

Nevada State Board of **NURSING**

BOARD MEETING MINUTES

July 24-26, 2013

The Nevada State Board of Nursing Board meeting was called to order by President, Tish Smyer, DNSc, RN, at 1:00 p.m. on July 24, 2013, at Zephyr Point Presbyterian Conference Center, Eagles Wings Conference Room, 660 Hwy 50, "Presbyterian Drive"
Zephyr Cove, Nevada 89448.

MEMBERS PRESENT

Tish Smyer, DNSc, RN, President
Rick Carruthers, LPN, Vice-President
Sandra Halley, Consumer Member
Rhigel Tan, DNP, RN, APRN, Member
Jennifer Snidow, CNA, Member
Cathy Dinauer, MSN, RN, Member
Mary-Ann Brown, MSN, RN

OTHERS PRESENT

Debra Scott, MSN, RN, FRE, Executive Director
Chris Sansom, MSN, RN, Director of Operations
Fred Olmstead, General Counsel
Dean Estes, Director of Finance and Technology
Gail Trujillo, Executive Assistant
Roseann Colosimo, PhD, RN, Education Consultant
Patty Shutt, LPN, Site Operations Supervisor

CALL TO ORDER – 1:00 p.m.

PUBLIC COMMENT: There were no public comments at the beginning of the meeting.

APPROVAL OF CONSENT AGENDA: It was moved and seconded to approve the Consent Agenda, identified as items: A.1.-.2., A.3.a.-j., A.5.-7., B.1., C.2.-.4., D.2.a.-u., D.3.a.-e, D.3.j., E.4., F.1.a.-b. **MOTION CARRIED.**

ACTION

A. BOARD GOVERNANCE AND ADMINISTRATION

1. May 16-17, 2013 and June 12, 2013 Board meeting minutes: Approved under the Consent Agenda.
2. Annual review of Board member roles and responsibilities and Board function list. D. Scott and F. Olmstead reviewed the roles and responsibilities and the Board function list with the Board members. Discussion ensued.
3. 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. Member Resource Manual
 - e. Practice Decision Manual

- ACTION
- f. Discipline Policy and Procedure Manual: Review, discussion and action regarding proposed revision to the Yes Answer Policy: It was moved and seconded the Board approve the revisions to the policy as written. MOTION CARRIED.
- ACTION
- g. Fingerprint Policy and Procedure Manual: Review, discussion and action regarding proposed revision to the Fingerprint Card and Reports Processing Policy: It was moved and seconded the Board approve the revisions to the policy as written. MOTION CARRIED.
- ACTION
- h. Certified Nursing Assistant Policy and Procedure Manual: Review, discussion and action regarding rescinding the previous Processing CNA Renewal Applications Policy, and the proposed Processing CNA or MA-C Renewal Applications Policy: It was moved and seconded the Board rescind the Processing CNA Renewal Applications Policy and approve the proposed Processing CNA or MA-C Renewal Applications Policy as written. MOTION CARRIED.
- ACTION
- i. RN, RN/EMS, APRN, CRNA and LPN Policy and Procedure Manual: Review, discussion and action regarding proposed revision to the Renewal of RN and LPN Licensure Policy: It was moved and seconded the Board approve the revisions to the policy as written. MOTION CARRIED.
- ACTION
- j. Education Policy and Procedure Manual
4. Preliminary review of the FY12/13 financial statement: D. Estes led the discussion, reviewing the FY12/13 financial statement and answering Board member questions.
 5. Annual Adoption of Non-Discrimination Policy: Approved under the Consent Agenda.
 6. Conference and seminar report: Approved under the Consent Agenda.
 - a. Roseann Colosimo, Sarah Bowen, Ariadna Ramos; Microsoft Excel 2007/2010 Basics, Las Vegas, NV
 7. 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.
 8. Board member advanced orientation: D. Scott led discussion regarding staff and Board members procedures for each Board meeting.
 9. Legislative update: F. Olmstead provided a legislative update including an overview of each bill that was passed during the 2013 Nevada Legislative Session related to nursing regulation.
 10. Final progress report on FY 12/13 Goals and Objectives: T. Smyer led the discussion, reviewing the contents of the final progress report with the Board members. Board staff responded to questions regarding activities listed in the report.
 11. Review, discussion and action regarding FY 13/14 Goals and Objectives: D. Scott led the discussion, formulating the Board's long term goals for the upcoming fiscal year. The Board discussed the initiatives at the forefront of the work of the Board in the upcoming year and gave direction for identifying specific objectives to guide the work of the Board. D. Scott will apply the comments and suggestions of the Board and bring the finalized document to the September Board meeting.
 12. 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.
 13. Review, discussion and action regarding direction for Delegate Assembly: D. Scott led the discussion and the Board gave recommendations to the delegates for consideration

during NCSBN's Delegate Assembly Business meeting scheduled for August 14-16, 2013.

14. Discussion of Board Member Evaluation: Board members discussed the results of their annual evaluation.
15. Discussion and action regarding Conflict of Interest Policy Acknowledgment: F. Olmstead led the discussion emphasizing the importance of discerning when Board members have a conflict of interest when deliberating or making decisions related to the work of the Board. All Board members reviewed the policy and signed the acknowledgement forms which will be maintained in each Board member's file at the Board office.
16. Review, discussion and action regarding the Essential Eligibility Requirements Policy: It was moved and seconded to rescind the Essential Eligibility Requirements Policy. MOTION CARRIED.
17. Review and discussion of NCSBN's 2012 Nevada State CORE Report: D. Scott led the discussion of Nevada's 2012 CORE (Commitment to Ongoing Regulatory Excellence) report related to discipline. She added that the report will be posted on the Board's website and urged Board members to share the results with their employers.
18. This item was removed from the agenda.

ACTION

B. LICENSURE PROGRAMS

1. Annual adoption of NCLEX exam as determined by National Council of State Boards of Nursing as the official competency examination for licensure: Approved under the Consent Agenda.
2. Review, discussion and action regarding the Interim Permit Policy: R. Colosimo presented the proposed Interim Permit Policy to the Board. This policy provides that interim permits will be issued upon request only. R. Colosimo explained that interim permits were utilized when it took months to receive NCLEX results but NCLEX results are now being received within a week of the applicants' testing. M. Brown agreed with R. Colosimo and suggested that Board staff provide data regarding the use of interim permits at the 2014 Business Meeting. R. Carruthers agreed that agencies are reluctant to hire graduate nurses until after they passed the NCLEX. It was moved and seconded to accept the Interim Permit Policy as proposed. MOTION CARRIED

ACTION

C. CERTIFICATION PROGRAMS

1. Application to serve on the CNA Advisory Committee as a conceptual member, Wright, Carla, RN28642: It was moved and seconded the Board approve the application to serve on the CNA Advisory Committee as a conceptual member. MOTION CARRIED.
2. Review, discussion and action regarding White Pines High School Nursing Assistant Training Program biannual staff survey: Approved under the Consent Agenda.
3. Review, discussion and action regarding Southwest Career and Technical Academy Nursing Assistant Training Program biannual staff survey: Approved under the Consent Agenda.
4. Review, discussion and action regarding Lyon County High Schools Nursing Assistant Training Programs biannual staff survey: Approved under the Consent Agenda.
 - Yerington High School
 - Silver Stage High School
 - Dayton High School
 - Fernley High School

ACTION

5. Review and discussion regarding the progress of Pahrump Valley High School Nursing Assistant Training Program application: R. Colosimo reported that the clinical contract has been received and an improved syllabus is in progress.

D. DISCIPLINE PROGRAMS

1. Applications (initial and renewal in question) – No business
2. Settlement agreements
 - a. Corrigan, Karyl, RN20716: Consent Agreement for Fine of \$200 Renewal Applicant for violation of NRS 632.320 (1)(a) fraudulent application and (1)(b) criminal conviction. Accepted under the Consent Agenda.
 - b. Doctora, Mary, LPN09655: Agreement for Fine of \$400 and classes for violation of NRS 632,320 (1)(g) unprofessional conduct and NAC 632.890 (37) practicing without an active license. Accepted under the Consent Agenda.
 - c. Messaoudi, Mebarka, CNA026837: Agreement for Reprimand, Fine of \$250 and classes for violation of NRS 632,320 (1)(g) unprofessional conduct and NAC 632.890 (37) practicing without an active license. Accepted under the Consent Agenda.
 - d. Svoboda, Craig, RN64057: Agreement for Fine of \$200 for violation of NRS 632.320 (1)(a) fraudulent application and (1)(m) action in another state. Accepted under the Consent Agenda.
 - e. Helms, Sara, RN56915: Contract for Temporary Voluntary Surrender of License for violation of NRS 632.320 (1)(e) controlled substances and/or alcohol, (g) unprofessional conduct and NAC 632.890 (18) diversion of equipment or drugs. Accepted under the Consent Agenda.
 - f. Gilchrist, Diane, RN30482: Agreement for Monitoring 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. Accepted under the Consent Agenda.
 - g. Malay, Michael, RN11761: Agreement for Fine of \$600 and classes for violation of NRS 632.320 (1)(g) unprofessional conduct and NAC 632.890 (37) practicing without an active license. Accepted under the Consent Agenda.
 - h. Ballesteros, Jose, RN36639: Agreement for Reprimand and classes for violation of NRS 632.320 (1)(g) unprofessional conduct, NAC 632.890 (24) failing to collaborate with health care team, (27) customary standards of practice, (28) causing harm to a patient and (40) medication error. Accepted under the Consent Agenda.
 - i. Leslie, Cristal, LPN applicant: Agreement for Monitoring for violation of NRS 632.320 (1)(e) controlled substances and/or alcohol. Accepted under the Consent Agenda.
 - j. Cesinger, Susan, RN50046: Consent Agreement for Fine of \$200 Renewal Applicant for violation of NRS 632.320 (1)(a) fraudulent application and (1)(b) criminal conviction. Accepted under the Consent Agenda.
 - k. Hokanson, Jennifer, RN applicant: Agreement for Monitoring for violation of NRS 632.320 (1)(e) controlled substances and/or alcohol. Accepted under the Consent Agenda.
 - l. Acosta, Kritchadaphorn, CNA023099: Agreement for Reprimand for violation of NRS 632.320 (1)(g) unprofessional conduct, NAC 632.890 (22) patient abandonment and (27) customary standards of practice. Accepted under the Consent Agenda.
 - m. Nieto, Lydia, CNA021930: Agreement for Fine of \$100 and classes for violation of NRS 632.320 (1)(g) unprofessional conduct and NAC 632.890 (37) practicing without an active license. Accepted under the Consent Agenda.

- n. Combs, Marcus, RN65385: Agreement for Monitoring 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. Accepted under the Consent Agenda.
 - o. Finn, Lori, RN35063: Voluntary Surrender of License in Lieu of Other Disciplinary Action for violation of NRS 632.320 (1)(b) criminal conviction, (1)(e) controlled substances and/or alcohol, (1)(g) unprofessional conduct, (1)(o) failing to comply with Board order and NAC 632.890 (36) failing to comply. Accepted under the Consent Agenda.
 - p. Testa, Megan, LPN11891: Agreement for Reprimand, Fine of \$1200 and classes for violation of NRS 632.320 (1)(g) unprofessional conduct and NAC 632.890 (37) practicing without an active license. Accepted under the Consent Agenda.
 - q. Willer, Mona, RN13993: Voluntary Surrender of License in Lieu of Other Disciplinary Action for violation of NRS 632.320 (1)(g) unprofessional conduct, NAC 632.890 (24) failing to collaborate with health care team and (40) medication error. Accepted under the Consent Agenda.
 - r. Mamauag, Daryl, RN61883: Contract for Temporary Voluntary Surrender of License for violation of NRS 632.320 (1)(e) controlled substances and/or alcohol, (g) unprofessional conduct and NAC 632.890 (18) diversion of equipment or drugs. Accepted under the Consent Agenda.
 - s. Vice, Laura, RN52486, EMS000531: Contract for Temporary Voluntary Surrender of License for violation of NRS 632.320 (1)(e) controlled substances and/or alcohol, (g) unprofessional conduct and NAC 632.890 (10) positive drug screen on duty. Accepted under the Consent Agenda.
 - t. Carter, Andrea, RN applicant: Agreement for Monitoring for violation of NRS 632.320 (1)(e) controlled substances and/or alcohol. Accepted under the Consent Agenda.
 - u. Morgan, David, RN34454, APRN000874: Agreement for Monitoring for violation of NRS 632.320 (1)(a) fraudulent application, (1)(b) criminal conviction, (1)(e) controlled substances and/or alcohol. Accepted under the Consent Agenda.
3. Successful completion of probation
- a. Ralphe, Rebecca, RN45825: It was moved and seconded the Board grant termination of monitoring. Accepted under the Consent Agenda.
 - b. Betterton, Juli, RN53587: It was moved and seconded the Board grant termination of probation. Accepted under the Consent Agenda.
 - c. Fitch, Tamara, RN30246: It was moved and seconded the Board grant termination of monitoring. Accepted under the Consent Agenda.
 - d. Sanders, Mary, RN22980: It was moved and seconded the Board grant termination of probation. Accepted under the Consent Agenda.
4. Reinstatement of licensure/certification – No business
5. Formal administrative hearings – No business
6. Board-directed investigations – No business
7. Ratification of staff denials – NRS 632.320 (1)(a) fraudulent applications – No business
8. Ratification of staff denials – NRS 632.320 (1)(b) convictions – No business

9. Special Action

- a. Amador, Janelle, RN applicant: It was moved and seconded the Board grant the request for reconsideration. It was moved and seconded the Board accept the application for licensure. MOTION CARRIED.

ACTION

E. EDUCATION

1. Review and discussion regarding the NCLEX first time pass rates for the second quarter of 2013: R. Colosimo presented the NCLEX first time pass rates for the second quarter of 2013 and the year-to-date trends. University of Nevada, Reno, University of Nevada, Las Vegas and Nevada State College have no drop in pass rates even though the passing cut score was raised on April 1, 2013. Breckinridge School of Nursing at ITT is at 40% first time NCLEX pass rate year-to-date and 12.5% for the second quarter. Kaplan College is also below 80% for the year-to-date.
2. Review, discussion and action regarding Breckinridge School of Nursing at ITT Technical Institute resurvey and letter of deficiency: R. Colosimo reminded the Board that during the November 2012 Board meeting Breckinridge School of Nursing at ITT was directed to notify Board staff when they are in compliance with Nevada regulations and to schedule a resurvey. R. Colosimo explained that she was not contacted by Breckinridge School of Nursing; however, they were added to the May 2013 Board meeting agenda because she was notified of clinical safety issues including an impaired faculty member, a parent complaint about inappropriate sex education and a significant medication error with the lack of appropriate teaching. During the May 2013 Board meeting, Board staff was ordered to issue a letter of deficiency to Breckinridge School of Nursing at ITT and this letter was to be made public to all the nursing students on campus in exchange for their written acknowledgement of the letter. In addition, the Board ordered Board staff to conduct a resurvey before the July 2013 Board meeting and to receive a timeline regarding Breckinridge School of Nursing at ITT's National League for Nursing Accrediting Commission (NLNAC) accreditation process. The survey was to provide information to the Board regarding the programs progress from November 2012 through July 2013. R. Colosimo reviewed the letter of deficiency, the copies of the signed acknowledgements for each student and the resurvey report. R. Colosimo stated in the second quarter 7 out of 8 students had failed the NCLEX on their first attempt resulting in a 40% pass rate year-to-date. She also reported that the candidacy application to Accreditation Commission for Education in Nursing (formerly NLNAC) had not yet been submitted and that the faculty members were not assuming responsibility for program outcomes. R. Tan stated he was extremely concerned about the length of time the program has been in difficulty and the lack of faculty responsibility for student outcomes. C. Ratliff, director of the nursing program, stated she has a working relationship with Board staff and R. Colosimo agreed with the changes she is making are appropriate. Mr. Borkowski explained that human resource policies made his actions regarding faculty slower than he would have liked and R. Carrathers responded that public safety is the Board's concern. M. Brown asked R. Colosimo if it is possible that Breckinridge School of Nursing at ITT could come into compliance by September 2013. R. Colosimo explained that it is unlikely that their NCLEX scores would rise above 80% and with the faculty shortage it would be very difficult to hire competent faculty within such a short time frame. Dr. Louis, a consultant who assisted Board staff with the resurvey, felt that even if Breckinridge School of Nursing at ITT could submit a candidacy application to ACEN that it would be rejected based on the Board's letter of deficiency and their low

NCLEX pass rate. T. Smyer asked R. Colosimo if there are any other public safety issues at Breckinridge School of Nursing at ITT. R. Colosimo stated that in addition to the issues discussed during the May 2013 meeting, student evaluations resulted in the Board being notified of an impaired faculty member and the unprofessional conduct of another faculty member. R. Carruthers stated that he believed that it was a detriment to the public to have the school open. S. Halley added that as the consumer member she would not want anyone to receive nursing care from graduates of this program. Board members explained that this program has had reasonable time to correct its deficiencies and felt that due to serious public safety concerns, the Board could consider all options. Board Counsel, F. Olmsted reviewed NRS 632.470 and NAC 632.635 to clarify the actions that the Board may take. It was moved and seconded the Board revoke the approval of Breckinridge School of Nursing at ITT per NRS 632.470 as they have had reasonable time to correct their deficiencies and due to serious public safety concerns. MOTION CARRIED.

ACTION

3. Review and discussion regarding UNLV/Summerlin Hospital update on the dedicated education unit innovative nursing education experience: T. Smyer and R. Tan recused themselves but invited questions and explained their experiences with the dedicated education unit. R. Colosimo stated that she found it most impressive that unit staff felt the dedicated education unit was making the students become better nurses. R. Colosimo added that nursing education is very difficult to change and some nurse educators believe the only way to teach is the way they were taught many years ago. R. Colosimo applauded UNLV faculty for having the courage to be creative. The students definitely felt that the 12 hour shifts helped them understand the workload. R. Tan stated the students really blossomed in this supportive environment. The Board expressed their appreciation for the persistence and creativity to try this new model and looked forward to more reports on the long term outcomes.
4. Review and discussion regarding the approval of recognized accrediting bodies and notification of National League for Nursing Accreditation Commission name change: Approved on the Consent Agenda
5. Review and discussion regarding Charles R. Drew University of Medicine and Science Family Nurse Practitioner (FNP) Master of Science in Nursing track: The Board discussed their role with graduate programs in nursing and clarified that graduate level nursing programs are not regulated by the Board. R. Colosimo explained that once a graduate from Charles R. Drew University submits transcripts that sufficiently comply with NAC 632.260, the applicant will qualify to receive licensure as an APRN. The Board concluded that the accrediting agencies should ensure the quality of the curriculum and a letter of concern regarding Charles R. Drew University should be sent to its accreditation agencies.

F. NURSING PRACTICE

1. Applications in question regarding NRS 632.307
 - a. Beemon, Heather, CNA applicant: Applicant was not present. It was moved and seconded the Board accept the application for certification and issue a certificate with limitations pursuant to NRS 632.307. Accepted under the Consent Agenda.
 - b. Ernst, Cynthia, LPN11379: Applicant was not present. It was moved and seconded the Board accept the renewal application for licensure and issue a license with limitations pursuant to NRS 632.307. Accepted under the Consent Agenda.
2. Review, discussion and action regarding appointment to the Nursing Practice Advisory Committee: It was moved and seconded to appoint Gail Alexander, RN50928, Margaret

- ACTION Konieczny, RN32858 and Cynthia Gorham, RN31812 to the Nursing Practice Advisory Committee for a second 3-year term. MOTION CARRIED.
3. Review, discussion and action regarding appointment to the Advanced Practice Advisory Committee: It was moved and seconded to reappoint Gregory Peistrup, APRN001005 for a second term and to appoint Paul Kapsar, APRN000904 for his first term to the
- ACTION Advanced Practice Advisory Committee. MOTION CARRIED.
4. Review, discussion and action regarding a registered nurse operating a fluoroscopy machine under the direct supervision of a physician or surgeon present in the room at the time of fluoroscopy use and with documented training in radiation safety: It was moved and seconded the Board remain neutral and refer nurses to the Determining Your Scope of Practice Decision Tree to assess the RN scope of practice related to fluoroscopy.
- ACTION MOTION CARRIED.

PUBLIC COMMENT: There were no public comments at the end of the meeting.

ADJOURNMENT

The meeting adjourned at 11:30 a.m. on Friday, July 26, 2013.