

Nevada State Board of **NURSING**

BOARD MEETING MINUTES

November 16-17, 2016

The Nevada State Board of Nursing Board meeting was called to order by President, Jay Tan, DNP, RN, APRN at 8:31 a.m. on November 16, 2016, at the Hilton Garden Inn, Reno, 9920 Double R. Boulevard, Reno, Nevada 89521.

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
Jacob Watts, CNA, Member
Sandra Halley, Consumer Member

OTHERS PRESENT

Cathy Dinauer, MSN, RN, Executive Director
Fred Olmstead, General Counsel
Kimberly A. Arguello, Deputy General Counsel
Dean Estes, CPM, Director of Finance and Technology
Catherine Prato-Lefkowitz, PhD, MSN, RN, Director of Nursing Education (11/16)
Sam McCord, BSN, RN, Director Nursing Practice
Hillary Murphy, Executive Assistant
Stacy Hill, Management Assistant
Ray Martinez, Investigator
Elaine Weimer, Nurse Investigator
Kim Cates, Business Support Assistant (11/16)
Rhoda Hernandez, Management Assistant

CALL TO ORDER– 8:31 a.m.

PUBLIC COMMENT:

- S. VanBeuge announced that former Board President Tish Smyer is being entered into Arlington National Cemetery.
- C. Dinauer introduced the new staff in attendance at the meeting to the Board Members.

APPROVAL OF CONSENT AGENDA: It was moved and seconded to approve the Consent Agenda, identified as items: A.1., A.3.a-f., A.5., A.8., A.16., C.1., D.1.b-d., D.2.a-k., D.3.a., D.7.a-b. **MOTION CARRIED.**

A. BOARD GOVERNANCE AND ADMINISTRATION

1. Approval of the July 20-22, 2016 Board meeting minutes: Approved under the consent agenda.
2. Executive Director Report: C. Dinauer presented this agenda item. She updated the Board on matters including staffing. She announced that NSBN is fully compliant with the audit recently done by NPDB. She presented the Board with an informational packet regarding APRN licensure statistics. She presented the Board with an informational packet regarding the Board's ethical code of conduct.

3. Conference and Seminar Report: Approved under the consent agenda.
 - **a. Catherine Prato-Lefkowitz and Jeannette Calderon: NCSBN NCLEX Conference, Philadelphia, PA
 - **b. Fred Olmstead, Kimberly Arguello, and Hillary Murphy: Federation of Regulatory Boards, Annual Regulatory Law Seminar, Chicago, IL
 - **c. Cathy Dinauer, Kimberly Arguello, Gail Trujillo, Dean Estes, and Hillary Murphy: NCSBN Nurse Licensure Compact Training, Lincoln, NE
 - **d. Christie Daliposon: CLEAR-NCIT Specialized Program, Portland, OR
 - **e. Sam McCord: CLEAR-NCIT Basic Program, Portland, OR
 - **f. Sam McCord: NCSBN Investigator Conference, Chicago, IL
4. Review statistics and trends relating to scope of practice inquiries: S. McCord presented this agenda item. He provided the Board with an update related to scope of practice inquiries received in the past two months.
5. Progress report on FY 16/17 Goals and Objective: Approved under the consent agenda.
6. Financial Statements (quarterly report): D. Estes presented the first quarter of the FY 16/17 financial report and answered questions from the Board.
7. Review and acceptance of the FY 15/16 Audit Report: Beth Kohn-Cole, CPA, Kohn Colodny, LLP, described the audit her firm conducted of the Board's financial statements for the year ending on July 30, 2016. The Board reviewed the documents presented and asked questions related to the finding. It was moved and seconded that the Board accept the audit; that all recommendations be followed; that the Board receive additional reports on the status of the recommendations; and that the Board receive and review a report from the six month interim audit. MOTION CARRIED.
8. Review and discussion of the FY 15/16 Annual Report: This item was approved under the consent agenda.
9. Review, discussion, and possible action regarding conference attendance assignments: Board members and staff were assigned to attend appropriate conferences for 2017 based upon availability and subject matter. The Executive Director was granted the ability to assign additional conferences as they become available within budgetary constraints. It was moved and seconded the Board accept the results of the discussion for conference attendance. MOTION CARRIED.
10. Review, discussion, and possible action regarding election of Board officers: Board nominations and elections were conducted. It was moved and seconded the Board appoint R. Tan as president, M. Brown as vice-president, and S. VanBeuge as secretary. MOTION CARRIED.
11. Review, discussion, and possible action regarding procedure for handling letters from the Board of Pharmacy regarding APRNs and the Prescription Monitoring Program policy: F. Olmstead and H. Murphy presented this agenda item and answered questions from the Board. It was moved and seconded the policy be approved as written. MOTION CARRIED.
12. Review, discussion, and possible action regarding APRN controlled substance prescribing guidelines: K. Arguello presented this agenda item. She reviewed the history behind the agenda item. She presented the guidelines with the revisions agreed upon by the APRN Advisory Committee. She also presented suggested amendments by a committee member. The Board suggested the guidelines be edited to include language stating they will be reviewed a minimum of annually. It was moved and seconded the Board accept the proposed APRN controlled substance prescribing guidelines with the suggestion of a minimum of annual review. MOTION CARRIED.

13. Review, discussion, and possible action regarding proposed APRN postgraduate equivalencies for psychiatric and mental health nurse practitioner policy: C. Dinauer presented this agenda item. She referenced the history of the item and stated that item has been reviewed and approved by the APRN Advisory Committee as well as a group of key stakeholders. It was moved and seconded that the Board accept the policy as written. MOTION CARRIED, R. Carrauthers opposed.
14. Review and discussion regarding a legislative update: M. Hillerby presented this agenda item. He updated the Board on the results of the recent election. He provided the Board with a copy of the bill introduced for the Nurse Licensure Compact as Assembly Bill 18. M. Hillerby received items pertaining to the Board including the North Carolina Dental Board Case, APRN global signature authority, the Prescription Monitoring Program, and prescription drug abuse.
15. Review and discussion relating to a statistical review of the Complaint Resolution Analysis Tool: S. McCord presented this agenda item. The Board reviewed the current statistics and trends of the tool.
16. Review, discussion, and possible action regarding approval of changes to APRN Initial Application policy: This item was approved under the consent agenda.
17. Review, discussion, and possible action regarding approval of changes to Board Election of Officers policy: This item was presented by K. Arguello. The Board discussed the policy and Open Meeting Law requirements. It was moved and seconded that the Board accept the policy as written. MOTION CARRIED.
18. Review, discussion, and possible action regarding Executive Director expense approval policy: C. Dinauer presented this agenda item. This policy comes as a result of a recommendation from the fiscal audit. K. Arguello answered questions from the Board. IT was moved and seconded that the Board accept the policy as written. MOTION CARRIED.

B. LICENSURE PROGRAMS – No Business.

C. CERTIFICATION PROGRAMS

1. Ratification of Truckee Meadows Community College Nursing Assistant Training Program biannual site survey: This item was approved under the consent agenda.

D. DISCIPLINE PROGRAMS

1. Applications (initial and renewal in question) – No business
 - a. Propert, Nicole, RN applicant: Applicant was present. It was moved and seconded the Board accept the application for licensure. MOTION CARRIED.
 - b. Krajewski, Sandra, CNA015646: Applicant was not present. The Board denied the renewal application for certification for violation of NRS 632.347 (1)(g) unprofessional conduct, NAC 632.415 unprofessional conduct, and NAC 632.890 (26) violation of state/federal nursing law/regulation and ordered the denial become part of the applicant's permanent record and be published and reported to all agencies. Approved under the consent agenda.
 - c. Lovelace, Dover, CNA027062: Applicant was not present. The Board denied the renewal application for certification for violation of NRS 632.347 (1)(g) unprofessional conduct, NAC 632.415 unprofessional conduct, and NAC 632.890 (26) violation of state/federal nursing law/regulation and ordered the denial become part of the applicant's permanent record and be published and reported to all agencies. Approved under the consent agenda.

- d. Kerkla, Kellie, CNA025625: Applicant was not present. The Board denied the renewal application for certification for violation of NRS 632.347 (1)(g) unprofessional conduct, NAC 632.415 unprofessional conduct, and NAC 632.890 (26) violation of state/federal nursing law/regulation and ordered the denial become part of the applicant's permanent record and be published and reported to all agencies. Approved under the consent agenda.
 - e. Wojciechowskimahnke, Stephen, LPN applicant: Applicant was present. It was moved and seconded the Board accept the application for licensure and order that he successfully completed courses in Critical Thinking, Decision Making, and Nevada Nurse Practice Act within in six months or the application will be automatically denied, and that denial be published and reported to all appropriate agencies.
- MOTION CARRIED.

2. Settlement agreements

- a. Little, Tamara, RN59131: Agreement for Fine and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct, NAC 632.415 unprofessional conduct, and NAC 632.890 (26) violation of state/federal nursing law/regulation. Approved under the consent agenda.
- b. De Johnette, Laura, RN24882: Agreement for Reprimand, Fine, and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct and NAC 632.890 (37) practicing without an active license. Approved under the consent agenda.
- c. Torres, Carmen, LPN11856: Agreement for Fine and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct, NAC 632.415 unprofessional conduct, and NAC 632.890 (26) violation of state/federal nursing law/regulation. Approved under the consent agenda.
- d. Limcangco, Angelica Kristy, RN60068: Agreement for Fine and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct, NAC 632.415 unprofessional conduct, and NAC 632.890 (26) violation of state/federal nursing law/regulation. Approved under the consent agenda.
- e. Machado, Jeffrey, RN76837: Agreement for Probation for violation of NRS 632.347 (1)(e) controlled substances and/or alcohol, (1)(g) unprofessional conduct, (1)(o) failing to comply and NAC 632.890 (36) failing to comply with a Board order. Approved under the consent agenda.
- f. Montgomery, Karri, RN41233: Agreement for Probation for violation of NRS 632.347 (1)(e) controlled substances and/or alcohol, (1)(g) unprofessional conduct, (1)(o) failing to comply and NAC 632.890 (36) failing to comply with a Board order. Approved under the consent agenda.
- g. Jackson, Amy, RN60227: Agreement for Probation for violation of NRS 632.347 (1)(e) controlled substances and/or alcohol, (1)(g) unprofessional conduct, (1)(o) failing to comply and NAC 632.890 (36) failing to comply with a Board order. Approved under the consent agenda.
- h. Balde, Elizabeth, RN65440: Agreement for Reprimand and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct and NAC 632.890 (27) customary standards of practice. Approved under the consent agenda.
- i. Salcido, Carmen, CNA020712: Agreement for Fine and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct, NAC 632.415 unprofessional conduct, and NAC 632.890 (26) violation of state/federal nursing law/regulation. Approved under the consent agenda.

- j. Haugsness, Janet, RN15480: Agreement for Reprimand, Fine, and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct and NAC 632.890 (37) practicing without an active license. Approved under the consent agenda.
 - k. Rodriguez, Maria, RN62645: Agreement for Probation for violation of NRS 632.347 (1)(e) controlled substances and/or alcohol, (1)(g) unprofessional conduct, (1)(o) failing to comply and NAC 632.890 (36) failing to comply with a Board order. Approved under the consent agenda.
 - l. Whitaker, Janice, RN12054: Respondent was present through counsel, Hal Taylor. It was moved and seconded the Board accept the Agreement for Probation for violation of NRS 632.347 (1)(e) controlled substances and/or alcohol, (1)(g) unprofessional conduct, and (1)(o) failing to comply with Board order, and NAC 632.890 (36) failing to comply. MOTION CARRIED
 - m. McCraven, George, RN28699: Respondent was not present. It was moved and seconded the Board accept the Agreement for Probation for violation of NRS 632.347 (1)(g) unprofessional conduct and NAC 632.890 (16) failing to properly document controlled substances and (18) diversion of equipment or drugs. MOTION CARRIED
3. Successful completion of probation
- a. Erickson, Theresa, RN15645: Termination of probation approved under the Consent Agenda.
4. Reinstatement of licensure/certification – No Business
5. Formal administrative hearings
- a. Eisenreich, Kyle, RN72300: Respondent was not present. It was moved and second the Board accept the Agreement for Probation for violation of NRS 632.347 (1)(a) fraudulent application and (1)(m) action in another state. MOTION CARRIED.
 - b. Santiago Lopez, Jorge, CNA029689: Respondent was present. It was moved and seconded that the Board find Respondent guilty of NRS 632.347 (1)(o) failing to comply. It was moved and seconded that no additional discipline be ordered and that he continue with his previous Order for Probation without additional requirements. MOTION CARRIED, S. VanBeuge opposed.
 - c. Kline, Kristen, CNA030540: Respondent was not present. It was moved and seconded that the Board find Respondent guilty of NRS 632.347 (1)(g) unprofessional conduct and NAC 632.890 (10) positive drug screen on duty. It was moved and seconded that Respondent's certificate be revoked. Respondent may not apply for reinstatement for one year. It was further ordered that the disciplinary action become part of the Respondent's permanent record and be published and reported to all appropriate agencies. MOTION CARRIED, D. Mackenzie recused.
 - d. Niederberger, Petra, RN19339: Respondent was present. It was moved and seconded that the Board find Respondent guilty of NRS 632.347 (1)(g) unprofessional conduct and NAC 632.890 (37) practice nursing without an active license. It was moved and seconded that Respondent be reprimanded, fined in the amount of four thousand seven hundred dollars (\$4,700), and must successfully complete an Ethics course within six months. It was further ordered that the disciplinary action become part of the Respondent's permanent record and be published and reported to all appropriate agencies. MOTION CARRIED.

- e. Mason, Sierra, CNA030135: Respondent was not present. It was moved and seconded that the Board find Respondent guilty of NRS 632.347 (1)(o) failing to comply. It was moved and seconded that Respondent's certificate be revoked. Respondent may not apply for reinstatement for two years. It was further ordered that the disciplinary action become part of the Respondent's permanent record and be published and reported to all appropriate agencies. MOTION CARRIED.
- f. Sjostrom, Suzanne, RN64049: Respondent was present with counsel, Hal Taylor, Esq. It was moved and seconded that the Board find Respondent guilty of NRS 632.347 (1)(o) failing to comply. It was moved and seconded that Respondent be placed on a term of monitoring for two years. MOTION CARRIED.

6. Special Action

- a. Review, discussion, and possible action regarding request for reconsideration and hearing regarding such action: Tran, Tristan, APRN001816: It was moved and seconded that this Agenda item be continued to the January 2017 Board meeting. MOTION CARRIED.
- b. This item was removed.
- c. Review, discussion, and possible action regarding appointment to become a Board approved outpatient treatment and aftercare provider: Schaye, Carol, RN, LADC: It was moved and seconded that Respondent be approved outpatient aftercare provider. MOTION CARRIED.

7. Ratification of staff denials – NRS 632.320 (1)(a) fraudulent applications – No business

- a. Dejean, Sylvia, CNA applicant: Applicant was not present. The Board ratified the staff denial for violation of NRS 632.347 (1)(a) fraudulent application, (1)(b) criminal convictions and (1)(e) controlled substances and/or alcohol. Approved under the consent agenda
- b. Patton, Ciara, CNA applicant: Applicant was not present. The Board ratified the staff denial for violation of NRS 632.347 (1)(a) fraudulent application and (1)(b) criminal convictions. Approved under the consent agenda

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 year-to-date for 2016: C. Prato-Lefkowitz presented this agenda item. She reviewed the NCLEX first-time pass rates for this year to date. She recognized Great Basin College for their 100% pass rates for their fourth consecutive year.
- 2. Review, discussion and action regarding Touro University teach-out report: C. Prato-Lefkowitz presented this agenda item. The Board reviewed the documents and expressed concern over Touro University teaching to the NCLEX. It was moved and seconded that the Board accept the teach out report from Touro University. MOTION CARRIED.
- 3. Review, discussion and action regarding Carrington College proposed program change: c. Prato-Lefkowitz presented this agenda item. Carrington College requested a change in their number of skills training and clinical training experience. It was moved and second that the Board accept the proposed change in Carrington College's curriculum. MOTION CARRIED.

F. NURSING PRACTICE – No Business.

G. REPORTS FROM EXTERNAL STAKEHOLDERS – No Business

H. RECOMMENDATIONS FOR AGENDA ITEMS FOR FUTURE BOARD MEETINGS: C. Dinauer presented this agenda item. She reviewed the requests for future Board meetings made previously in preparation for the January Board Meeting.

PUBLIC COMMENT

- C. Dinauer congratulated Board Members VanBeuge, Mackenzie, and Brown on their reappointments.
- C. Dinauer asked the Board for their opinion of the new meeting venue. The Board was supportive of continuing to meet in that location.

ADJOURNMENT

The meeting adjourned at 11:30a.m. on Thursday, November 17, 2016.