

Nevada State Board of NURSING

MINUTES OF REGULAR BOARD MEETING July 21-23, 2010

The Regular Meeting of the Nevada State Board of Nursing was called to order by President Doreen Begley MS, RN, at 8:58 a.m. on July 21, 2010, at Zephyr Point Presbyterian Conference Center, Eagles Wings Conference Room, 660 Hwy 50, "Presbyterian Drive" Zephyr Cove, Nevada 89448.

MEMBERS PRESENT

Doreen Begley, MS, RN, President
Tish Smyer, DNSc, RN, Vice President
Kelly Espinoza, MSN, RN, Secretary
Sandra Halley, Consumer Member (7/21 & 7/22)
Belen Gabato, MS, RN, Member
Carrie McMurray, CNA, Member

MEMBERS ABSENT

Sandra Halley, Consumer Member (7/23)

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
Amy Clark, RN, BSN, Application Coordinator (7/21)
Kathleen Reynolds, BHS, RN, Compliance Coordinator (7/22)
Cindy Peterson, RN, CRRN, CLNC, CHCQM, FAIHQ, Investigator (7/21)

CALL TO ORDER – 8:58 a.m.

PUBLIC COMMENT: R. Colosimo publicly announced "Grow Our Own Safe and Competent Nurses" co-sponsored by Nevada Nurses Education and Practice Alliance (NNEPA) and NSBN in Las Vegas on July 29, 2010 and in Reno on July 30, 2010. The keynote speaker will be Nancy Spector, PhD, RN, Director, Regulatory Innovations National Council of State Boards of Nursing.

APPROVAL OF CONSENT AGENDA

It was moved and seconded to approve the Consent Agenda, identified as items A.1., A.2.-A.5., A.7., A.15.a.-d., C.1., D.2.a.-d., D.3.a.-c. MOTION CARRIED.

ACTION

A. BOARD GOVERNANCE AND ADMINISTRATION

1. Approval of minutes of Board meetings, May 19-21, 2010 and June 29, 2010: 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:
Approved under the Consent Agenda.
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
 - d. Board Resource Manual
 - e. Practice Decision Manual
 - f. Discipline Policy Manual
 - g. Fingerprint Policy and Procedure Manual
6. Preliminary review of the FY09/10 financial statement: D. Estes and D. Scott presented this agenda item to the Board which included the preliminary financial information for FY 09/10. The Board's tentative position at this time is that revenues have exceeded budget expectations and expenses are below budget expectations for the year.
7. Annual Adoption of Non-Discrimination Policy: Approved under the Consent Agenda.
8. Board member advanced orientation: F. Olmstead presented a legal overview of how a complaint is processed and staff intervention along the process.
9. Final progress report on FY 09/10 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 2009/10.
10. Review, discussion, and action on Board's long-term goals for 2010/11: The Board members reviewed the current goals for the previous year and revised them for the upcoming year 2010/11. They gave direction to Board staff to incorporate the discussed revisions and for staff to bring the revised goals to the September Board meeting for final approval.
11. Legislative issues: Fred Hillerby, the Board's legislative liaison, gave an overview of the interim legislative activities as they relate to the NSBN. He gave predictions related to the state's upcoming elections and some of the issues that will be at the forefront of the upcoming legislative session beginning in February, 2010.
12. 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 Delegate Assembly in August, 2010. The Board members had reviewed the proposals prior the meeting and voted to support passage of the proposals. MOTION CARRIED.
13. Review statistics and trends: C. Sansom presented statistics and trends for the past year 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.
14. 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.
15. Conference and seminar report: Approved under the Consent Agenda.

ACTION

- a. Susan VanBeuge, DNP, APN, FNP-BC, APN Committee member: NCSBN, APRN Roundtable
- b. Chris Sansom and Dean Estes: NCSBN IT Summit
- c. Roseann Colosimo and Chris Sansom: Unlicensed Nursing Assistive Personnel Workshop
- d. Chris Sansom and Amy Clark: Attorney Investigation Symposium

ACTION

16. Executive Director annual evaluation: D. Begley, Board President, presented the executive director, D. Scott's annual evaluation. It was moved and seconded the Board accept the evaluation. MOTION CARRIED.
17. Review, discussion, and action regarding Nevada Nursing Education and Practice Alliance request for possible affiliation with the NSBN, Jen Richards and Karen Fontaine to present: J. Richards and K. Fontaine presented a proposal to the Board to consider some type of support of the collaborative work that is being done between nursing practice and education in Nevada through NNEPA. There was discussion related to support for a clinical scheduling program which would allow the Board to better analyze the availability of clinical placements for nursing students when considering approval for new nursing programs in Nevada. Discussion ensued about funding sources for this collaborative work. The Board requested that more information be gathered about the legality of a more formal relationship between NSBN and NNEPA be explored so that a more informed discussion may occur. It was mentioned that other state nursing boards have been involved in the creation of centers for nursing excellence and that Nevada might explore the possibility of working in the direction. No final decision was made for this agenda item, but further discussion will be brought before the Board in the future.
18. Review, discussion, and action regarding implementation of NAC 632.180 Graduation from a program outside United States: P. Shutt and R. Colosimo presented information with redacted sample reports from the Council on Graduates of Foreign Nursing Schools (CGFNS) contrasting the Credential Evaluation Service (CES) report and a course-by-course report. The NSBN now utilizes the CES report in making decisions on whether foreign graduates meet the legal requirements to be licensed in Nevada. Board members asked questions. K. Espinosa stated she supported the CES report, which includes a grid with theory and clinical that is much clearer than current report. D. Begley supported the clarity of report and B. Gabato stated her concerns about fraud. It was moved and seconded the Board approved changing the requirement for a CES report to requiring the course-by-course report. MOTION CARRIED.

ACTION

R. Colosimo described concerns that have arisen about the Board's lack of requirement for a language proficiency examination for licensure for foreign graduates. D. Scott shared that the NCSBN has recently addressed those concerns and has been investigating an appropriate measure of English proficiency. It was moved and seconded the Board approve the implementation of NAC 632.180 and direct staff to provide an implementation plan at the Board's September, 2010 regularly scheduled meeting. MOTION CARRIED.

ACTION

19. Review, discussion, and action regarding alternatives to the current Board's process for disposition of disciplinary matters: F. Olmstead led the discussion on how the Board may be more efficient and streamline the disciplinary process. There has been an increase in the number and complexity of many of the disciplinary matters in the past year. It has come to a point where the Board may not have the time needed to address all disciplinary matters and will need to institute a different means of dealing with some disciplinary matters. The Board directed staff to pilot at least two different processes during the upcoming Board meeting—to have a committee of the Board hear the majority of the applications in question and make recommendations to the remainder of the Board members at the regular meeting

in September and to consider using a hearing officer for any complex administrative hearings.

20. Activity updates:

NURsys: D. Estes reported that the initial upload of information to NCSBN has occurred and staff are planning a process to verify the information to ensure all data fields have transferred properly prior to utilization of the NURsys verification system

Fingerprint renewal: C. Sansom reported that fingerprinting on renewal is planned to be phased in beginning in September 2010. An article discussing the process has been published in the NSBN Nursing News and will be posted on the Board’s website.

B. LICENSURE PROGRAMS-no business

C. CERTIFICATION PROGRAMS

1. Ratification regarding the bi-annual staff survey of the Grover Dils Medical Center Nursing Assistant Program: Approved under the Consent Agenda.

2. Review, discussion, and action regarding Lyon County School District Nursing Assistant Training Program in Dayton, Nevada: It was moved and seconded that Lyon County School District Nursing Assistant Training Program be approved with a full survey during the first year the program. MOTION CARRIED.

ACTION

3. Review, discussion and action regarding reappointment to the CNA Advisory Committee: It was moved and seconded the Board reappoint Cheryl Becerra, RN43845 to the CNA Advisory Committee. MOTION CARRIED.

ACTION

D. DISCIPLINE PROGRAMS

1. Applications (initial and renewal in question)

a. Doyle, Jody, RN applicant: Applicant was present. It was moved and seconded the Board accept the application for licensure and that he successfully complete all court ordered requirements and submit documentation to the Board within six months or the application is automatically denied without further proceedings. The denial would become part of the applicant’s permanent record and published and reported to all appropriate agencies. MOTION CARRIED.

ACTION

b. Pierce, Joshua, RN Applicant: Applicant was present. It was moved and seconded the Board accept the application for licensure and the Agreement of Probation for violation of NRS 632.320 (1)(b) criminal convictions, (1)(e) controlled substances and/or alcohol, and (1)(l) previous action against license, and order the disciplinary action become part of the applicant’s permanent record and be published to all appropriate agencies. MOTION CARRIED.

ACTION

c. Schaller, Karen, RN31539: Applicant was present. It was moved and seconded the Board accept the renewal application for licensure and the Agreement of Probation for violation of NRS 632.320 (1)(b) criminal convictions, and (1)(e) controlled substances and/or alcohol, and order the disciplinary action become part of the applicant’s permanent record and be published to all appropriate agencies. MOTION CARRIED.

ACTION

2. Settlement agreements

a. Wilson-Byington, Lelia, RN14659: Agreement for Monitoring for violation NRS 632.320 (1)(e) uses any controlled substances, dangerous drugs, or intoxicating liquor, and (1)(g) unprofessional conduct, and NAC 632.890 (9) impaired practice, and (27) customary standards. Accepted under the Consent Agenda.

b. Henriksen, Betty, RN24165: Contract for Voluntary Surrender of License pursuant to

NRS 632.320 (1)(e) uses any controlled substances, dangerous drugs, or intoxicating liquor, and (1)(g) unprofessional conduct, and NAC 632.890 (9) impaired practice. Accepted under the Consent Agenda.

- c. Kulikowski, Nadine, RN56997: Contract of Voluntary Surrender of License pursuant NRS 632.320 (1)(1) action in another state. Accepted under the Consent Agenda.
 - d. Davis, Cecilia, RN35949: Agreement for Reprimand, Fine and Continuing Education for violation NRS 632.320 (1)(g) unprofessional conduct, and NAC 632.890 (26) violation of state/federal nursing law/regulation. Accepted under the Consent Agenda.
3. Successful completion of probation
- a. Yee, Isinor, RN40957: Termination of Probation. Accepted under the Consent Agenda.
 - b. Calder, Colleen, RN29038: Termination of Probation. Accepted under the Consent Agenda.
 - c. Cranford, Patricia, RN62073: Termination of Monitoring. Accepted under the Consent Agenda.
4. Presentation “What Does it All Mean?”, Amy Clark, RN, BSN, Application Coordinator:
A. Clark, Application Coordinator, conducted a presentation and answered Board questions related to criminal convictions.
5. Hearings-no business
6. Board-directed investigations-no business
7. Special Action
- a. Discussion regarding requests for modifications of terms of probation/monitoring: K. Reynolds, Compliance Coordinator presented information and answered Board questions regarding requests received for modification of probation/monitoring agreements/orders. The Disability Advisory Committee does not conduct an evaluation or make a recommendation to the Board regarding these matters. The Board directed staff to continue the current process.
 - b. Review, discussion, and action regarding proposed revisions to settlement agreements: Contract for Temporary Voluntary Surrender of License pursuant to NRS 632.320 (1)(e) uses any controlled substances, dangerous drugs, or intoxicating liquor, and (1)(g) unprofessional conduct, and NAC 632.890 (9) impaired practice. Accepted under the Consent Agenda.
 - c. Review, discussion, and action regarding revisions to the Board’s Alternative Program for Chemically Dependent Nurses: It was moved and seconded the Board accept the Eligibility for Participation in the Non-Disciplinary Program Policy regarding Advanced Practitioner Nurses who enter into the Alternative Program as revised. MOTION CARRIED.
 - d. Williams, Kim, RN56133: It was moved and seconded the Board rescind the previous agreement and accept the current revised Agreement for Probation for violation of NRS 632.320 (1)(g) unprofessional conduct, and NAC 632.890 (16) failing to properly document controlled substances, and (27) customary standards of practice. MOTION CARRIED.

ACTION

ACTION

E. EDUCATION

- 1. Review and discussion regarding definitions of simulation experiences for clinical or skills and critical developmental stages for provisional schools: R Colosimo presented

information on definitions of simulation and a survey on where other board of nursing are in relation to regulation in simulation in nursing education programs.

2. Review and discussion of second quarter G-4 NCLEX pass rates and response letters from Apollo College-LV and Touro University concerning student failures: Board Members requested Board staff create a grid which includes the college name and any changes and its status towards full approval. Although the second quarter, NCLEX pass rate was 80% for Carrington (formally Apollo), the Board expressed concern that the full year NCLEX pass rate will not be 80%.
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 Vickie L. Wright, RN2023, Barbara Fraser, RN05542, and Leanna Keith, RN26009 to the Education Advisory Committee. MOTION CARRIED.

ACTION

F. NURSING PRACTICE

1. Review, discussion, and action regarding proposed revision to Practice Decision regarding cosmetic procedures, Lisa Mantkus to present: L. Mantkus presented this agenda item outlining the changes to the current cosmetic procedures practice decision. The Board members were generally supportive of the concept represented by the proposed revisions but requested that Board staff make the needed wording changes and return the decision to the Board at its September Board meeting.

ACTION

2. Review, discussion, and action regarding appointment to the Advanced Practice Advisory Committee: It was moved and seconded the Board appoint Gregory L. Peistrup, RN26532, APN001005 to the Advanced Practice Advisory Committee. MOTION CARRIED.

ACTION

3. Review, discussion, and action regarding appointment to the Nurse Practice Advisory Committee: It was moved and seconded the Board appoint Margaret Konieczny, RN32858, and Cynthia Gorham, RN31812. MOTION CARRIED.

4. Review, discussion, and action regarding proposed changes to EMSRN application to reflect clarification for certification requirements, including recommendations for the content for EMSRN orientation course, Sue Moore to present: S. Moore presented the results of the work of EMSRN task force that she chaired and the recommendation of the Nurse Practice Advisory Committee to make certain changes to the existing application. No change in law is needed to make these changes; the intent is to clarify what the actual requirements for this certification are in Nevada.

Review, discussion, and action regarding the suggested advisory opinion regarding the differentiation of the role of the EMSRN and nurses who are performing interfacility transfers, Sue Moore to present: S. Moore presented this item to the Board and answered questions. It was moved and seconded the Board approve the proposed advisory opinion and recommended content of the orientation course as written, with the addition of a definition for course provider qualifications. MOTION CARRIED.

ACTION

ADJOURNMENT

The meeting was adjourned at 12:05 p.m. on Friday, July 23, 2010.