

Nevada State Board of **NURSING**

BOARD MEETING MINUTES

July 22-24, 2015

The Nevada State Board of Nursing Board meeting was called to order by President, Jay Tan, DNP, RN, APRN at 1:00 p.m. on July 22, 2015, at Zephyr Point Presbyterian Conference Center, Morning Star Conference Room, 660 Hwy 50, "Presbyterian Drive"
Zephyr Cove, Nevada 89448.

MEMBERS PRESENT

Jay Tan, DNP, RN, APRN, President
Mary-Ann Brown, MSN, RN, Vice-President
Deena McKenzie, RN MSN, CNML, Secretary
Susan VanBeuge, DNP, APRN, FNP-BC, CNE, FAANP, RN, Member
Rick Carrauthers, LPN, Member
Jennifer Snidow, CNA, Member
Sandra Halley, Consumer Member

OTHERS PRESENT

Debra Scott, MSN, RN, FRE, Executive Director
Chris Sansom, MSN, RN, Director of Operations
Cathy Dinauer, MSN, RN, Associate Director of Nursing Practice
Fred Olmstead, General Counsel
Dean Estes, CPM, Director of Finance and Technology
Gail Trujillo, Executive Assistant
Roseann Colosimo, PhD, RN, Education Consultant

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. –A.6., B.1.- B.2., C.2. – C.3., D.2.a.-e. & D.3.a.-b. **MOTION CARRIED.**

ACTION

A. BOARD GOVERNANCE AND ADMINISTRATION

1. Approval of the May 20-22, 2015 Board meeting minutes: Approved under the Consent Agenda.
2. Annual review of Board member roles and responsibilities and Board function list: Approved under the Consent Agenda.
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, APRN, CRNA and LPN Policy and Procedure Manual
 - j. Education Policy and Procedure Manual

4. Annual Adoption of Non-Discrimination Policy: Approved under the Consent Agenda.
5. Conference and seminar report: Approved under the Consent Agenda.
 - a. Juan Barajas: Dealing with Difficult Customers, Reno, NV
 - b. Cathy Dinauer: Medical Marijuana: From Theory to Practical Application Workshop, Reno, NV
6. 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.
7. Preliminary review of the FY 14/15 financial statement: D. Estes led the discussion, reviewing the FY 14/15 financial statement and answering Board member questions. It was moved and seconded the Board approve the FY 14/15 financial statement. MOTION CARRIED.

ACTION

8. Board member advanced orientation: F. Olmstead presented this agenda item. The Board discussed the differences between probation agreements or orders for substance use disorders versus practice.
9. Review and discussion of legislative session 2015 outcomes by Michael Hillerby, Governmental Liaison: M. Hillerby was present to discuss legislative outcomes of the 2015 legislative session. He described various bills that were passed that may affect nursing practice in Nevada including topics regarding telehealth, expedited licensure and prescription drug monitoring.
10. Final progress report on FY 14/15 Goals and Objectives: The Board reviewed the contents of the final progress report. Board staff responded to questions regarding activities listed in the report.
11. Review, discussion and action regarding FY 15/16 Goals and Objectives: 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. Board staff will apply the comments and suggestions of the Board and bring the finalized document to the September Board meeting for approval.
12. Review and discussion regarding statistics and trends related to nursing education, licensure, discipline and education: The Board reviewed 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 19-21, 2015. It was moved and seconded the Board recommendations be considered by the delegates as discussed. MOTION CARRIED.

ACTION

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. Executive Director annual evaluation: Board members met with the executive director, D. Scott, to present her annual evaluation.
17. Review, discussion and action regarding intervention for practicing without an active license: D. Scott informed that Board that 6 nurses were disciplined for practicing

without an active license within the last year. There was no action taken on this agenda item.

18. Review, discussion, and action regarding the possible request for a concentrated review of the Nevada Practice Act by Federation of Attorneys for Regulatory Boards: F. Olmstead informed the Board that FARB offered to complete a review of our Nurse Practice Act using their model rules. FARB has completed this review for two other boards of nursing. F. Olmstead will gather additional information to determine if our Board would benefit from this review.

19. Review, discussion and action regarding concept and wording for regulations: F. Olmstead informed the Board of the proper procedure for proposing revisions to current regulations. The Board reviewed regulation revisions regarding the LPN scope of practice and education. R. Colosimo detailed each revision and explained that the Education Advisory Committee supports the revisions to the education regulations. She added that the revisions to the LPN scope of practice regulations were proposed by a taskforce made up of LPN stakeholders as a subcommittee of the Nursing Practice Advisory Committee. The Board approved the concept of the regulations and will review the final wording once the regulations have been reviewed by LCB. It was moved and seconded the Board approve the concept of the regulation revisions. MOTION CARRIED.

ACTION

20. Review, discussion and action regarding status of regulations found in LCB File No. R105-14: F. Olmstead detailed the history of LCB File No. R105-14 regarding APRN prescribing practices. He explained that during the 2015 legislative session multiple bills were passed regarding APRNs registering and utilizing the Nevada Prescription Drug Monitoring Program and asked the Board to discern if LCB File No. R105-14 would be redundant. The Board reviewed the proposed regulation and determined that LCB File No. R105-14 is necessary to enforce APRN registration with the PMP program and require them to include proof of registration in their portfolio. It was moved and seconded the Board move forward with the passage of LCB File No. R105-14. MOTION CARRIED.

ACTION

21. Review, discussion and action regarding appointment of an alternate delegate to the NCSBN Delegate Assembly: It was moved and seconded to appoint Chris Sansom as an alternate delegate to the NCSBN Delegate Assembly. MOTION CARRIED.

ACTION

22. Review, discussion and action regarding the Contingency Fund Policy: D. Estes presented revisions to the Contingency Fund Policy increasing reserves for risk management, technology upgrades and operating expenses. It was moved and seconded the Board approve the revisions Contingency Fund Policy as proposed. MOTION CARRIED.

ACTION

23. Review, discussion and action regarding finalizing interview questions for executive director candidates: The Board reviewed sample interview questions for executive director candidates and discussed the interview process which will be completed during the September Board meeting. It was moved and seconded the Board order staff to draft an interview form to be approved by the Board prior to the September meeting. MOTION CARRIED.

ACTION

24. Review, discussion and action regarding the executive director's succession plan: The Board reviewed the succession plan timeline and finalized the interview process. All applicants will be contacted to obtain references and to confirm their attendance for staff and Board interviews.

25. Review, discussion and action regarding NSBN's paperless initiative: D. Estes informed the Board that we have started the process of implementing online initial applications. With this new program applicants will no longer be required to submit paper initial

and/or renewal applications. Applicants will also be able to upload additional documents with each application. He projected that online initial applications will be available by the end of August.

26. Review, discussion and action regarding mandating online initial and renewal applications: D. Scott informed the Board that approximately 80% of license/certificate renewals are completed online. She added that it is becoming increasingly common that agencies are discontinuing paper applications. The Board discussed the pros and cons of mandating online initial and renewal applications. It was decided that NSBN begin its paperless initiative and mandate that all renewal and initial applications be submitted online. Board staff will have the ability to send paper applications to applicants for a \$25 fee. Board staff was directed to begin informing the public of NSBN's paperless initiative and to draft a policy its implementation. It was moved and seconded the Board order that all initial and renewal applications be submitted online effective January 1, 2016.

ACTION

MOTION CARRIED.

27. Review, discussion and action regarding the implementation of the revised Nurse Licensure Compact: D. Scott provided the Board with information related to NCSBN's NLC Toolkit which is now available on their website. She added that costs associated with the implementation may be funded through an NCSBN grant program. The Board was reminded that in order for Nevada to join the NLC it must be enacted by the Nevada legislature during the 2017 Legislative Session.

28. Review, discussion and action regarding Board meeting dates and schedule for 2016: It was moved and seconded the Board approve the following 2016 Board meeting dates: January 13-15, 2016, March 23-25, 2016, May 18-20, 2016, July 20-22, 2016, September 14-16, 2016 and November 16-18, 2016. MOTION CARRIED.

ACTION

29. Review, discussion and action regarding scheduling a special Board meeting in early October: It was moved and seconded to schedule a special Board meeting on October 1, 2015. MOTION CARRIED.

ACTION

30. Review, discussion and action regarding a budget variance: D. Scott informed the Board that after 10 years of regulating CNAs and CNA programs the Board was granted a 5% increase from the Bureau of Health Care Quality and Compliance to offset the cost of regulating CNAs. She added that once the new executive director is hired, Board staff will present a comprehensive budget variance for FY 15/16.

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 and discussion regarding approval of recognized accrediting bodies: Approved under the Consent Agenda.

C. CERTIFICATION PROGRAMS

1. Review, discussion and action regarding appointment to the CNA Advisory Committee: It was moved and seconded the Board appoint Rafael Villarreal, LPN15515 to the CNA Advisory Committee. MOTION CARRIED.
2. Ratification of Southwest Career and Technical Academy Nursing Assistant Training Program biannual site survey: Approved under the Consent Agenda.
3. Ratification of Western High School Nursing Assistant Training Program biannual site survey: Approved under the Consent Agenda.

ACTION

4. Review, discussion and action regarding Ormsby Post Acute Rehab Nursing Assistant Training Program initial application: R. Colosimo presented the Ormsby Post Acute Rehab Nursing Assistant Training Program application. She explained that the application needs additional work but Board staff will the program assist the program in bringing their application into compliance. This will be a free training program and Carson City High School will be its academic administrator. R. Colosimo will report to the Board on the Ormsby Post Acute Rehab Nursing Assistant Training Program once the program is up and running. It was moved and seconded the Board approve Ormsby Post Acute Rehab Nursing Assistant Training Program contingent upon a site survey and the hiring of a qualified instructor. MOTION CARRIED.

ACTION

5. Review, discussion and action regarding proposed revision to the Qualifications for Certified Nursing Assistant Hours of Employment for Renewal of Certificates advisory opinion: It was moved and seconded the Board approve the revisions to the Certified Nursing Assistant Hours of Employment for Renewal of Certificates advisory opinion as proposed. MOTION CARRIED.

ACTION

6. Review, discussion and action regarding proposed revisions to the following policies:
- a. Issuance of Temporary and Permanent Certificate by Examination: It was moved and seconded the Board approve the revisions to the Issuance of Temporary and Permanent Certificate by Examination as proposed. MOTION CARRIED.

ACTION

- b. Issuance of Temporary and Permanent Certificate by Endorsement: It was moved and seconded the Board approve the revisions to the Issuance of Temporary and Permanent Certificate by Endorsement as proposed. MOTION CARRIED.

ACTION

- c. Lapsed Nursing Assistant Certificates: It was moved and seconded the Board approve the revisions to the Lapsed Nursing Assistant Certificates as proposed. MOTION CARRIED.

ACTION

D. DISCIPLINE PROGRAMS

1. Applications (initial and renewal in question) – No business

2. Settlement agreements

- a. Knight, Patricia, LPN10054: Agreement for Reprimand and Fine of \$1,600 for violation of NRS 632.320 (1)(g) unprofessional conduct and NAC 632.890 (37) practice without a valid license. Approved under the Consent Agenda.
- b. Kerr, John, CNA031634: Agreement for Reprimand for violation of NRS 632.320 (1)(g) unprofessional conduct, NAC 632.890 (8) failing to safeguard and (27) customary standards of practice. Approved under the Consent Agenda.
- c. Bundrock, Tawyna, RN67153: Voluntary Surrender of License in Lieu of Other Disciplinary Action for violation of NRS 632.320 (1)(b) criminal conviction and (1)(e) controlled substances and/or alcohol. Approved under the Consent Agenda.
- d. Machado, Jeffery, RN76837: Agreement for Probation for violation of NRS 632.320 (1)(b) criminal convictions. Approved under the Consent Agenda.
- e. Lowry, Layne, RN58223: Voluntary Surrender of License in Lieu of Other Disciplinary Action for violation of NRS 632.320 (1)(g) unprofessional conduct, (1)(o) failing to comply with a Board order, and NAC 632.890 (36) failing to comply. Approved under the Consent Agenda.

3. Successful completion of probation

- a. Wooley, Julie, RN60645: Termination of probation approved under the Consent Agenda.

- b. Burgner Fraczek, Karri, RN37671, APRN000925: Termination of probation approved under the Consent Agenda.

4. Reinstatement of licensure/certification – No business

5. Formal administrative hearings – No business

6. Special Action

- a. Review, discussion and action regarding the Complaint Resolution Analysis for Professional Accountability and Public Protection: C. Sansom gave a presentation to the Board regarding her Complaint Resolution Analysis for Professional Accountability and Public Protection program. C. Sansom explained this analysis program creates objectivity for Board staff when reviewing cases by utilizing a rating system for the case facts. Board staff has piloted this program on 22 cases and this program has shown results consistent with the outcomes ordered by the Board. It was moved and seconded the Board order the Complaint Resolution Analysis for Professional Accountability and Public Protection program continue to be piloted for six months and Board staff to report the outcomes at the January 2016 Board meeting.

ACTION

MOTION CARRIED.

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

E. EDUCATION

1. Review and discussion regarding the NCLEX first time pass rates for CY2015: R. Colosimo presented the NCLEX first time pass rates for 2015. Nevada’s fully approved programs continue to do well. She added that Kaplan College is not performing well; however, Everest College is at an 88% first time pass rate and Nevada Career Institute is at 85% for the second quarter of 2015.
2. Review and discussion regarding provisional approved nursing program six month reports: R. Colosimo presented a summary of the six month reports for Nevada’s provisional programs—Nevada Career Institute, Everest College and Chamberlain College of Nursing. She explained that Kaplan College RN program completed it’s “teach out” in June of 2015. Kaplan College PN program, which is on conditional approval, has hired a new program director. Everest College is under new ownership and seems to be stable with an 88% NCLEX first time pass rate. Lastly, Chamberlain College is a new program with a very experienced Dean, Dr. Judith Hightower.
3. Review, discussion and action regarding Arizona College application for a baccalaureate degree nursing program: President and CEO Nick Mansour, Arizona campus Dean Rose Saunders and the proposed Las Vegas campus Dean Patricia Alpert were present to answer Board member questions. R. Colosimo presented the Arizona College BSN program application. She added that the application was presented to the Education Advisory Committee and the committee was pleased with the curriculum. The program projects that 25% of clinical experiences will occur in the community. The curriculum also includes the development of student values and professionalism. The Education Advisory Committee was concerned that Arizona College has not graduated students from its Arizona campus. Shirley Snyder, a well known nurse educator in Nevada, was hired to assist with the application process and Dr. Alpert is a qualified nursing program

administrator. S. VanBeuge explained that she is pleased that a BSN program is opening in southern Nevada. It was moved and seconded the Board approve Arizona College for candidacy for provisional approval. The Board agreed that Dr. Alpert meets the regulatory requirements for a nursing program administrator. MOTION CARRIED.

ACTION

4. Review and discussion regarding Accreditation Commission for Education in Nursing and National League for Nursing conflict: R. Colosimo provided the Board with a press release regarding the Accreditation Commission for Education in Nursing (ACEN) and National League for Nursing (NLN) conflict. She explained that ACEN is a Title IV gate keeper which is the accreditation that addresses student loans. The Department of Education (DOE) expressed that in order to be a Title IV gate keeper ACEN cannot be a part of trade organization; therefore, NLN and ACEN will need to agree to a change in their bylaws. If ACEN loses its Title IV ability it should not affect Nevada students as most programs hold Title IV from the Nevada System of Higher Education (NSHE) or from CCNE.
5. Review and discussion regarding National Council of State Boards of Nursing Resource Manual on Licensure of Foreign-educated Nurses: R. Colosimo presented this agenda item detailing what resources the manual provides. She added that we may be seeking approval to utilize additional credential evaluators. R. Colosimo will also research the concurrency of clinical and didactic courses offered in foreign nursing programs.
6. Review, discussion and action regarding reappointment to the Education Advisory Committee: It was moved and seconded the Board reappoint Sherrilyn Coffman, RN29084 and Madelon Lawson, RN32452 to the Education Advisory Committee. MOTION CARRIED.

ACTION

F. NURSING PRACTICE

1. Review, discussion and action regarding appointment and reappointment to the Nursing Practice Advisory Committee: It was moved and seconded to reappoint Lori Roorda, RN10117 and appoint Ann Diaz, RN20415 to the Nursing Practice Advisory Committee. MOTION CARRIED.
2. Review, discussion and action regarding appointment and reappointment to the Advanced Practice Registered Nurse Advisory Committee: It was moved and seconded to appoint Sheryl Giordano, APRN00828 and reappoint Alona Dalusung-Angosta, APRN000619, Mary Betita, APRN000884 and Cheryl Broussard, APRN001231 to the Advanced Practice Registered Nurse Advisory Committee. MOTION CARRIED.

ACTION

ACTION

PUBLIC COMMENT – D. Scott read a letter addressed to the Board from the Nevada Nurses Association outlining the various initiatives its members are participating in.

ADJOURNMENT

The meeting adjourned at 11:30 a.m. on Friday, July 24, 2015.