

Nevada State Board of **NURSING**

BOARD MEETING MINUTES

July 25-26, 2017

The Nevada State Board of Nursing Board meeting was called to order by President, Jay Tan, DNP, RN, and APRN at 10:05 a.m. on July 25, 2017, at Zephyr Point Presbyterian Conference Center, Fallen Leaf 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
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
Rhoda Hernandez, IT Technician
Sam McCord, MSN, RN, Director Nursing Practice
Gail Trujillo, Director of Licensure, Certification, HR
Catherine Prato, PhD, MSN, RN, Director of Nursing Education (7/25)

CALL TO ORDER – 10:05 a.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.3.a-f., A.7., B.1.-2., C.1., D.2.a.-g., D.3.a.-b. and E.4.
MOTION CARRIED.

A. BOARD GOVERNANCE AND ADMINISTRATION

1. Approval of Board meeting minutes: May 17-19, 2017: Approved under the consent agenda.
2. Executive Director Report: C. Dinauer presented an update to the Board including discussions regarding:
 - The resignation of Hillary Murphy and the hiring of our new executive assistant Karen Frederickson.
 - An announcement that due to the various changes made during the legislative session, NSBN will be hosting a legislative update related to APRN practice in Las Vegas on September 22, 2017, and Reno on September 29, 2017.
 - The Board was informed of safety concerns related to our Las Vegas office location. In addition, K. Arguello added that we also have IT needs and additional office space needs for staff that cannot be met at our current location. We will continue to explore our options and provide an update to the Board once we have received additional information.
3. Conference and seminar report: Approved under the consent agenda.

- a. Elaine Weimer, RN Nurse Investigator: NCSBN BONIT Investigator Training, Chicago, IL
 - b. Elaine Weimer, RN Nurse Investigator: CLEAR Basic Investigator Training, Sacramento, CA
 - c. Ray Martinez, Investigator: NCSBN BONIT Investigator Training, Chicago, IL
 - d. Ray Martinez, Investigator: CLEAR Basic Investigator Training, Sacramento, CA
 - e. Sam McCord, Director of Nursing Practice: NCSBN Discipline Case Management Conference, Pittsburg, PA
 - f. Cindy Peterson, Nurse Investigator: NCSBN Discipline Conference, Pittsburg, PA
4. Review and discussion regarding the financial quarterly report: C. Dinauer introduced NSBN's accountant, V. Alvarez to the Board. V. Alvarez led the discussion, reviewing the FY 16/17 financial statement and answering Board member questions.
 5. Review and discussion regarding Board member orientation: K. Arguello presented Board member orientation. Discussion topics included the Board's role and our current processes, a review of how a hearing is conducted and the use of motion forms. The Board suggested that during each board meeting a generic packet of motion forms be available as a reference. K. Arguello also explained the process for reconsiderations.
 6. Review and discussion regarding Legislative update: F. Olmstead presented a legislative update to the Board including a brief explaining, regarding the following bills: AB474, SB227, AB19, AB135, AB299, AB328, AB366, AB403, AB457, SB469, SB69, SB101, SB160, SB163, and SB227.
 7. Progress report on FY 16/17 Goals and Objectives: Approved under the consent agenda.
 8. Review, discussion and possible action regarding FY 17/18 Goals and Objectives: : The Board discussed the initiatives at the forefront of the work of the Board in the upcoming year, and provided Board staff with direction for identifying specific objectives to guide the work of the Board. Board staff will apply the comments and suggestions of the Board. It was moved and seconded the Board adopt the FY 17/18 Goals and Objectives with all of the changes as proposed. MOTION CARRIED.
 9. Review and discussion regarding statistics and trends related to nursing education, licensure, discipline, and compliance: The Board reviewed the statistics and trends in scope of practice inquiries, licensure, certification, discipline and investigations, hearings, and compliance.
 10. Review, discussion and possible action regarding nomination and appointment of delegates and alternate delegates to the NCSBN Annual Meeting: It was moved and seconded to appoint S. Halley and J. Watts as delegates and M. Brown and C. Dinauer as alternate delegates during NCSBN's Annual Meeting. MOTION CARRIED.
 11. Review, discussion and possible action regarding direction for Delegate Assembly: The Board discussed the candidates and voting items for Delegate Assembly. The Board decided that the delegates must have the ability to select the candidate and voting items after considering the information received during the presentations. In addition, the Board agreed that the delegates must vote for candidates and voting items that are parallel to the mission, vision and goals of our Board.
 12. Discussion and possible action regarding Conflict of Interest Policy Acknowledgment: F. Olmstead led a discussed 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 acknowledgement forms, which will be maintained in each Board member's file at the Board office.
 13. Review, discussion, and possible action regarding Executive Director evaluation: Board members met with Executive Director, C. Dinauer and conducted her annual evaluation.

14. Review, discussion, and possible action regarding January 2018 Board Meeting dates: It was moved and seconded to change the January 2018 Board meeting date to January 17 – 19, 2018. MOTION CARRIED.
15. Review and discussion regarding the vendor evaluation process: F. Olmstead presented a list of our current vendor contracts, the process of vendor selection, and our periodic review.
16. Review statistics and trends relating to scope of practice inquiries: Board members reviewed information regarding statistics and trends in scope of practice inquiries.
17. Review and discussion regarding requirement to register with E-Notify in all agreements: K. Arguello informed the Board that under some circumstances a nurse or CNA may not be eligible to register with E-Notify. She assured the Board that we are enforcing this requirement in all agreements for candidates that are eligible to register with E-Notify.
18. Review and discussion regarding implementation of 1099s for Board Members: V. Alvarez presented the implementation of the use of 1099 forms for Board members. She explained that since Board members are not employees pursuant generally accepted accounting principles they should not be paid through the payroll process. She will send the required forms to the Board for completion.
19. IT Update: Rich Sturek from Computer Technical Services was present to provide the Board with an update related to the IT assessment that was completed in 2016. He explained to the Board that C. Dinauer reengaged his services in February 2017 to determine if the required changes had been made to our IT systems. As soon as he was able to reassess our systems it was determined that no changes had been made to our systems and we had multiple hardware failures and communication issues between the Reno and Las Vegas offices. He has since stabilized our systems and implemented proper backups. He explained to the Board that his main objectives are to ensure that our systems were up to date, backed-up properly, and stabilized.
20. Review, discussion, and possible action regarding FY 17/18 budget: V. Alvarez presented the proposed FY 17/18 budget. The Board suggested that the financial presentation be standardized and provided feedback for narratives. It was moved and seconded to accept the budget as proposed. MOTION CARRIED.
21. Review, discussion, and possible action regarding the Enhanced Nurse Licensure Compact: C. Dinauer led the discussion explaining that although the Enhanced Nurse Licensure Compact (ENLC) was not passed during this legislative session in Nevada; it has been passed in 26 states and is now effective in those states. The Board discussed introducing the ENLC in the 2019 legislative session, and additional strategies that may be used. It was moved and seconded to support seeking the passage of the ENLC in 2019, and a written strategic plan must be presented to the Board for approval. MOTION CARRIED.
22. Review, discussion, and possible action regarding the roles of the Disability Advisory Committee, and possible regulatory changes: C. Dinauer explained the history of the Disability Advisory Committee (DAC) and how the Professional Evaluation Group (PEG) was subsequently created. F. Olmstead provided the Board with copies of the statutes and regulations related to this committee. C. Dinauer is proposing that we continue to utilize DAC; however, due to concerns for the committee volunteers and nurses in our programs, she is suggesting that PEG be removed. S. McCord added that we have received some information from other states regarding the processes used for their probation/monitoring programs. The Board agreed that due to the heightened awareness of substance use disorders and the opioid crisis we should evaluate our program and ensure that we have a solid program that supports our mission. It was

moved and seconded to order staff to develop options for Board evaluations, and possible regulation changes for the Disability Advisory Committee to be proposed no later than the September Board meeting. MOTION CARRIED.

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. Annual adoption of recognized accrediting bodies: Approved under the consent agenda.

C. CERTIFICATION PROGRAMS

1. Review, discussion and action regarding Lyon County High Schools Nursing Assistant Training Program site survey findings for: Approved under the consent agenda.
 - Dayton High School
 - Fernley High School
2. Review, discussion and action regarding East Career and Technical Academy Nursing Assistant Training Program site survey findings: C. Prato-Lefkowitz presented the site survey findings for East Career and Technical Academy. She added that she is working closely with the program instructor to provide her support as this is a new position. She also explained that she is hosting a meeting with all the programs on August 4, 2017, to provide assistance and encourage networking among the programs. It was moved and seconded accept the site survey and recommendations. MOTION CARRIED.

D. DISCIPLINE PROGRAMS

1. Applications (initial and renewal in question) – No business
2. Settlement agreements
 - a. Dotson, April, CNA028791: Voluntary Surrender of Certificate in Lieu of Other Disciplinary Action for violation of NRS 632.347 (1)(e) controlled substances and/or alcohol, (1)(g) unprofessional conduct, and (1)(o) failing to comply with a Board order, and NAC 632.890 (36) failing to comply. Approved under the consent agenda.
 - b. Gettle, CJ, CNA025875: Agreement for Reprimand, 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.
 - c. Price, Elizabeth, RN43536: 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.
 - d. Buck, Valerie, RN69749: Agreement for Reprimand, 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. Heslet, Buhay, LPN17033: Agreement for Reprimand and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct and NAC 632.890 (27) failing to perform nursing functions in a manner consistent with established or customary standards. Approved under the consent agenda.
 - f. Holland, Michon, CNA02400: Voluntary Surrender of Certificate in Lieu of Other Disciplinary Action for violation of NRS 632.347 (1)(g) unprofessional conduct,

- NAC 632.890 (27) customary standards of practice and (35) misappropriating patient property. Approved under the consent agenda.
- g. Trippett, Matthew, RN75827: Voluntary Surrender of License in Lieu of Other Disciplinary Action for violation of NRS 632.347 (1)(e) controlled substances and/or alcohol, (1)(g) unprofessional conduct, (1)(o) failing to comply with Board order, NAC 632.890 (18) diversion of equipment or drugs, (27) customary standards of practice, (28) causing harm to patient or family of patient, and/or (39) pattern of conduct demonstrates failure to protect public. Approved under the consent agenda.
3. Successful completion of probation
 - a. Yarro, Michelle, LPN12076: Termination of probation approved under the consent agenda.
 - b. Spohn, Sherrie, LPN14480: Termination of probation approved under the consent agenda.
 4. Reinstatement of licensure/certification – No business
 5. Formal administrative hearings – No business
 6. Special Action – No business
 7. Ratification of staff denials – NRS 632.320 (1)(a) fraudulent applications – No business

E. EDUCATION

1. Review and discussion regarding the NCLEX first time pass rates year-to-date for 2017: C. Prato-Lefkowitz provided the Board with NCLEX first time pass rates year-to-date.
2. Review and discussion regarding provisional approved nursing program six month reports: C. Prato-Lefkowitz provided the six month reports for the provisionally approved nursing programs. She explained that Arizona College and Chamberlain College are the two programs currently under provisional approval. Chamberlain College graduated its first cohort in March 2017 with a 100% pass rate, and Arizona College will graduate its first cohort in 2018.
3. Review, discussion and action regarding Touro University's teach out progress report: C. Prato-Lefkowitz provided the Board with Touro University's teach out progress. She explained that the program will have completed the teach out by November 2017. The Board added that Touro University will not be required to attend the Board meeting in November. It was moved and seconded to accept the teach out report, and inform Touro University that a final written report will be accepted in lieu of attending the November Board meeting. MOTION CARRIED.
4. Review, discussion and action regarding appointment to the Education Advisory Committee, Julia Millard, MSN, RN RN65123: Approved under the consent agenda.

F. NURSING PRACTICE – No business

G. AGENDA ITEMS FOR THE SEPTEMBER BOARD MEETING

1. Probation and monitoring program recommendations,
2. FY 16/17 year end and actual-to-budget report,
3. Financial update regarding budget,
4. CNA program report,

5. Policy for the executive director annual evaluation.

PUBLIC COMMENT:

- C. Dinauer commended Board member S. VanBeuge for being reappointed to NCSBN's IRE committee.
- M. Brown thanked Board staff for their detailed work and preparation for July Board meeting.
- The Board was informed that UNLV will open a chapter for men in nursing in southern Nevada.

ADJOURNMENT

The meeting adjourned at 4:21 p.m. on Thursday, July 26, 2017.