Sr. Deputy Attorney General, Board Counsel

CALL TO ORDER – 9:02 a.m.

PUBLIC COMMENT: There was no public comment.

APPROVAL OF CONSENT AGENDAS

ACTION

It was moved and seconded to approve the Consent Agenda I, identified as items: A.1. & A.2.a., C.3., D.2.a.-j., D.3.a.-c., & F.1.a. MOTION CARRIED

ACTION

It was moved and seconded to approve the Consent Agenda II, identified as items: D.1.a.-u., w. & x., & D.8.a.-h. Items removed: D.1.d.,l. & q. & D.8.a.,b. & g. MOTION CARRIED

A. BOARD GOVERNANCE AND ADMINISTRATION

1. Approval of minutes of Board meeting, November 8, 2010 and November 17-18, 2010: Accepted under the Consent Agenda.
2. Conference and seminar report: Accepted under the Consent Agenda.
 - a. Doreen Begley, MS, RN, Board President
Tish Smyer, DNSc, RN, Board Member
Debra Scott, MSN, RN, FRE, Executive Director:
Citizens' Advocacy Center (CAC) Annual Conference, Washington, DC
3. Progress report on FY 10/11 goals and objectives: D. Begley led the Board members in a discussion about the progress the Board has made in meeting its FY 10/11 Goals and Objectives.
4. Review statistics and trends: C. Sansom presented information and responded to Board member questions related to statistics and trends regarding scope of practice inquiries and fingerprinting on renewal.
5. Discussion and action regarding upcoming Legislative session: D. Scott and F. Olmstead reviewed some of the legislation that has already been introduced pending the beginning of the 2011 Legislative Session beginning on February 7, 2011. Bills discussed were AB21, AB98, AB51, SB37, and SB56. The Safe Injection Practices BDR was reviewed and comments will be forwarded to the bill's sponsoring organization.

B. LICENSURE PROGRAMS

1. Review, discussion and action regarding the enhanced CGFNS Professional Report: R. Colosimo requested that the Board continue to require the course-by-course report because more information is provided. D. Begley asked what the difference in price is for both reports and R. Colosimo provided that the course-by-course report is \$50.00 more. It was moved and seconded that the CGFNS course-by-course report continue to be required. MOTION CARRIED.

ACTION

C. CERTIFICATION PROGRAMS

1. Review, discussion, and action regarding appointment to the CNA Advisory Committee: It was moved and seconded the Board appoint Marie Fish-DeWitt, RN49694 to the CNA Advisory Committee. MOTION CARRIED.
2. Review discussion and action regarding the application for a nursing assistant training program by Royal Allied Health Institute: R. Colosimo reported Mr. Nzio's progress toward completing an application for a Nursing Assistant Training Program; however, at this time, Royal Allied Health Institute does not have an academic administrator or a facility therefore, she does not recommend approval of the program. Mr. Nzio requested that the Board approve his program with contingencies because the same requirements would need to be met for CPE and the Board. The program will go for approval to the CPE commission on February 2, 2011. It was moved and seconded that the application be denied at this time. MOTION CARRIED.
3. Review, discussion and action on the ratification of the 2-year board staff survey for full approval of Great Basin nursing assistant training program: Approved under the Consent Agenda
4. Review, discussion and action regarding the application for a nursing assistant training program by Battle Mountain High School in Lander County: R. Colosimo presented this agenda item. S. Halley verbalized her pleasure in board staff's expeditious handling of this application. It was moved and seconded the Board approve the Battle Mountain High School application for a nursing assistant training program. MOTION CARRIED.

ACTION

ACTION

ACTION

D. DISCIPLINE PROGRAMS

1. Applications (initial and renewal in question)

- a. Andraus, Tania, CNA018687: Applicant was not present. It was moved and seconded the Board deny the renewal application for certification for violation of NRS 632.320 (1)(b) criminal conviction, and order the denial become part of the applicant’s permanent record and be published and reported to all appropriate agencies as recommended by the Executive Committee. Accepted under the Consent Agenda.
- b. Wieland, Crystal, CNA applicant: Applicant was not present. It was moved and seconded the Board accept the application for certification as recommended by the Executive Committee. Accepted under the Consent Agenda.
- c. Aviles, Robin, RN applicant: Applicant was present with counsel. It was moved and seconded the Board accept the application for licensure. MOTION CARRIED.
- d. Bledsoe, Lavena, CNA018489: Applicant was present. It was moved and seconded the Board deny the renewal application for certification for violation of NRS 632.320 (1)(g) unprofessional conduct, and NAC 632.890 (26) violation of state/federal nursing law/regulation, and order the denial become part of the applicant’s permanent record and be published and reported to all appropriate agencies. MOTION CARRIED.
- e. Coyle, Rachel, CNA013865: Applicant was not present. It was moved and seconded the Board order the applicant be evaluated by the Disability Advisory Committee and be ordered to follow all recommendations for violation of NRS 632.320 (1)(a) fraudulent application, and (1)(b) criminal conviction as recommended by the Executive Committee. Accepted under the Consent Agenda.
- f. Crawford, Misty, CNA013538: Applicant was not present. It was moved and seconded the Board deny the renewal application for certification for violation of NRS 632.320 (1)(g) unprofessional conduct, and NAC 632.890 (26) violation of state/federal nursing law/regulation, and order the denial become part of the applicant’s permanent record and be published and reported to all appropriate agencies as recommended by the Executive Committee. Accepted under the Consent Agenda.
- g. Devine, Paul, CNA009990: Applicant was not present. It was moved and seconded the Board deny the renewal application for certification for violation of NRS 632.320 (1)(g) unprofessional conduct, and NAC 632.890 (26) violation of state/federal nursing law/regulation, and order the denial become part of the applicant’s permanent record and be published and reported to all appropriate agencies as recommended by the Executive Committee. Accepted under the Consent Agenda.
- h. Wallace, Stephanie, CNA018196: Applicant was not present. It was moved and seconded the Board deny the renewal application for certification for violation of NRS 632.320 (1)(g) unprofessional conduct, and NAC 632.890 (26) violation of state/federal nursing law/regulation, and order the denial become part of the applicant’s permanent record and be published and reported to all appropriate agencies as recommended by the Executive Committee. Accepted under the Consent Agenda.
- i. Hartman, Marian, CNA019460: Applicant was not present. It was moved and seconded the Board accept the renewal application for certification as recommended by the Executive Committee. Accepted under the Consent Agenda.
- j. Washington, Tonya, CNA015913: Applicant was not present. It was moved and seconded the Board deny the renewal application for certification for violation of NRS 632.320 (1)(g) unprofessional conduct, and NAC 632.890 (26) violation of state/federal nursing law/regulation, and order the denial become part of the applicant’s permanent record and be

ACTION

ACTION

published and reported to all appropriate agencies as recommended by the Executive Committee. Accepted under the Consent Agenda.

- k. Knox-Wilborne, Venita, CNA015793: Applicant was not present. It was moved and seconded the Board deny the renewal application for certification for violation of NRS 632.320 (1)(g) unprofessional conduct, and NAC 632.890 (26) violation of state/federal nursing law/regulation, and order the denial become part of the applicant's permanent record and be published and reported to all appropriate agencies as recommended by the Executive Committee. Accepted under the Consent Agenda.
- l. Kulcsar, Maritza, RN applicant: Applicant was present. It was moved and seconded the Board deny the application for licensure for violation of NRS 632.320 (1)(m) deceive, defraud or endanger a patient or the general public, or order the denial become part of the applicant's permanent record and be published and reported to all appropriate agencies. MOTION CARRIED.

ACTION

- m. Kyles, Leota, LPN applicant: Applicant was not present. It was moved and seconded the Board deny the application for licensure for violation of NRS 632.320 (1)(l) action in another state, and order the denial become part of the applicant's permanent record and be published and reported to all appropriate agencies as recommended by the Executive Committee. Accepted under the Consent Agenda.
- n. Lawler, Brett, CNA applicant: Applicant was not present. It was moved and seconded the Board accept the application for certification and order that he submit documentation of completion of all court ordered requirements within 6 months or the application will be automatically denied without further proceedings as recommended by the Executive Committee. A denial would become part of the applicant's permanent record and be published and reported to all appropriate agencies. Accepted under the Consent Agenda.
- o. McDonald, Michele, CNA applicant: Applicant was not present. It was moved and seconded the Board accept the application for certification as recommended by the Executive Committee. Accepted under the Consent Agenda.
- p. Moulders, Andrea, CNA applicant: Applicant was not present. It was moved and seconded the Board deny the application for certification for violation of NRS 632.320 (1)(m) deceive, defraud or endanger a patient or the general public, and order the denial become part of the applicant's permanent record and be published and reported to all appropriate agencies as recommended by the Executive Committee. Accepted under the Consent Agenda.
- q. Nigussie, Mequanent, CNA applicant: Applicant was present. It was moved and seconded the Board deny the application for certification for violation of NRS 632.320 (1)(b) criminal conviction, and order the denial become part of the applicant's permanent record and be published and reported to all appropriate agencies. MOTION CARRIED.

ACTION

- r. Parks, Andrea, CNA018164: Applicant was not present. It was moved and seconded the Board deny the renewal application for certification for violation of NRS 632.320 (1)(b) criminal conviction, and (1)(g) unprofessional conduct, and NAC 632.890 (26) violation of state/federal nursing law/regulation, and order the denial become part of the applicant's permanent record and be published and reported to all appropriate agencies as recommended by the Executive Committee. Accepted under the Consent Agenda.
- s. Powe, Edward, CNA applicant: Applicant was not present. It was moved and seconded the Board accept the application for certification as recommended by the Executive Committee. Accepted under the Consent Agenda.
- t. Starks, Sheila, CNA applicant: Applicant was not present. It was moved and seconded the Board deny the application for certification for violation of NRS 632.320 (1)(b) criminal conviction, and order the denial become part of the applicant's permanent record and be

published and reported to all appropriate agencies as recommended by the Executive Committee. Accepted under the Consent Agenda.

- u. Stevens, Charlene, CNA015972: Applicant was not present. It was moved and seconded the Board deny the renewal application for certification for violation of NRS 632.320 (1)(g) unprofessional conduct, and NAC 632.890 (26) violation of state/federal nursing law/regulation, and order the denial become part of the applicant's permanent record and be published and reported to all appropriate agencies as recommended by the Executive Committee. Accepted under the Consent Agenda.
- v. Pistilli, Alicia, CNA applicant: Applicant was not present. It was moved and seconded the Board accept the application for certification and the Agreement for Monitoring for violation of NRS 632.320 (1)(b) criminal conviction. MOTION CARRIED.
- w. Valdez, Debra, LPN applicant: Applicant was not present. It was moved and seconded the Board deny the application for licensure for violation of NRS 632.320 (1)(a) fraudulent application, and order the denial become part of the applicant's permanent record and be published and reported to all appropriate agencies as recommended by the Executive Committee. Accepted under the Consent Agenda.
- x. Vivar, Mark, CNA018256: Applicant was not present. It was moved and seconded the Board deny the renewal application for certification for violation of NRS 632.320 (1)(g) unprofessional conduct, and NAC 632.890 (26) violation of state/federal nursing law/regulation, and order the denial become part of the applicant's permanent record and be published and reported to all appropriate agencies as recommended by the Executive Committee. Accepted under the Consent Agenda.
- y. Llinguin, Mabel, CNA019355: Applicant was present. It was moved and seconded the Board accept the renewal application for certification. MOTION CARRIED.
- z. Potter, Shannon, CNA applicant: Applicant was present. It was moved and seconded the Board accept the application for certification. MOTION CARRIED

ACTION

ACTION

ACTION

2. Settlement agreements:

- a. Amaya, Valerie, CNA025017: Agreement for Reprimand for violation of NRS 632.320 (1)(g) unprofessional conduct, and NAC 632.890 (22) patient abandonment. Accepted under the Consent Agenda.
- b. Carino, Lynne, RN28122: Agreement for Reprimand and Fine of \$500 for violation of NRS 632.320 (1)(n) failing to comply with Board order. Accepted under the Consent Agenda.
- c. McCarthy, L. Niki, RN40043, APN000716: Agreement for Reprimand, Fine of \$200, and classes for violation of NRS 632.320 (1)(g) unprofessional conduct, and NAC 632.890 (26) violation of state/federal nursing law/regulation. Accepted under the Consent Agenda.
- d. Cleer, Elaine, RN33142: Voluntary Surrender of License in Lieu of Other Disciplinary Action for violation of NRS 632.320 (1)(e) controlled substances and/or alcohol, (1)(n) failing to comply with Board order, and NAC 632.890 (18) diversion of equipment or drugs, and (35) failing to comply. Accepted under the Consent Agenda.
- e. MacKenzie, Jayne, RN57322 Agreement for Monitoring for violation of NRS 632.320 (1)(e) controlled substances and/or alcohol, (1)(g) unprofessional conduct, and NAC 632.890 (9) impaired practice, and (27) customary standards. Accepted under the Consent Agenda.
- f. Reese, Karen, LPN08897: Agreement for Fine on renewal of \$200 for violation of NRS 632.320 (1)(a) fraudulent application and (1)(b) criminal conviction. Accepted under the Consent Agenda.
- g. Nava, Jorge Patrick, RN52155: Contract for Temporary Voluntary Surrender of License for violation of NRS 632.320 (1)(e) controlled substances and/or alcohol, (1)(g) unprofessional

conduct, and NAC 632.890 (18) diversion of equipment or drugs, and (27) customary standards of practice. Accepted under the Consent Agenda.

- h. Anderson, Sandra, LPN04536: Agreement for Fine of \$200 for violation of NRS 632.3290 (1)(a) fraudulent application and (1)(b) criminal conviction. Accepted under the Consent Agenda.
 - i. Morris, Linda, RN10774: Agreement for Reprimand for violation of NRS 632.320 (1)(g) unprofessional conduct, (1)(k) falsified information to obtain controlled substances, and NAC 632.890 (2) practicing beyond scope. Accepted under the Consent Agenda.
 - j. Downing, Joseph, RN43544: Voluntary Surrender of License in Lieu of Other Disciplinary Action for violation of NRS 632.320 (1)(e) controlled substances and/or alcohol, (1)(g) unprofessional conduct, and (1)(n) failing to comply with Board order, and NAC 632.890 (27) customary standards of practice, and (35) failing to comply. Accepted under the Consent Agenda.
2. Successful completion of probation/monitoring
 - a. Bayless, Sherman, LPN08194: Termination of probation. Accepted under the Consent Agenda.
 - b. Stone, Michael, RN64050: Termination of probation. Accepted under the Consent Agenda.
 - c. Maanao, Peter RN55114: Termination of probation. Accepted under the Consent Agenda.
 3. Reinstatement of licensure/certification – No business.
 5. Formal administrative hearings

ACTION

- a. Grayson, Corrie, CNA002349: Respondent was present. It was moved and seconded to grant a continuance of this matter until the next regularly scheduled Board meeting in Las Vegas currently scheduled for May 2011. MOTION CARRIED.

ACTION

- b. Andrews, Sonia, CNA023299: Respondent was not present. It was moved and seconded to grant a continuance of this matter until the next regularly scheduled Board meeting in Las Vegas currently scheduled for May 2011. MOTION CARRIED.

ACTION

- c. Arana, William, RN36972: Respondent was not present. It was moved and seconded to grant a continuance of this matter until the next regularly scheduled Board meeting in Las Vegas currently scheduled for May 2011. MOTION CARRIED.

ACTION

- d. Avila, Fiona, RN46954: Respondent was not present. It was moved and seconded the Board accept the Agreement for Reprimand, Fine of \$200 and classes for violation of NRS 632.320 (1)(g) unprofessional conduct, and NAC 632.890 (26) violation of state/federal nursing law/regulation. MOTION CARRIED.

ACTION

- e. Bailey, Benjamin, RN37249: Respondent was present. It was moved and seconded the Board find the respondent guilty of violating NRS 632.320 (1)(g) unprofessional conduct, and NAC 632.890 (26) violation of state/federal nursing law/regulation. It was moved and seconded the respondent be reprimanded, be fined \$200, and that he take and successfully complete a Board approved 30 CE legal ethics in nursing course, and the Nevada Nurse Practice Act course within thirty days or the license is automatically suspended without further proceedings until requirements are completed. It was moved and seconded the Board order the disciplinary action become part of the Respondent's permanent record and be published and reported to all appropriate agencies. MOTION CARRIED.

- f. Barlow, Maurice, CNA022949: Respondent was present. It was moved and seconded the Board accept the stipulation of facts as stated on the record for violation of NRS 632.320 (1)(m) deceive, defraud or endanger a patient or the general public. It was moved and seconded the Board revoke the respondent's certificate. Respondent may not apply for

reinstatement for two (2) years. It was moved and seconded the Board order the disciplinary action become part of the respondent's permanent record and be published and reported to all appropriate agencies. MOTION CARRIED.

ACTION

g. Cunningham, April, CNA023070: Respondent was present. It was moved and seconded the Board accept the stipulation of facts as stated on the record for violation of NRS 632.320 (1)(m) deceive, defraud or endanger a patient or the general public. It was moved and seconded the Board revoke the respondent's certificate. Respondent may not apply for reinstatement for five (5) years. It was moved and seconded the Board order the disciplinary action become part of the respondent's permanent record and be published and reported to all appropriate agencies. MOTION CARRIED.

ACTION

h. Deisher, Linda, RN49283: Respondent was not present. Pursuant to NAC 632.923, it was moved and seconded the Board find the allegations of the complaint to be true and find the respondent guilty of violating NRS 632.320 (1)(n) failing to comply with Board order. It was moved and seconded the Board revoke the respondent's license. Respondent may not apply for reinstatement for one (1) year and must complete the Nevada Nurse Practice Act course prior to application. It was moved and seconded the Board order the disciplinary action become part of the respondent's permanent record and be published and reported to all appropriate agencies. It was moved and seconded the Board charge the respondent with the actual attorney fees and costs of the hearing, which are due and payable within one hundred twenty (120) days from issuance of the actual costs. MOTION CARRIED.

ACTION

i. Gardner, Shannon, RN49722: Respondent was not present. It was moved and seconded the Board accept the Agreement for Probation for violation of NRS 632.320 (1)(g) unprofessional conduct, and NAC 632.890 (18) diversion of equipment or drugs. MOTION CARRIED.

ACTION

j. Gelles, Cheryl, RN43290: Respondent was present with counsel. It was moved and seconded the Board accept the Agreement for Probation for violation of NRS 632.320 (1)(g) unprofessional conduct, and NAC 632.890 (36) failing to comply with Board order. MOTION CARRIED.

ACTION

k. Gosnell, Katherine, RN65555: Respondent was represented by counsel. It was moved and seconded to grant a continuance of this matter until the next regularly scheduled Board meeting in Las Vegas currently scheduled for May 2011. MOTION CARRIED.

ACTION

l. Hartert, Jacqueline, RN23547: Respondent was not present. It was moved and seconded to grant a continuance of this matter until the next regularly scheduled Board meeting in Las Vegas currently scheduled for May 2011. MOTION CARRIED.

m. Henricksen, Betty, RN24165: Respondent was not present. Pursuant to NAC 632.923, it was moved and seconded the Board find the allegations of the complaint to be true and find the respondent guilty of violating NRS 632.320 (1)(g) unprofessional conduct, and NAC 632.890 (36) failing to comply with Board order. It was moved and seconded the Board revoke the respondent's license. Respondent may not apply for reinstatement for three (3) years. It was moved and seconded the Board order the disciplinary action become part of the respondent's permanent record and be published and reported to all appropriate agencies. MOTION CARRIED.

ACTION

n. Kwak, Chanyeong, RN52623: Respondent was not present. Pursuant to NAC 632.923, it was moved and seconded the Board find the allegations of the complaint to be true and find the respondent guilty of violating NRS 632.320 (1)(n) failing to comply with Board order. It was moved and seconded the Board revoke the respondent's license. Respondent may not apply for reinstatement for one (1) year. It was moved and seconded the Board order the

ACTION

disciplinary action become part of the respondent's permanent record and be published and reported to all appropriate agencies. MOTION CARRIED. T. Smyer recused herself.

- o. Liebrader, Dianne, RN35852: Respondent was represented by counsel. It was moved and seconded to grant a continuance of this matter until the next regularly scheduled Board meeting in Las Vegas currently scheduled for May 2011. MOTION CARRIED.

ACTION

- p. Marble, April, LPN13484: Respondent was not present. Pursuant to NAC 632.923, it was moved and seconded the Board find the allegations of the complaint to be true and find the respondent guilty of violating NRS 632.320 (1)(g) unprofessional conduct, and NAC 632.890 (18) diversion of equipment or drugs, and (27) customary standards of practice. It was moved and seconded the Board revoke the respondent's license. Respondent may not apply for reinstatement for five (5) years. It was moved and seconded the Board order the disciplinary action become part of the respondent's permanent record and be published and reported to all appropriate agencies. It was moved and seconded the Board charge the respondent with the actual attorney fees and costs of the hearing, which are due and payable within one hundred twenty (120) days from issuance of the actual costs. MOTION CARRIED.

ACTION

- q. Martinez, Sherlynn, LPN12899: Respondent was present. It was moved and seconded the Board find the respondent guilty of violating NRS 632.320 (1)(n) failing to comply with a Board order. It was moved and seconded respondent be reprimanded, and that she successfully complete a Board approved 30 CE legal ethics in nursing course, and pay the previously ordered fine in full within thirty days or the license is automatically suspended without further proceedings until requirements are completed. It was moved and seconded the Board order the disciplinary action become part of the Respondent's permanent record and be published and reported to all appropriate agencies. MOTION CARRIED.

ACTION

- r. Mendoza, Christina, LPN14282: Respondent was present. It was moved and seconded to grant a continuance of this matter until the next regularly scheduled Board meeting in Las Vegas currently scheduled for May 2011. MOTION CARRIED.

ACTION

- s. Miller, Cynthia, LPN08794: Respondent was not present. Pursuant to NAC 632.923, it was moved and seconded the Board find the allegations of the complaint to be true and find the respondent guilty of violating NRS 632.320 (1)(a) fraudulent application. It was moved and seconded the Board deny the renewal application for licensure, and order the disciplinary action become part of the respondent's permanent record and be published and reported to all appropriate agencies. MOTION CARRIED.

ACTION

- t. Neives, Melissa, RN64434: Respondent was not present. Pursuant to NAC 632.923, it was moved and seconded the Board find the allegations of the complaint to be true and find the respondent guilty of violating NRS 632.320 (1)(g) unprofessional conduct, and NAC 632.890 (36) failing to comply. It was moved and seconded the Board revoke the respondent's license. Respondent may not apply for reinstatement for two (2) years. It was moved and seconded the Board order the disciplinary action become part of the respondent's permanent record and be published and reported to all appropriate agencies. It was moved and seconded the Board charge the respondent with the actual attorney fees and costs of the hearing, which are due and payable within one hundred twenty (120) days from issuance of the actual costs. MOTION CARRIED.

ACTION

- u. Priest, Mitchell, CNA025505: Respondent was not present. Pursuant to NAC 632.923, it was moved and seconded the Board find the allegations of the complaint to be true and find the respondent guilty of violating NRS 632.320 (1)(g) unprofessional conduct, and NAC 632.890 (22) patient abandonment. It was moved and seconded respondent be reprimanded, and that he successfully complete Board approved courses on legal ethics in nursing and the Nevada

Nurse Practice Act within thirty days or the certificate is automatically suspended without further proceedings until requirements are completed. It was moved and seconded the Board order the disciplinary action become part of the Respondent's permanent record and be published and reported to all appropriate agencies. It was moved and seconded the Board charge the respondent with the actual attorney fees and costs of the hearing, which are due and payable within one hundred twenty (120) days from issuance of the actual costs.

ACTION

MOTION CARRIED.

- v. Rolling, Edith, RN11037: Respondent was not present. Pursuant to NAC 632.923, it was moved and seconded the Board find the allegations of the complaint to be true and find the respondent guilty of violating NRS 632.320 (1)(g) unprofessional conduct, and NAC 632.890 (26) violation of state/federal nursing law/regulation. It was moved and seconded the respondent be reprimanded, be fined \$200, and that she take and successfully complete a Board approved 30 CE legal ethics in nursing course, the Nevada Nurse Practice Act course, and a 4 CE bioterrorism course within thirty days or the license is automatically suspended without further proceedings until requirements are completed. It was moved and seconded the Board order the disciplinary action become part of the Respondent's permanent record and be published and reported to all appropriate agencies. It was moved and seconded the Board charge the respondent with the actual attorney fees and costs of the hearing, which are due and payable within one hundred twenty (120) days from issuance of the actual costs.

ACTION

MOTION CARRIED.

- w. Ryan, Scott, RN54772: Respondent was not present. It was moved and seconded the Board accept the Voluntary Surrender of License in Lieu of Other Disciplinary Action for violation of NRS 632.320 (1)(e) controlled substances and/or alcohol, (1)(g) unprofessional conduct, and (1)(n) failing to comply with Board order, and NAC 632.890 (36) failing to comply.

ACTION

MOTION CARRIED.

- x. Starkey, Nancy, LPN13492: Respondent was not present. Pursuant to NAC 632.923, it was moved and seconded the Board find the allegations of the complaint to be true and find the respondent guilty of violating NRS 632.320 (1)(g) unprofessional conduct, and NAC 632.890 (11) positive drug screen as condition of employment. It was moved and seconded the Board revoke the respondent's license. Respondent may not apply for reinstatement for two (2) years. It was moved and seconded the Board order the disciplinary action become part of the respondent's permanent record and be published and reported to all appropriate agencies.

ACTION

MOTION CARRIED.

- y. Thomas, David, RN45676: Respondent was not present. Pursuant to NAC 632.923, it was moved and seconded the Board find the allegations of the complaint to be true and find the respondent guilty of violating NRS 632.320 (1)(g) unprofessional conduct, and NAC 632.890 (26) violation of state/federal nursing law/regulation. It was moved and seconded the respondent be reprimanded, be fined \$200, and that he take and successfully complete a Board approved 30 CE legal ethics in nursing course, the Nevada Nurse Practice Act course, and a 4 CE bioterrorism course within thirty days or the license is automatically suspended without further proceedings until requirements are completed. It was moved and seconded the Board order the disciplinary action become part of the Respondent's permanent record and be published and reported to all appropriate agencies. It was moved and seconded the Board charge the respondent with the actual attorney fees and costs of the hearing, which are due and payable within one hundred twenty (120) days from issuance of the actual costs.

ACTION

MOTION CARRIED.

- z. Tiongco, Celia, RN15875: Respondent was present. It was moved and seconded the Board accept the stipulation of facts as stated on the record and find the respondent guilty of

violating NRS 632.320 (1)(b) criminal conviction. It was moved and seconded the Board close the complaint. MOTION CARRIED.

ACTION

- aa. Waters, Maria, CNA004003: Respondent was not present. Pursuant to NAC 632.923, it was moved and seconded the Board find the allegations of the complaint to be true and find the respondent guilty of violating NRS 632.320 (1)(g) unprofessional conduct, and NAC 632.890 (35) misappropriating the property of a patient. It was moved and seconded the Board revoke the respondent's certificate. Respondent may not apply for reinstatement for five (5) years. It was moved and seconded the Board order the disciplinary action become part of the respondent's permanent record and be published and reported to all appropriate agencies.

ACTION

MOTION CARRIED.

- bb. Williams, Lynette Joann, RN27316: Respondent was present. It was moved and seconded the Board find the respondent guilty of violating NRS 632.320 (1)(g) unprofessional conduct, and NAC 632.890 (36) failing to comply. It was moved and seconded the respondent's current probation be extended an additional two years. In addition, if there are any further violations the license will be automatically revoked without further proceedings and respondent would not be allowed to apply for reinstatement for three (3) years. MOTION CARRIED. R. Carruthers recused himself.

ACTION

- cc. Powell, Mackida, LPN11149: Respondent was present. It was moved and seconded the Board accept the Stipulation of Facts and Liability, and find the Respondent guilty of violating NRS 632.320 (1)(b) criminal conviction. It was moved and seconded the Board order the respondent be evaluated by the Disability Advisory Committee and that she follow all recommendations. MOTION CARRIED.

ACTION

- 6. Board-directed investigations – No business.
- 7. Ratification of staff denials – NRS 632.320 (1) fraudulent application – No business.
- 8. Ratification of staff denials – NRS 632.320 (2) convictions
 - a. Bowman, Samuel, RN applicant: Applicant was present with counsel to appeal the staff denial. It was moved and seconded the Board overturn the staff denial, accept the application for licensure and issue an Order for Probation for 5 years with all chemical dependency stipulations for violation of NRS 632.320 (1)(b) criminal conviction. The Board further ordered that he successfully complete Board approved courses on legal ethics in nursing, and the Nevada Nurse Practice Act within 30 days or the license will be automatically suspended without further proceedings. It was moved and seconded the Board order the disciplinary action become part of the applicant's permanent record and be published and reported to all appropriate agencies. MOTION CARRIED.

ACTION

- b. Kaahanui, James, CNA applicant: Applicant was present to appeal the staff denial. It was moved and seconded the Board ratify the staff denial of the application for certification for violation of NRS 632.320 (1)(b) criminal convictions, and order the denial become part of the applicant's permanent record and be published and reported to all appropriate agencies. MOTION CARRIED.

ACTION

- c. Lopez, Samantha, CNA applicant: Applicant was not present. It was moved and seconded the Board ratify the staff denial of the application for certification for violation of NRS 632.320 (1)(b) criminal conviction, and order the denial become part of the applicant's permanent record and be published and reported to all appropriate agencies as recommended by the Executive Committee. Accepted under the Consent Agenda.
- d. Peters, Kathleen, CNA applicant: Applicant was not present. It was moved and seconded the Board overturn the staff denial and accept the application for certification as recommended by the Executive Committee. Accepted under the Consent Agenda.

- e. Alvarez, Tiffanie, CNA applicant: Applicant was not present. It was moved and seconded the Board ratify the staff denial of the application for certification for violation of NRS 632.320 (1)(b) criminal conviction, and order the denial become part of the applicant's permanent record and be published and reported to all appropriate agencies as recommended by the Executive Committee. Accepted under the Consent Agenda.
- f. Watson, Donald, CNA applicant: Applicant was not present. It was moved and seconded the Board ratify the staff denial of the application for certification for violation of NRS 632.320 (1)(b) criminal conviction, and order the denial become part of the applicant's permanent record and be published and reported to all appropriate agencies as recommended by the Executive Committee. Accepted under the Consent Agenda.
- g. Griggs, Dennis, RN, CRNA applicant: Applicant was present to appeal the staff denial. It was moved and seconded the Board ratify the staff denial of the applications for licensure and certification for violation of NRS 632.320 (1)(a) fraudulent application, (1)(b) criminal conviction, and (1)(l) action in another state, and order the denial become part of the applicant's permanent record and be published and reported to all appropriate agencies. In addition, should the applicant reapply for licensure and certification within the next 30 days, and the application has no material changes, Board staff may accept the applications for further processing. MOTION CARRIED.
- h. Lee, Vanessa, CNA applicant: Applicant was not present. It was moved and seconded the Board overturn the staff denial and accept the application for certification as recommended by the Executive Committee. Accepted under the Consent Agenda.

ACTION

9. Special Action

- a. Peters, Roseanne, RN29230: Respondent was present. It was moved and seconded the Board grant the request for reconsideration. It was moved and seconded the Board rescind the previous disciplinary action and order the cost of the previous hearing be paid in full. MOTION CARRIED.
- b. Schoeck, Kristina, RN applicant: Respondent was present with counsel. It was moved and seconded the Board deny the request for reconsideration. MOTION CARRIED.
- c. Review, discussion, and action regarding appointment to the Disability Advisory Committee: It was moved and seconded the Board appoint Toril Strand, RN13242 as a member to the Disability Advisory Committee. MOTION CARRIED.
- d. Review, discussion, and direction regarding NSBN website verification for nurses on monitoring status: The Board directed staff to submit a draft policy for review, discussion and action regarding verification for nurses on monitoring status at the March 2011 Board meeting. MOTION CARRIED.

ACTION

ACTION

ACTION

ACTION

E. EDUCATION

- 1. Review, discussion and action regarding Carrington College, Las Vegas (formally Apollo) progress towards full approval as a Nevada nursing school: R. Colosimo provided that G-4 NCLEX pass rates are not available until January 17, 2011. In assessing the currently available NCLEX information, Carrington College's first time pass rate excluding out of state graduates would be 79.45 % for 2010. R. Colosimo continued that the consulting report requested by the Board was available for review. She noted that the report validated concerns that Carrington College is in violation of NAC 632.640 (c) be organized with clearly defined lines of authority, areas of responsibility and channels of communication. (d) Allow members of the faculty to participate in the determination of academic policies and procedures and the development and evaluation of curriculum. Also, NAC 632.675 Faculty. A program of nursing must have a competent and stable faculty. Findings of the Oasis consulting report, item numbers 5 and 6,

validate these violations. Finding number 5 states that faculty turnover is high. Finding number 6 provides perceptions of the lack of shared governance and corporate support are a source of faculty dissatisfaction and an obstacle to accreditation. (Carrington College Management & Organizational Study executive report prepared by Oasis Consulting Services January 10, 2011). Ms. Ouellet, Carrington's program director, stated that Dr. Bloom informed her that the corporation has committed to providing her with three to four months of intensive mentoring and on sight help. Ms. Ouellet stated she felt the faculty turnover had stabilized, however, when asked when the last faculty member left, she replied December of 2010. D. Begley requested that the Carrington staff present the findings of the consulting report. Ms. Ouellet started to discuss the improvements made during her tenure. K. Espinosa requested Dr. Hine also respond. Dr. Hine presented that Finding number 2 which indicates that no systematic search for a director was done was true, but felt that Dr. Turner's qualifications were excellent. D. Begley had some concern about wording in the report which misrepresented the opinion of the Board. She stated that the Board had expressed concern about Ms. Ouellet's lack of administrative experience for this difficult position. Dr. Hine agreed to have the report revised to reflect the true stance of the Board. Dr. Hine approved Dr. Dianne McGinnis' request to give testimony as a faculty member of Carrington College. Dr. McGinnis stated the faculty viewed the change from Dr. Turner to Ms. Ouellet as seamless in consistency. Dr. T. Smyer stated that usually with administrative turnover there is change in performance. T. Smyer also expressed her concern that considering the history of the program there is no predictability. It was moved and seconded the Board suspend student admissions at this time and that Carrington College shall provide specific responses to the findings and recommendations in the consultant report at the March 2011 Board meeting. MOTION CARRIED.

ACTION

2. Review and discussion regarding 2010 G-4 NCLEX first time pass rates and trends: R Colosimo informed the Board that the official 2010 G-4 NCSBN statistics on NCLEX first time pass rates would not be available until January 17, 2011. She explained that four schools had the possibility of being below 80% for the calendar year and she informed them of the omitted out of state student numbers and probable scores. Touro University, University of Southern Nevada and National University all agreed that they would most likely have a first time NCLEX pass rate below 80% for 2010. Carrington at 79.45 %, has the potential of being affected positively by a few out of state students passing. The Board was supplied bar graphs and comparison information showing the national average for first time NCLEX pass rates is 90%. The Board expressed concern that projected pass rates for four schools was below requirements of Nevada regulations.
3. Review, discussion and action regarding the 18-month survey of the Kaplan Nursing Program: (Kaplan LPN program formerly Heritage College) (Follow-up on scheduled construction and NLNAC site visit date): R. Colosimo reported to the Board that the faculty has appropriate workspace and the required equipment had arrived for the skills lab. A two day in-service on utilization of the simulation equipment by Laerdal Company is scheduled. R. Colosimo noted that the improvement of the student lounge area was not completed. Mr. Dillman, campus president, stated zoning issues had delayed the completion of the student areas. The Board requested that Mr. Dillman notify the Board when the student lounge is complete for validation by Board staff. It was moved and seconded the Board accept the 18-month provisional survey as Kaplan College was now in substantial compliance with NAC 632.645. MOTION CARRIED.

ACTION

4. Review, discussion and action on revision to policy for English proficiency: R.Colosimo stated that the policy was revised to permit the internet based Test of English as a Foreign Language

exam and to make it clear that international students must pass the English proficiency exam before taking the NCLEX. It was moved and seconded the Board accept the revised English proficiency policy as written. MOTION CARRIED

ACTION

5. Review, discussion and action regarding the Nevada Career Institute application for licensed practical nursing program: Mr. Almouazzen, Ms. Leming and Ms. McFerren presented the Nevada Career Institute (NCI) application for a licensed practical nurse program. R. Colosimo verified that documentation of Accrediting Bureau of Health Education Schools accreditation, notarized accounting statement and curriculum changes had all been made. K. Espinosa questioned where the students would be employed as in the northern part of state there are no LPN programs. R. Carruthers stated that LPNs are able to work in outpatient clinics, skilled nursing facilities and long-term care. R. Colosimo reported that NCI has clearly informed its students upon admission that credits from NCI are not transferrable to other institutions. It was moved and seconded the Board award candidacy for provisional approval to Nevada Career Institute for an LPN program in Nevada. MOTION CARRIED.

ACTION

6. Removed from agenda.
7. Review, discussion and action regarding the Mohave College nursing assistant training program application to have nursing assistant clinicals in Mesquite, Nevada: Ms. Riesendorph the director of the community college was present to answer questions. D. Begley verbalized appreciation for students in this rural area having the ability to pursue nursing assistant training through collaboration to provide accessible clinical sites. It was moved and seconded the Board allow Mohave College's NATP clinicals to be held in Mesquite, Nevada. MOTION CARRIED.

ACTION

8. Review, discussion and action regarding Touro University's failure to maintain an 80% first time NCLEX pass rate for 2009 and 2010: R. Colosimo cited NAC 632.630, the conditional approval regulation, explaining that Touro University's first time NCLEX pass rate fell below 80% in 2009 and 2010. Based on regulatory requirements, Touro University nursing program must be assigned conditional approval status. D. Begley expressed concern at the downward trend of the NCLEX scores. D. Scott inquired about a statement in Touro's plan of correction which indicates that Touro may not have been adhering to their Board approved admission policy and requested that Dr. Fillmore respond with specifics regarding this issue. T. Smyer stated she was concerned about the students being unable to pass NCLEX, even on their second and third tries. It was moved and seconded the Board require Touro University return to the May 2011 Board meeting with a specific plan of action with measurable objectives in response to the consultant report. In addition, the Board suspended Touro University nursing program's admissions until reinstated by the Board. MOTION CARRIED.

ACTION

9. Review, discussion and action regarding National University's failure to maintain an 80% first time NCLEX pass rate for 2010: Dr. Carver, program director, distributed a handout which presented NCLEX scores by cohort in an attempt to clarify the program's low scores. Dr. Smyer stated that the number of students from cohorts looked better, but some had not tested. D. Begley and K. Espinosa agreed that the scores at 40% were of grave concern and National University should be followed closely. It was moved and seconded the Board require that National University submit a specific plan of action with measurable behavioral objectives to the Board at its March, 2011 meeting. MOTION CARRIED

ACTION

10. Review, discussion and action regarding the audit policy for continuing education providers: R. Colosimo presented a policy which requires Board staff begin auditing continuing education providers for compliance with the Nurse Practice Act. It was moved and seconded the Board accept the audit policy for continuing education providers as written. MOTION CARRIED.

ACTION

- ACTION
11. Review, discussion and action regarding the appointment to the Education Advisory Committee: It was moved and seconded the Board appoint Cheryl Pena, RN29155 to the Education Advisory Committee. MOTION CARRIED
 12. Review, discussion and action regarding the Board's current policy for the extension of provisional approval: After much discussion, the Board directed the staff to develop a revised policy in order to facilitate safe nursing education in the Board's provisionally approved schools. It was moved and seconded the Board direct staff to develop a policy to reflect patient safety concerns, highlighted by the low first time NCLEX pass rates at several of the Board's provisionally approved nursing schools. MOTION CARRIED.
- ACTION

F. NURSING PRACTICE

1. Applications in question regarding NRS 632.307
 - a. Jackson, Colleen, RN applicant: Applicant was not present. It was moved and seconded the Board accept the application for licensure and issue a license with limitations pursuant to NRS 632.307. Accepted under the Consent Agenda.

G. REPORTS FROM EXTERNAL STAKEHOLDERS – No business.

ADJOURNMENT

The meeting was adjourned at 4:12 p.m. on January 13, 2011.