

Nevada State Board of **NURSING**

MINUTES OF REGULAR BOARD MEETING July 15-17, 2009

The Regular Meeting of the Nevada State Board of Nursing was called to order by President Doreen Begley MS, RN, at 1:07 p.m. on July 15, 2009, at Zephyr Point Presbyterian Conference Center, Morning Star Conference Room, 660 Hwy 50, "Presbyterian Drive", Zephyr Cove, Nevada 89448

MEMBERS PRESENT

Doreen Begley, MS, RN, President
Betty Carlgren, LPN, Vice President (7/16 via telephone)
Sandra Halley, Consumer Member
Tish Smyer, DNSc, RN, Member
Kelly DeMaria, MSN, RN, Member

MEMBERS ABSENT

Betty Carlgren, LPN, Vice President (7/16 only via telephone)
Belen Gabato, MS, RN, Member
Carrie McMurray, CNA, Secretary

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
Marianne Kadlic, Executive Assistant
Roseann Colosimo, PhD, RN, Education Consultant
Patty Shutt, LPN, Site Operations Supervisor
Kathleen Reynolds, BHS, RN, Compliance Coordinator (7/15)

CALL TO ORDER – 1:07 p.m.

PUBLIC COMMENT: There was no public comment.

APPROVAL OF CONSENT AGENDA

It was moved and seconded to approve the Consent Agenda, identified as items A.1, 2, 4, & 5, C.1& 2, D.2.a-h., D.3.a-b. **MOTION CARRIED.**

ACTION

A. BOARD GOVERNANCE AND ADMINISTRATION

1. Approval of minutes of Board meeting, May 13-15, 2009: Approved under the Consent Agenda.
2. Annual approval of authorization of executive director to act as Board agent for financial transactions, keeper of records (for issuing of and responding to subpoenas) and authority to accept voluntary surrender of licenses/certificates, and as spokesperson for actions with other community groups or the media and in other routine business functions: Approved under the Consent Agenda.
3. Annual review of Board member roles and responsibilities and Board function list: D. Scott presented this agenda item which was taken off the consent agenda for discussion at the request

- ACTION of D. Begley. The members reviewed each role, responsibility, and function identified on the lists and approved them as written. MOTION CARRIED.
4. Review and discussion of the Board of Nursing Mission Statement: Approved under the Consent Agenda.
 5. Annual approval of Board policy and procedure manuals: Approved under the Consent Agenda.
 - a. General Policies and Procedures
 - b. Employee Handbook
 - c. Disability Advisory Committee Manual
 - d. Board Resource Manual
 - e. Practice Decision Manual
 6. Preliminary review of the FY08/09 financial statement: D. Estes presented this agenda item to the Board which included the preliminary financial information for FY 08/09. The Board's tentative position at this time is that revenues have exceeded budget expectations and expenses are below budget expectations for the year. The statement is evidence of the Board's conservative fiscal philosophy as it relates to adherence to the budget.
 7. Annual Adoption of Non-Discrimination Policy: Approved under the Consent Agenda.
 8. Review and discussion regarding the role of the Licensed Practical Nurse: This item was removed from the agenda.
 9. Board member advanced orientation: Board staff and seasoned Board members presented information on separate topics to enhance the newer Board members' expertise in informed decision making and consideration of regulatory nursing issues. K. Reynolds provided instruction on orientation to probation/monitoring. C. Sansom provided an overview of the Board's investigative and disciplinary process. F. Olmstead provided rationale and background information about professional boundaries for the role of the Board member, including ethical standards and behavior. D. Estes reviewed issues around expense reports, flashdrives, and laptop computer use. Board members reiterated the importance of being properly oriented to the work of the Board.
 10. Final progress report on FY 08/09 Goals and Objectives: D. Scott reported on recent progress related to achievement of Board goals and objectives since the last reporting period, highlighting the objectives which have been met during FY 2008/09.
 11. Review, discussion, and action on Board's long-term goals for 2009/10: D. Scott presented the draft version of the Board's goals for next fiscal year. The members commented, questioned, and revised the draft. The goals to guide the Board's work for FY90/10 are: Goal A: Monitor, analyze, and respond to issues and trends in nursing practice. Goal B: Conduct consumer and nurse outreach. Goal C: Emphasize transparency of communication through access to effective information technology. Goal D: Promote and collaborate in nursing education and research. Goal E: Provide best practices in consumer services in practice, compliance, licensure, certification, education, and administration. Goal F: Provide leadership in legislative processes related to healthcare and nursing. Goal G: Promote and intervene to establish a culture of safety for consumers of healthcare. It was moved and seconded the Board approve the goals as revised during the meeting. MOTION CARRIED.
- ACTION
12. Review, discussion, and action regarding designation of delegates for Delegate Assembly: It was moved and seconded the Board approve D. Begley and D. Scott as delegates and C. Sansom and K. Reynolds as alternates. MOTION CARRIED.
- ACTION
13. Review, discussion, and action regarding direction for Delegate Assembly: D. Scott reviewed the items which will be proposed to the Delegate Assembly during the NCSBN annual meeting in August, 2009. The Board members had reviewed the proposals prior the meeting and voted to support passage of the proposals. MOTION CARRIED.
- ACTION

14. Legislative update and future implementation: F. Hillerby, the Board's legislative liaison, presented a summary of the 2009 Legislative Session, stating that no legislation was passed during the session which had a great impact on the NSBN. He described the upcoming legislative election races and the effect that term limits may have on those legislators who are familiar with the work of the NSBN. The Board members asked questions and thanked Mr. Hillerby for his ongoing assistance with legislative issues.
15. Review statistics and trends: C. Sansom presented information and responded to Board member questions regarding statistics and trends in scope of practice inquiries, licensure, certification, discipline and investigations, and compliance. K. Reynolds presented information and responded to Board member questions regarding statistics and trends in compliance.
16. Discussion of Board member evaluation: D. Begley, Board president, and D. Scott met with each Board member present at the meeting to review the results of the Board members' self and peer evaluation. All Board members involved reported that the exercise was beneficial to determine their effectiveness in the Board member role. Three of the Board members were not present to review the outcome of their evaluations. Those evaluations will be continued until the September 2009 Board meeting in Las Vegas.
17. Review, discussion, and action regarding the utilization of hard card licenses: D. Estes presented this agenda item, giving the history of hard card licenses in Nevada. He reviewed the information in several articles which have been published in the NSBN News magazine informing nurses and CNAs in Nevada that the Board's quest for "going green" may very well include discontinuing issuance of the licensure hard cards. After considering the rationale behind this change in procedure, it was moved and seconded the Board discontinue the issuance of hard card licenses. MOTION CARRIED. The Board then directed staff to formulate an implementation plan for phasing in this change and bring the plan back to the September Board meeting.
18. Discussion and action regarding Conflict of Interest Policy Acknowledgment: F. Olmstead made a brief presentation of the Board's policy which requires that each Board member sign an affidavit accepting the responsibility for ethical conduct and the identification of conflicts of interest. Each Board member signed the affidavit which is filed annually. MOTION CARRIED.
19. Conference and seminar report: This item was removed from the agenda to be discussed at the September Board meeting.
20. Presentation and discussion regarding Just Culture: This item was removed from the agenda for discussion at a later date.
21. Presentation and discussion regarding the Commitment on Regulatory Excellence: D. Scott gave a powerpoint presentation to the Board outlining some of the results of the this NCSBN research project. CORE is a report which provides ongoing performance measurement and benchmarking which may be used by member boards to identify strengths and opportunities for improvement in their regulatory operations. It assesses Board performance in discipline, practice, education, licensure, and governance. Nevada spends \$79.91 per licensee compared to the aggregate expenditure of \$48.80. Nevada, on average, resolves disciplinary cases in 120 days as compared to the aggregate number of 164. Nevada takes on average 1 day to verify a license for nurses endorsing to other states, compared to 11.1 days for the aggregate. 80% of employers in Nevada believed that cases were resolved in a timely manner as compared to 55.2% of the employers in the aggregate states. The Board members received the entire CORE report for review before the meeting and D. Scott informed them that the report is available for review upon request.

ACTION

ACTION

B. LICENSURE PROGRAMS-no business

C. CERTIFICATION PROGRAMS

1. Ratification of staff survey of the Pershing High School Nursing Assistant Training Program: Approved under the Consent Agenda
2. Ratification of staff survey of the Desert Rose Nursing Assistant Training Program, Vocational and Career School: Approved under the Consent Agenda.
3. Review, discussion and action regarding CNA testing NATP CORE curriculum and testing: R Colosimo presented the history leading up to the proposed change to the CNA testing parameters, suggesting the Board implement a higher standard for the Prometric Exam. It was moved and seconded that the Board increase the exam's passing standard within the suggested guidelines. MOTION CARRIED.

ACTION

D. DISCIPLINE PROGRAMS

1. Applications (initial and renewal in question):
 - a. Brown, Mark, RN applicant: Applicant was present. It was moved and seconded the Board accept the application for licensure and the Agreement for Probation to include monthly reports and no controlled substance access for 5 years for violation of NRS 632.320 (5) controlled substances and/or alcohol, and (12) action in another state. It was further ordered the disciplinary action become part of the applicant's permanent record and be published and reported to all appropriate agencies. MOTION CARRIED.
 - b. Green, Tricia, LPN11471: It was moved and seconded to continue this item to the November 2009 Board meeting and request Ms. Green be present. MOTION CARRIED.
 - c. Lundhal, Jennifer, CNA applicant: It was moved and seconded the Board accept the application for certification and the Agreement for Monitoring for violation of NRS 632.320 (2) criminal convictions, and (5) controlled substances and/or alcohol. MOTION CARRIED.
 - d. Morato, Patrick, CNA applicant: It was moved and seconded the Board accept the application for certification and the Agreement for Monitoring for violation of NRS 632.320 (5) controlled substances and/or alcohol. MOTION CARRIED.
 - e. Rebeles, Ashley, CNA021791: Applicant was present. It was moved and seconded the Board accept the renewal application for certification and the Agreement for Reprimand pending receipt of all renewal requirements and the application having no material changes, for violation of NRS 632.320 (2) criminal convictions, and (5) controlled substances and/or alcohol. It was further ordered the disciplinary action become part of the applicant's permanent record and be published and reported to all appropriate agencies. MOTION CARRIED.
 - f. This agenda item was removed.
 - g. Walker, Johnathon, CNA applicant: Applicant was present. It was moved and seconded the Board accept the application for certification and the Agreement for Monitoring for violation of NRS 632.320 (2) criminal convictions, and (5) controlled substances and/or alcohol. MOTION CARRIED.
 - h. Zimmerman, Kim, RN24907: Applicant was present. It was moved and seconded the Board accept the application for renewal licensure and the Agreement for Monitoring for violation of NRS 632.320 (2) criminal convictions, and (5) controlled substances and/or alcohol. MOTION CARRIED.

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2. Settlement agreements:
 - a. Cutler, Kerry, RN39915, APN000837: Agreement for Reprimand and Fine of \$1700 for violation of NRS 632.320 (7) unprofessional conduct, and NAC 632.890 (37) practicing without an active license/certificate. Accepted under the Consent Agenda
 - b. Millen, Michelle, RN49406: Agreement for Reprimand for violation of NRS 632.320 (7) unprofessional conduct, and NAC 632.890 (27) customary standards of practice. Accepted under the Consent Agenda.
 - c. Sciarrotta, Kristen, RN37579: Agreement for Fine of \$300 for violation of NRS 632.320 (7) unprofessional conduct, and NAC 632.890 (37) practicing without an active license. Accepted under the Consent Agenda.
 - d. Sefton, Julie, RN39783: Contract for Temporary Voluntary Surrender for violation of NRS 632.320 (5) controlled substances and/or alcohol, (7) unprofessional conduct, and NAC 632.890 (27) customary standards of practice. Accepted under the Consent Agenda.
 - e. Tanedo, Edgardo, RN51438: Contract for Temporary Voluntary Surrender for violation of NRS 632.320 (5) controlled substances and/or alcohol, (7) unprofessional conduct, and NAC 632.890 (18) diversion of equipment or drugs. Accepted under the Consent Agenda.
 - f. Lindley, Felicia CNA023674: Agreement for Fine of \$100 for violation of NRS 632.320 (7) unprofessional conduct, and NAC 632.890 (37) practicing without an active certificate. Accepted under the Consent Agenda.
 - g. Poco, Sheila, RN45584: Voluntary Surrender of License in Lieu of Other Disciplinary Action for violation of NRS 632.320 (5) controlled substances and/or alcohol, (7) unprofessional conduct, and (14) failing to comply, and NAC 632.890 (18) diversion of equipment or drugs, and (36) failing to comply. Accepted under the Consent Agenda
 - h. Sickler, Kateri, RN50717: Agreement for Monitoring for violation NRS 632.320 (5) controlled substances and/or alcohol, (7) unprofessional conduct, and NAC 632.890 (18) diversion of equipment or drugs. Accepted under the Consent Agenda.
3. Successful completion of probation/monitoring
 - a. Bollea, Marcia, RN21400: Termination of Probation accepted under the Consent Agenda.
 - b. Goyette, Cynthia, RN43363: Termination of Probation accepted under the Consent Agenda.
4. Presentation and review of compliance orientation: K. Reynolds conducted a probation and monitoring orientation with Board members, reviewed current policy and procedures and answered questions.
5. Board-directed investigations
 - a. Boulder City Hospital Nursing Services: It was moved and seconded the Board direct staff to investigate. MOTION CARRIED.

ACTION

E. EDUCATION

1. Review, discussion, and direction regarding Board review of nursing program reports: The Board directed Board staff forward a summary of the progress reports for Nevada's provisional schools rather than the entire reports which are submitted to Board staff every 6 months. Board members indicated that any area of regulation noncompliance of concern must be reported immediately and in full detail to the Board for further direction.

2. Review, discussion, and action regarding the proposed revisions of the Refresher Course Guidelines Policy and Procedure to fulfill renewal requirements in NAC 632.192: R Colosimo presented rationale related to the economy which has created long waiting lists for Board approved refresher courses. Nevada nursing programs are having difficulty finding preceptorships for clinical for refresher students. The Education Advisory Committee discussed the issue and proposed that schools of nursing be permitted to register refreshers or career changers in their courses as space is available. Board staff wrote the policy to permit alternative methods of fulfilling renewal requirements for NAC 632.192. D. Begley commended the staff on a timely response to the economic crisis. It was moved and seconded the Board approve the proposed policy to fulfill renewal requirements as written. MOTION CARRIED.

ACTION

3. Review, discussion, and action regarding the re-appointment of members for the Education Advisory Committee: It was moved and seconded the Board re-appoint Robert Rowe, RN39324 and Mable Smith, RN46712, to the Education Advisory Committee. MOTION CARRIED.

ACTION

F. NURSING PRACTICE:

1. Review, discussion, and action regarding re-appointment of member for the Advanced Practice Advisory Committee: It was moved and seconded the Board re-appoint Susan S. VanBeuge, RN35304, APN000784, to the Advanced Practice Advisory Committee. MOTION CARRIED.

ACTION

2. Review, discussion, and action of OB/GYN practice decision proposed revisions:
- a. Is it within the scope of practice of a Registered Nurse to administer prostaglandin or other cervical ripening agents in term pregnancy prior to labor induction? (pending revision)
 - b. It is the opinion of the Nevada State Board of Nursing that vaginal speculum examination and specimen collection/evaluation be included within the scope of practice for Registered Nurses. (pending revision)
 - c. It is the opinion of the Nevada State Board of Nursing that it is within the RN scope of practice to administer prostaglandin products in the case of fetal anomaly or congenital abnormality pursuant to all existing state laws and in all practice settings. (Approved by the NSBN 5/99)
 - d. It is the opinion of the Nevada State Board of Nursing that it is within the RN scope of practice to insert prostaglandin suppositories or gel for the induction of labor when fetal demise has occurred. (Approved by the NSBN 6/90)

3.3. Review, discussion, and action regarding role of LPN in drawing blood from PICC lines: D. Scott presented this agenda item and it was moved and seconded the Board approve the addition of this practice to the scope of practice of the LPN. MOTION CARRIED.

ACTION

ADJOURNMENT

This meeting was adjourned at 11:42 a.m. on July 19, 2009.