

# Nevada State Board of **NURSING**

## **BOARD MEETING MINUTES**

March 22-23, 2018

The Meeting of the Nevada State Board of Nursing was called to order by President, Deena McKenzie, MSN, RN, CNML at 8:30 a.m. on Thursday, March 22, 2018, at Hyatt Place, Reno-Tahoe Airport, 1790 E. Plumb Lane, Reno, Nevada 89502.

### **MEMBERS PRESENT**

Deena McKenzie, MSN, RN, CNML, RN Member, President  
Susan VanBeuge, DNP, APRN, FNP-BC, CNE, FAANP, RN Member, Vice-President  
Jacob Watts, CNA, CNA Member, Secretary  
Mary-Ann Brown, MSN, RN, RN Member  
Ovidia McGuinness, LPN, LPN Member  
Richelle O'Driscoll, Consumer Member

### **MEMBERS ABSENT**

Rhigel "Jay" Tan, DNP, RN, APRN, RN Member

### **OTHER'S PRESENT**

Cathy Dinauer, MSN, RN, Executive Director  
Fred Olmstead, General Counsel  
Kim Arguello, General Counsel  
Sam McCord, BSN, RN, Director of Nursing Practice  
Gail Trujillo, CP, Director of Licensure and Certification, Human Resources  
Sharon Vincello, J.D., Executive Assistant  
Rhoda Hernandez, IT Technician  
Sheryl Giordano, APRN-C, APRN Consultant  
Catherine Prato-Lefkowitz, PhD, MSN, RN, Director of Nursing Education  
Vickey Alvarez, Senior Accountant  
Sherri Twedt, RN, LNC, Compliance Coordinator

### **PUBLIC COMMENT:**

- S. VanBeuge thanked V. Alvarez, F. Olmstead, K. Arguello, and C. Dinauer for their presentation before the Sunset Committee.
- C. Dinauer thanked the Board Members who came to support NSBN at the Sunset Committee.
- M. Brown thanked Board staff for their performance at the Sunset Committee.
- S. VanBeuge noted the documents were well-prepared and appreciated the time and effort put in.
- R. O'Driscoll asked C. Dinauer what the next step is after the Sunset Committee. F. Olmstead answered that the Sunset Committee will have the opportunity to propose legislation and NSBN will provide additional information to the Subcommittee when they request it.
- S. VanBeuge observed the theme of the Sunset Committee was economic development and that NSBN is competitive for licensure fees.

- F. Olmstead went over removal of barriers to practice, and NSBN provided justification for our fees.

**APPROVAL OF CONSENT AGENDAS:** It was moved and seconded to approve the Consent Agenda, identified as items A.1., A.2., D.1.a.-b., and D.1.f.-g., D.2.a.-l., E.5., C.1. Board Member O. McGuinness recused herself as to item D.2.j.

#### **A. BOARD GOVERNANCE AND ADMINISTRATION**

1. Approval of the January 17-19, 2018, Board meeting minutes: Approved under consent agenda.
2. Progress report on Board Goals and Objectives: Approved under consent agenda.
3. Executive Director Report
  - ORBS update: K. Arguello announced that ORBS will go live on April 9<sup>th</sup> and that NSBN will be notifying licensees. G. Trujillo announced renewal application will be processed up until March 31, 2018; and that initial applications will no longer be accepted after April 6, 2018.
  - Legislative update: F. Olmstead presented the legislative update for Assembly Bill 474. NSBN is still in the process of interpreting the law with the help of the pharmacy board, mostly in terms of compliance with the new law. F. Olmstead also announced that NSBN is in the process of formulating a plan to push the Nurse Licensure Compact through the Nevada Legislature to pass it. D. Dinauer mentioned that the Nurse Licensure Compact was discussed earlier that week at the Sunset Subcommittee.
4. Review, discussion, and possible action on concept and wording regarding possible changes to Nevada Administrative Code 632.291, in response to Assembly Bill 474. F. Olmstead and K. Arguello presented on the changes to aforementioned section. It was moved and seconded to accept the language in the revision and to go forward with promulgating the regulation. MOTION CARRIED.
5. Review scope of practice trends for November 1, 2017 – February 28, 2018. S. McCord presented on the scope of practice trends. The Board reviewed those trends.
6. Review, discussion, and action regarding proposed revisions to the Policy for Drug Testing for Nurses and CNAs on probation or monitoring: S. McCord and S. Twedt presented the drug testing research conduct by the DAC Committee and provided an overview of each of DAC's proposed revisions to the drug testing policy including observed urine testing, and cost per test. It was moved and seconded to accept the Drug Testing Policy with one revision. MOTION CARRIED.
7. Review, discussion and action regarding the requests of Board President, Deena McKenzie and Vice President, Susan VanBeuge to attend the 2018 NCSBN Discipline Case Management Conference in Denver, Colorado. It was moved and seconded to approve D. McKenzie and S. VanBeuge to attend the NCSBN's Discipline Conference. MOTION CARRIED. S. VanBeuge abstained from the vote.

#### **B. LICENSURE PROGRAMS – No business**

#### **C. CERTIFICATION PROGRAMS-**

1. Review and discussion regarding Headmaster CNA Certification Exam year-to-date pass rates for 2018. C. Prato requested this item be pulled off the consent agenda. Request granted. C. Prato presented the Headmaster year-to-date pass rate report.
2. Review, discussion, and action regarding acceptance of the Mount Grant General Hospital Nursing Assistant Training Program site survey findings. C. Prato presented on the Mount Grant General Hospital Nursing Assistant Training Program. It was moved and seconded to accept the Mount Grant General Hospital Nursing Assistant Training Program. MOTION CARRIED.
3. Review, discussion, and action regarding reappointment to the CNA Advisory Committee:
  - Edward Aquino, RN72614. C. Prato presented this agenda item. It was moved and seconded that Edward Aquino, RN72614, be reappointed to the CNA Advisory Committee. MOTION CARRIED.

#### **D. DISCIPLINE PROGRAMS**

1. Applications (initial and renewal in question)
  - a. Raviscioni, Rebecca, CNA021121: Applicant was not present. The Board denied the renewal application for violation of: NRS 632.349(1)(g) unprofessional conduct; NAC 632.415 unprofessional conduct; and NAC 632.890(26) violation of state/federal nursing law/regulation. Approved under consent agenda.
  - b. Gubung, Rebecca, CNA023836. Applicant was not present. The Board denied the renewal application for violation of: NRS 632.349(1)(g) unprofessional conduct; NAC 632.415 unprofessional conduct; and NAC 632.890(26) violation of state/federal nursing law/regulation. Approved under consent agenda.
  - c. Debachesky, Jennifer, RN application: Applicant appeared telephonically. It was moved and seconded that the Applicant undergo a Substance Abuse Evaluation and thereafter the Board will evaluate monitoring agreement. MOTION CARRIED.
  - d. Brown, Antonio, RN applicant: Applicant was present and not represented by counsel. It was moved and seconded that Applicant undergo a mental health evaluation and fitness for duty evaluation before the Board makes a decision regarding reconsideration. MOTION CARRIED.
  - e. Armstrong, Sierra, RN71007, APRN application: Applicant was present and not represented by counsel. It was moved and seconded the Board accept the RN renewal application and the APRN application for initial licensure. MOTION CARRIED.
  - f. Helgenberger, Jessica, CNA025498. Applicant was not present. The Board denied the renewal application for violation of: NRS 632.349(1)(g) unprofessional conduct; NAC 632.415 unprofessional conduct; and NAC 632.890(26) violation of state/federal nursing law/regulation. Approved under consent agenda.
  - g. Wildes, Terry, CNA005576. Applicant was not present. The Board denied the renewal application for violation of: NRS 632.349(1)(g) unprofessional conduct; NAC 632.415 unprofessional conduct; and NAC 632.890(26) violation of state/federal nursing law/regulation. Approved under consent agenda.

## 2. Settlement agreements

- a. Barna, Karen, CNA0164439: Agreement for Reprimand and Continuing Education for violation of NRS 632.347(1)(g) unprofessional conduct; NAC 632.890(20) inaccurate recording, falsifying; NAC 632.890(27) customary standards of practice; and NAC 632.890(28) causing harm to patient or family of patient. Approved under the consent agenda.
- b. Robert, Clarisse, RN23207, APRN001182: 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.
- c. Smyth, Katrina, RN95960: Voluntary Surrender of License in Lieu of Other Disciplinary Action for violation of NRS 632.347(1)(e) alcohol and/or controlled substances; NRS 632.347(1)(g) unprofessional conduct; NRS 632.347(1)(o) failing to comply with Board order; and NAC 632.890(36) failing to comply. Approved under the consent agenda.
- d. Walters, Jennifer, LPN14622: Agreement for Fine 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. Lewis, Hilda, CNA032439: 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 certificate. Approved under the consent agenda.
- f. Frank, Nicole, RN68787: Agreement for Probation for violation of NRS 632.347(1)(e) controlled substances and or/alcohol; NRS 632.347(1)(g) unprofessional conduct; NRS 632.347(1)(o) failing to comply; and NAC 632.890(36) failure to comply with a Board order. Approved under the consent agenda.
- g. Wilson, Lisa, RN65682: 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.
- h. Hill, Burnie, CNA032139: Voluntary Surrender of Certificate in Lieu of Other Disciplinary Action for violation of NRS 632.347(1)(g) unprofessional conduct; and NAC 632.890(29) engaging in sexual contact with a patient or client. Approved under the consent agenda.
- i. Brown, Celeste, LPN17560: Agreement for Probation for violation of NRS 632.347(1)(g) unprofessional conduct, and NAC 632.890 (18) diversion of equipment or drugs, (21) obtain, possess, furnish prescription drugs without authorization, and (27) customary standards of practice. Approved under the consent agenda.
- j. Simsek, Aurora, RN23959: 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. Haskell, Joel, RN57832: Voluntary Surrender of License in Lieu of Other Disciplinary Action for violation of NRS 632.347(1)(e) alcohol and/or controlled substances; NRS 632.347(1)(g) unprofessional conduct; NRS

632.347(1)(o) failing to comply with Board order; and NAC 632.890(36) failing to comply. Approved under the consent agenda.

1. Thompson, Malia, CNA022635: Agreement for Probation for violation of NRS 632.347(1)(g) unprofessional conduct; NRS 632.347(1)(o) failing to comply; and NAC 632.890(35) misappropriating property of a patient. Approved under the consent agenda.
  
3. Successful completion of probation – No business
  
4. Reinstatement of licensure/certification
  - a. Blair, Ashley, RN56620: Applicant was present. It was moved and seconded to accept application for reinstatement and Agreement for Probation for violation of NRS 632.347(1)(b) criminal conviction, (1)(e) controlled substance and/or alcohol, (1)(o) failing to comply and NRS 632.890(36) failing to comply with a Board order. MOTION CARRIED.
  
5. Formal administrative hearings
  - a. Allen, Lisa, CNA022244: Respondent was present. It was moved and seconded that Respondent be found in violation of NRS 632.347(1)(o) for failure to comply with a regulation, subpoena, or order of the board. It was ordered that the Respondent be placed on probation for a period of five years. It was further ordered that the disciplinary action become part of the Respondent's permanent record and be published and reported to all agencies. MOTION CARRIED. Board Member J. Watts recused himself.
  - b. Cox, Susan, RN17588, APRN001596: Respondent was present. It was moved and seconded that Respondent be found in violation of NRS 632.347(1)(o) for failure to comply with a regulation, subpoena, or order of the board. It was moved and seconded that Respondent's license be suspended for one year and that Respondent submit to a fitness-for-duty and substance use evaluations before coming back before the Board for review. It was further ordered that the disciplinary action become part of the Respondent's permanent record and be published and reported to all agencies. MOTION CARRIED.
  - c. Perkins, Anne, RN28523: Respondent was not present. It was moved and seconded that Respondent be found in violation of NRS 632.347(1)(g) unprofessional conduct, and NAC 632.415 unprofessional conduct and NAC 632.890(26) violation of state/federal nursing law/regulation. It was ordered that Respondent be reprimanded and fined in the amount of \$200.00 and complete continuing education within 30 days or be automatically suspended. It was further ordered that the disciplinary action become part of the Respondent's permanent record and be published and reported to all agencies. MOTION CARRIED.
  - d. Pfeifle, Melanie, RN52303: Respondent was present. It was moved and seconded that the Board accept the Agreement for Voluntary Surrender in Lieu of Other Disciplinary Action for violation of 632.347(1)(g) unprofessional conduct, NAC 632.890(9); NAC 632.890(16) when Respondent failed to document properly the administration of a controlled substance; NAC 632.890(18) when Respondent diverted supplies, equipment, or drugs for personal or unauthorized use. MOTION CARRIED.

- e. Pittman, Kristian, RN70348: Respondent was not present. It was moved and seconded that Respondent be found in violation of NRS632.347(1)(g) unprofessional conduct, NAC 632.415 unprofessional conduct and NAC 632.890(26) for violation of state/federal nursing law or regulation. It was ordered that Responded be reprimanded, fined in the amount of \$200.00 and complete continuing education within thirty days or Respondent is automatically suspended. It was further ordered that the disciplinary action become part of the Respondent's permanent record and be published and reported to all agencies. MOTIONS CARRIED.
- f. Russell, Cynthia, LPN17852: Respondent was not present. It was moved and seconded that the Board to accept the Agreement for Reprimand for violation of NRS 632.347(1)(g) and NAC 632.890(9) for impaired practice. MOTION CARRIED.
- g. Snidow, Jennifer, RN71764, APRN0013760: Respondent was not present. It was moved and seconded that the Board accept the Agreement for Reprimand and Continuing Education for violation of NRS 632.347(1)(g) unprofessional conduct and NAC 632.890(26) for violation of state/federal nursing law/regulation MOTION CARRIED.
- h. Sondy, Victoria, RN59637: Respondent appeared telephonically. It was moved and seconded that Respondent be found in violation of NRS 632.347(1)(g) unprofessional conduct and NAC 632.890(36) failing to comply with a Board order. It was further ordered that Respondent be placed on a term of probation for five years. It was further ordered that the disciplinary action become part of the Respondent's permanent record and be published and reported to all agencies. MOTION CARRIED.
- i. Turnbeaugh, Elizabeth, RN49359, APRN001151: Respondent was not present. It was moved and seconded that the Board to accept the Agreement for Reprimand for violation of NRS 632.347(1)(g) unprofessional conduct and NAC 632.890(26) for violation of state/federal nursing law/regulation. MOTION CARRIED.

#### 6. Special Action

- a. Review, discussion, and action regarding request for reconsideration: Sperla, Jeffrey, RN92267. It was moved and seconded that the Board not grant Respondent's request to be removed from monitoring. MOTION CARRIED.
- b. Review, discussion, and action regarding appointment to the Disability Advisory Committee: Kiehn, Beth, RN47603, APRN000831: It was moved and seconded to appoint Kiehn to the Disability Advisory Committee.
- c. Review, discussion, and action regarding request for reconsideration: Sambalay, Maria Keith, LPN14273. It was moved and seconded to grant reconsideration and remove discipline. MOTION CARRIED.

#### E. EDUCATION-

- 1. Review and discussion regarding the NCLEX year-to-date first time pass rates for 2018. C. Prato presented on the NCLEX year-to-date first time pass rates for 2018.
- 2. Review, discussion, and action regarding acceptance of fully approved nursing programs annual reports in lieu of Board survey. C. Prato presented on acceptance of fully approved nursing programs annual reports in lieu of Board survey. It was

moved and seconded to accept annual reports in lieu of surveys. MOTION CARRIED.

3. Review, discussion, and action regarding Altierus Career College teach out progress report. C. Prato presented the representatives from Altierus Career College: Susan Holm and Becky Gonazales. It was moved and seconded to accept the report as presented. MOTION CARRIED.
4. Review, discussion, and action regarding acceptance of the Truckee Meadows Community College increase program length to 6 semesters and increase enrollment to 40 students per cohort. C. Prato presented on the acceptance of the Truckee Meadows Community College increase program length to 6 semesters and increase enrollment to 40 students per cohort. It was moved and seconded to accept TMCC's increase in length of program and increase of students. MOTION CARRIED.
5. Review, discussion, and action regarding reappointment to the Education Advisory Committee: Judith Hightower, RN79434. Reappointment approved under the consent agenda.

#### F. NURSING PRACTICE

1. Review, discussion, and action regarding updates to practice decisions proposed by the Nursing Practice Advisory Committee: (1) Insertion of External Jugular Peripherally Inserted Central Catheters (EJ PICC) and External Jugular Peripheral Intravenous Catheters (EJ PIV); (2) Sexual Assault Nurse Examiner (SANE) Guidelines; AND (3) RNs Advancing or Withdrawing Endoscopes and Colonoscopes. S. McCord presented the updates for the NPAC practices decisions. It was moved and seconded to accept the three decisions. MOTION CARRIED.

#### G. RECOMMENDATIONS FOR AGENDA ITEMS FOR FUTURE BOARD MEETINGS. C. Dinauer asked the Board Member to leave their motion books. O. McGuinness recused herself as to D.2.j.

#### **PUBLIC COMMENT:**

- None

#### **ADJOURNMENT:**

The meeting was adjourned at 11:37 a.m. on Friday, March 23, 2018.