

Nevada State Board of **NURSING**

BOARD MEETING MINUTES July 25-27, 2012

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 25, 2012, at Zephyr Point Presbyterian Conference Center, Morning Star Conference Room, 660 Hwy 50, "Presbyterian Drive"
Zephyr Cove, Nevada 89448.

MEMBERS PRESENT

Tish Smyer, DNSc, RN, President
Rick Carrauthers, LPN, Vice-President
Sandra Halley, Consumer Member
Doreen Begley, MS, RN, Member
Rhigel Tan, DNP, RN, APN, Member
Jennifer Snidow, CNA, Member

MEMBERS ABSENT

Kelly Espinoza, MSN, RN, Member

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
Kathleen Reynolds, BHS, RN, Compliance Coordinator (7/25)
Fred Hillerby, Legislative Liaison (7/26)
Chief Deputy Attorney General Keith Marcher, Board Counsel (7/26)

CALL TO ORDER – 1:00 p.m.

PUBLIC COMMENT: There were no public comments.

APPROVAL OF CONSENT AGENDA

It was moved and seconded to approve the Consent Agenda, identified as items: A.1.-A.7., B.1.,C.1.-2., D.2.a.-q., D.3.a.-b., D.8.a., E.1. & F.1.a. MOTION CARRIED Items removed: A.2.

ACTION

A. BOARD GOVERNANCE AND ADMINISTRATION

1. Approval of minutes of Board meeting: May 3, 2012 and May 23 – 25, 2012: Approved under the Consent Agenda.
2. Annual review of Board member roles and responsibilities and Board function list: It was moved and seconded to direct Board staff to draft a Board Member Roles and

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Responsibilities Policy to be brought before the Board during its September meeting.
MOTION CARRIED.

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
 - f. Discipline Policy and Procedure Manual
 - g. Fingerprint Policy and Procedure Manual
 - h. Certified Nursing Assistant Policy and Procedure Manual
 - i. RN, RN/EMS, APN, CRNA and LPN Policy and Procedure Manual
4. Preliminary review of the FY11/12 financial statement: Approved under the Consent Agenda.
5. Annual Adoption of Non-Discrimination Policy: Approved under the Consent Agenda.
6. Conference and seminar report: Approved under the Consent Agenda.
 - a. Chris Sansom, NCSBN's Attorney/Investigator Conference, Fort Lauderdale, FL
 - b. Roseann Colosimo, Quality and Safety Education for Nurses National Forum, Tucson, AZ
 - c. Dean Estes and Jared Armstrong, NCSBN's IT Conference, Minneapolis, MN
 - d. Kathleen Reynolds, Citizen Advocacy Center Webinar: Regulatory Management of Chemically Dependent Health Care Practitioners
 - e. Debra Scott, 2012 American Academy of Nurse Practitioners Region 9 Meeting, San Diego, CA
 - f. Debra Scott, NCSBN's APRN Roundtable, Chicago, IL
 - g. Tish Smyer, NCSBN's World Café Education Meeting Monograph, Chicago, IL
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
 - What Happens if a Complaint is Filed Against You: F. Olmstead presented NSBN's complaint process to the Board and answered Board members questions.
 - School Approval Processes: R. Colosimo presented Nevada's nursing program approval process to the Board and highlighted an article addressing for-profit nursing education programs.
 - CGFNS Document Review: R. Colosimo presented NSBN's CGFNS document review process and the procedure for applicants that graduate from foreign nursing programs.
9. Legislative update: F. Hillerby gave Board members a legislative update, including a discussion regarding the Sunset Subcommittee of the Legislative Commission and the costs associated with its review process. In addition, he addressed the two Board member vacancies that will occur for the Board and the possible outcomes.
10. Final progress report on FY 11/12 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 12/13 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 8-10, 2012.
14. Review, discussion and action regarding NSBN's 90 year anniversary: D. Scott informed the Board that 2013 will mark NSBN's 90 year anniversary. She solicited ideas from Board members regarding how they would like to see this anniversary commemorated. Board members D. Begley and S. Halley agreed to work with Board staff to plan an appropriate celebration.
15. Discussion of Board evaluation: D. Scott and D. Estes presented the results of the Board Evaluation Survey that was completed by all Board members. D. Scott thanked Board members K. Espinoza and T. Smyer for helping draft the survey and all of the Board members for completing the survey.
16. 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 members file at the Board office.
17. Review, discussion and action regarding the Civil Applicant Waiver Policy: F. Olmstead informed the Board that all applicants providing fingerprints to the Board must sign a Civil Applicant Waiver. This form is mandatory and was provided by Nevada's Department of Public Safety.
18. Review, discussion and action regarding the APN Collaborative Agreement Policy: This agenda item was continued to the September Board Meeting.
19. Review, discussion and action regarding Executive Committee Meeting procedure: The Board discussed the utilization of a one-day Executive Committee Meeting and the procedure that the Board has been following during the last year. It was recommended by Board Counsel that the Board add one more Board member to the Executive Committee, thus making the one-day meeting an actual Board Meeting so the decisions made during the meeting would not need to be confirmed by the full Board. The Board members agreed that this would be more efficient and because these meetings are videoconferenced between the Reno and Las Vegas offices, it would allow licensure decisions to be made in a more timely manner. The schedule for the upcoming year's Board meetings will be reviewed at the Board's September meeting and will include 3-day Board meetings in January, March, May, July, September, and November and 1-day Board meetings in February, April, June, August, October, and December.
20. Review, discussion and action regarding implementation of NCSBN's Uniform Licensure Requirements (ULRs): D. Scott reviewed where Nevada stands in conforming to the ULRs. Nevada meets almost all of the ULRs, some in statute, some in regulation, and some in policy. One ULR that was highlighted was that Nevada allows individuals who

graduate from an RN program who are unable to pass the NCLEX-RN to take the NCLEX-PN. If the individual passes the NCLEX-PN, they may be licensed as an LPN in Nevada. The ULRs require that if a state allows this, that the individual also be required to take an LPN roles course prior to being licensed as an LPN. Dr. Colosimo has contacted the Nevada PN programs to assess their willingness to offer the LPN roles course to these individuals and has found that they would consider offering this course. The Board directed staff to review regulation and policy to ascertain what needs to be done so that Nevada may begin requiring the LPN roles course for individuals who graduate from an RN program and who choose to apply for LPN licensure in Nevada.

21. Review, discussion and action regarding BDR 13ABDC1244, Changing the Titling for Advanced Practitioner of Nursing to APRN: D. Scott announced that the Board has received a Bill Draft Request Number for the proposed bill to change the title of advanced practitioner of nursing (APN) to advanced practice registered nurse (APRN) for the upcoming 2013 Legislative Session.
22. Review and discussion of the Commitment to Ongoing Excellence (CORE) Project: C. Sansom provided an overview and update to the Board regarding the National Council of State Boards of Nursing CORE project to establish benchmarking for nursing regulatory agencies. Revised survey instruments for nurses, employers, educators, and boards will be sent to these various groups within each state. Survey results will be shared with the Board when they are available.

B. LICENSURE PROGRAMS

1. Annual adoption of NCLEX passing scores as determined by National Council as the official competency examination for licensure: Approved under the Consent Agenda.
2. Review, discussion and action regarding staff denial of LPN license application for Michelle Lingad: Applicant was present. It was moved and seconded to uphold the staff denial of LPN application for licensure. MOTION CARRIED.

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C. CERTIFICATION PROGRAMS

1. Ratification of Board staff biannual survey of East Career and Technical Academy Nursing Assistant Training Program: Approved under the Consent Agenda.
2. Ratification of staff site survey of the Progressive Healthcare and Training Nursing Assistant Training Program: Approved under the Consent Agenda.
3. Review, discussion and action regarding approval of Lyon County, Fernley High School Nursing Assistant Training Program application: R. Colosimo informed the Board that Fernley High School's NATP application is in the process of being completed. She added that Lyon County has continuously done an excellent job in preparing its CNA students as evidenced by the performance of the three other NATP programs in Lyon County. It was moved and seconded the Board approve Lyon County, Fernley High School application once the application is complete and all requirements are met and board staff is to conduct a survey within the first year. MOTION CARRIED.
4. Review and discussion regarding implementation of medication aide—certified regulations: R. Colosimo gave the Board an update of the medication aide-certified regulations. She also discussed the functionality of the Perry Foundation which was created to assist CNAs in their transition into the MA-C role and the granting of Headmasters Diversified testing services for NSBN's statewide MA-C examination.
5. Review, discussion and action regarding approval of Pershing General Hospital Nursing Assistant Training Program application: R. Colosimo informed the Board that Pershing General Hospital NATP application is in the process of being completed. She explained

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that Pershing High School will be the academic administrator and Deanna Davis, Program Coordinator, was previously a NATP instructor. It was moved and seconded the Board approve Pershing General Hospital Nursing Assistant Training Program application once the application is complete and all requirements are met board staff is to conduct a survey within the first year. MOTION CARRIED.

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D. DISCIPLINE PROGRAMS

1. Applications (initial and renewal in question)

a. Bastedo, Siobhan, LPN applicant: Applicant was present. It was moved and seconded the Board accept the application for licensure and the Agreement for Reprimand, Fine of \$1600 and classes and that she be evaluated by the Professional Evaluation Group within 90 days and follow all recommendations or the application is automatically denied without further proceedings for violation of NRS 632.320 (1)(g) unprofessional conduct, NAC 632.415 unprofessional conduct and NAC 632.890 (37) practicing without an active license. A denial would become part of the applicant's permanent record and be published and reported to all appropriate agencies. MOTION CARRIED.

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b. Bates, Matthew, 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 and (1)(e) controlled substances and/or alcohol. MOTION CARRIED.

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c. Lindsay, Alexandria, RN 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.

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d. Vincent, Janice, RN applicant: Applicant was not present. It was moved and seconded the Board accept the application for licensure. MOTION CARRIED.

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2. Settlement agreements

- a. Bauer-Junkins, Lisa, RN58201: Agreement for Monitoring for violation of NRS 632.320 (1)(e) controlled substances and/or alcohol, (1)(g) unprofessional conduct and NAC 632.890 (10) positive drug screen on duty. Accepted under the Consent Agenda.
- b. Dean, Brenda, RN31323: Agreement for Monitoring for violation of NRS 632.320 (1)(e) controlled substances and/or alcohol and (1)(g) unprofessional conduct. Accepted under the Consent Agenda.
- c. Vega, David, RN72018: Agreement for Monitoring for violation of NRS 632.320 (1)(b) criminal conviction and (1)(e) controlled substances and/or alcohol. Accepted under the Consent Agenda.
- d. Bryant, Elsie, CNA006354: Consent Agreement for Fine Renewal Applicant for violation of NRS 632.320 (1)(a) fraudulent application and (1)(b) criminal conviction. Accepted under the Consent Agenda.
- e. Crandell, Alaura, CNA025985: Agreement for Reprimand, Fine of \$50 and Continuing Education for violation of NRS 632.320 (1)(g) unprofessional conduct, NAC 632.415 unprofessional conduct and NAC 632.890 (26) violation of state/federal nursing law/regulation. Accepted under the Consent Agenda.
- f. Crossley, Wende, CNA025026: Agreement for Reprimand for violation of NRS 632.320 (1)(g) unprofessional conduct and NAC 632.890 (2) practicing beyond scope. Accepted under the Consent Agenda.

- g. Davies, Paula, RN64427: Agreement for Reprimand and fine of \$1200 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. Decorion-Sayo, Imelda, RN33506: Agreement for Reprimand for violation of NRS 632.320 (1)(g) unprofessional conduct and NAC 632.890 (16) failing to properly document controlled substances, (20) inaccurate recording/falsifying and (27) customary standards of practice. Accepted under the Consent Agenda.
 - i. Haskell, Catherine, RN31451: Agreement for Fine of \$500 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.
 - j. Hill, Virginia, CNA 020634: Agreement for Reprimand for violation of NRS 632.320 (1)(g) unprofessional conduct and NAC 632.890 (2) practicing beyond scope. Accepted under the Consent Agenda.
 - k. Lawson, Janet, RN25590: Consent Agreement for Fine Renewal Applicant for violation of NRS 632.320 (1)(a) fraudulent application and (1)(b) criminal conviction. Accepted under the Consent Agenda.
 - l. Mayberry, Mark, RN26244: Consent Agreement for Fine Renewal Applicant for violation of NRS 632.320 (1)(a) fraudulent application and (1)(b) criminal conviction. Accepted under the Consent Agenda.
 - m. Mrlik, Jacqueline, RN09325: Consent Agreement for Fine Renewal Applicant for violation of NRS 632.320 (1)(a) fraudulent application and (1)(b) criminal conviction. Accepted under the Consent Agenda.
 - n. Pagdonsolan, Teresita, RN33544: Agreement for Reprimand for violation of NRS 632.320 (1)(g) unprofessional conduct, NAC 632.890 (24) failing to collaborate with health care team and (28) causing harm to a patient. Accepted under the Consent Agenda.
 - o. Patterson, Ann, RN17483: Agreement for Reprimand for violation of NRS 632.320 (1)(g) unprofessional conduct and NAC 632.890 (27) customary standards of practice. Accepted under the Consent Agenda.
 - p. Velasco, Teresita, RN40386: Agreement for Fine of \$200 for violation of NRS 632.320 (1)(m) action in another state. Accepted under the Consent Agenda.
 - q. Wheeler, Connie, RN20037: Consent Agreement for Fine Renewal Applicant for violation of NRS 632.320 (1)(a) fraudulent application and (1)(b) criminal conviction. Accepted under the Consent Agenda.
3. Successful completion of probation
- a. Ballingham, Zachary, APN001285, RN56421: Termination of probation accepted under the Consent Agenda.
 - b. Serrano, Alfredo, RN27598: Termination of probation accepted under the Consent Agenda.
4. Reinstatement of licensure/certification – No business
5. Formal administrative hearings
- a. Santiago, Paul, RN14520: 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, (1)(n) deceive, defraud or endanger a patient and NAC 632.890 (2) practicing beyond scope, (20) inaccurate recording, falsifying, (28) causing harm to a

patient or the family of a patient, (29) sexual contact with patient or client, (37) practicing without an active license and (40) professional boundaries. It was moved and seconded the Board revoke the respondent's license. Respondent may not apply for reinstatement for a period of twenty (20) 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.

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- 6. Board-directed investigations – No business
- 7. Ratification of staff denials – NRS 632.320 (1)(a) fraudulent application – No business
- 8. Ratification of staff denials – NRS 632.320 (1)(b) convictions
 - a. Johnson, Ashley, LPN applicant: Applicant was not present. It was moved and seconded the Board ratify the staff denial of application for licensure 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. Accepted under the Consent Agenda.

9. Special Action

- a. Review, discussion and action regarding appointments to the Disability Advisory Committee: It was moved and seconded the Board appoint Ann Testolin, RN, and Mattie Washington-Harris, RN as conceptual members and Susan Hubbard, RN as a member of the Disability Advisory Committee. MOTION CARRIED.
- b. Review and discussion regarding the Disability Advisory Committee (DAC): K. Reynolds presented this agenda item, giving the Board an update about how the DAC functions. She stated that the Professional Evaluation Group, which may include DAC members and Board staff, will be assessing licensees and certificate holders for safety to practice. Those recommendations will be considered as part of the Complaint/Investigation review and utilized in making licensure decisions. The DAC semiannual meetings will continue to be public meetings as they have been in the past.
- c. Review, discussion and action regarding proposed revisions to Board Policies and Procedures:

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- Fingerprinting on Renewal: It was moved and seconded the Board approve revisions to the policy as written. MOTION CARRIED.
- Identification of requirements for nursing licensure by endorsement: It was moved and seconded the Board approve revisions to the policy as written. MOTION CARRIED.
- Reporting of Disciplinary Action: It was moved and seconded the Board approve revisions to the policy as written. MOTION CARRIED.

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E. EDUCATION

- 1. Review and discussion regarding approval of recognized accrediting bodies: Approved under the Consent Agenda.
- 2. Review and discussion regarding nursing student clinical placement software implementation: R. Colosimo gave Board members an update of the newly implemented clinical placement program for Nevada. At this time the south consortium is using the program and things are running efficiently. Orientations for the north consortium will be in August 2012.

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3. Review, discussion and action regarding Nevada Career Institute obstetrical nursing clinical placement: R. Colosimo informed the Board that NCI currently has insufficient obstetrical clinical placements for its nursing students. Dr. Carpenter and A. AlMouzzen were present to provide to the Board a plan of action and to explain the process for providing student clinicals. It was moved and seconded approve Nevada Career Institute's obstetrical nursing clinical placement plan. MOTION CARRIED.
 4. Review, discussion and action regarding Nevada Career Institute's Board directed, focused resurvey of faculty, admissions and program evaluation for consideration of admission of students: Dr. Carpenter and A. AlMouzzen were present to request the allowance of admissions of a third cohort for NCI. R. Colosimo noted that focused resurvey concluded that many improvements have been made; however, there are improvements that still needed to be made. The Board acknowledged that student admissions could help retain faculty. It was moved and seconded the Board allow admissions of a third cohort consisting of 24 students with a follow-up to be completed by Board staff in October 2012. MOTION CARRIED.
 5. Review, discussion and action regarding two appointments to the Education Advisory Committee: It was moved and seconded the Board reappoint Madelon Lawson, RN and appoint Sherilyn Coffman, RN to the Education Advisory Committee. MOTION CARRIED.
 6. Review and discussion of the 2012 second quarter G-4 NCLEX pass rates: R. Colosimo excitedly informed the Board that all Nevada's nursing programs currently have G-4 NCLEX pass rates above 80%. Board members expressed their congratulations to all the nursing programs and NSBN's education consultant.
 7. Review, discussion and action regarding nursing program administrator for Nevada Career Institute: A. AlMouzzen and Dr. Carpenter were present to answer Board members questions regarding Dr. Carpenter's qualifications. R. Colosimo stated that Dr. Carpenter meets Nevada regulation requirements, has much experience and is very knowledgeable with accreditation. It was moved and seconded that the Board deem that Dr. Connie Carpenter meets the legal requirement to serve as nursing program administrator for Nevada Career Institute. MOTION CARRIED.
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F. NURSING PRACTICE

1. Applications in question regarding NRS 632.307
 - a. Hinz, Sherrie, RN28092: 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 five appointments to the Advanced Practice Advisory Committee: It was moved and seconded the Board appoint Mary Betita, RN, Alona Dalsung-Angosta, RN, John Phoenix, RN, Richard Talusan, RN and Cheryl Broussard, RN to the Advanced Practice Advisory Committee. MOTION CARRIED.
 3. Review, discussion and action regarding two appointments to the Nursing Practice Advisory Committee: It was moved and seconded the Board reappoint Cathy Dinauer, RN and appoint Lori Roorda, RN to the Nursing Practice Advisory Committee. MOTION CARRIED.
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PUBLIC COMMENT: Board President, T. Smyer solicited public comment at the beginning of each day and at the end of each day of the meeting. No public comment was offered.

ADJOURNMENT

The meeting adjourned at 11:30 a.m. on Friday, July 27, 2012.