

Nevada State Board of **NURSING**

BOARD MEETING MINUTES

July 16-18, 2014

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 16, 2014, at Zephyr Point Presbyterian Conference Center, Fallen Leaf Conference Room, 660 Hwy 50, “Presbyterian Drive” Zephyr Cove, Nevada 89448.

MEMBERS PRESENT

Tish Smyer, DNSc, RN, President
Rick Carrauthers, LPN, Vice-President
Jay Tan, DNP, RN, APRN, Secretary
Mary-Ann Brown, MSN, RN Member
Sandra Halley, Consumer Member
Jennifer Snidow, CNA Member

OTHERS PRESENT

Debra Scott, MSN, RN, FRE, Executive Director
Chris Sansom, MSN, RN, Director of Operations
Cathy Dinauer, MS, RN, Associate Director of Nursing Practice
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

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., D.2.a.-ff. & D.3.a. & b. Items removed: D.2.n.

ACTION MOTION CARRIED.

A. BOARD GOVERNANCE AND ADMINISTRATION

1. Approval of May 21-23, 2014 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
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. Kathleen Edwards; Opioids or NOT? The Prescription for Addiction Series 2014, Reno, NV
 - b. Chris Sansom, Cathy Dinauer, Fred Olmstead; NCSBN's Discipline Case Management Conference, Park City, UT
 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 FY13/14 financial statement: D. Estes led the discussion, reviewing the FY13/14 financial statement and answering Board member questions.
 8. Board member advanced orientation: D. Scott led the discussion regarding staff and Board members procedures for each Board meeting and responded to Board member questions.
 9. Legislative update: No business.
 10. Final progress report on FY 13/14 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 14/15 Goals and Objectives: T. Smyer 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 for approval.
 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 12-15, 2014.
 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. J. Tan, Board Secretary, took written minutes of the evaluation.

17. Review and discussion regarding international graduates: F. Olmstead discussed reports alleging that groups of graduates may have obtained licensure in the United States with fraudulent documentation.
18. Review and discussion regarding the implementation of the Optimal Regulatory Board System: D. Estes and C. Sansom presented an update regarding National Council of State Boards of Nursing's Optimal Regulatory Board licensing program. The implementation date for Nevada has been reassigned and will not occur prior to late 2016. NSBN is currently working with an antiquated database and is hoping to explore other opportunities. It was moved and seconded the Board order staff to research what other database options are available and report the findings at the September Board meeting. MOTION CARRIED.
19. Review, discussion and action regarding Board meeting dates and schedule for 2015: It was moved and seconded the Board approve the following 2015 Board meeting dates: January 14-16, 2015, March 25-27, 2015, May 20-22, 2015, July 22-24, 2015, September 16-18, 2015 and November 4-6, 2015. MOTION CARRIED.
20. Review and discussion regarding security at Board meetings and Board offices: F. Olmstead and C. Sansom led the discussion. They informed the Board of security planning that is taking place at other Boards of Nursing. It was moved and seconded that the Board order staff to meet with a consultant to analyze security risks and offer education regarding those risks within each Board office and at our Board meetings. MOTION CARRIED.
21. Review, discussion and action regarding consent agenda items: D. Scott presented this agenda item. Discussion ensued regarding nondisciplinary agreements being signed by the Executive Director and Board President for approval and no longer being presented to the Board as consent agenda items. It was moved and seconded that the Board approve the proposed revisions to the approval process for nondisciplinary agreements and that the agreements be signed by the Board President and Executive Director. MOTION CARRIED.
22. Review, discussion and action regarding Board staff salary range review: D. Estes educated the Board regarding NSBN's current salary ranges and cost-of-living policy. Staff salary ranges have not been reviewed or changed since 2007 and cost-of-living increases are only authorized if state employees are given this increase. During the review it was discovered that the salary for one position was below the standard within the state system. It was moved and seconded that the Board increase the salary range for the education consultant position by 5% to align with the standard in the state system. MOTION CARRIED.
23. Review, discussion and action regarding monitoring costs for nurses under a contract or order: C. Dinauer presented this agenda item. She informed the Board of the total monthly costs to nurses or CNAs that are under a monitoring or probation agreement. She also provided information regarding the range of fees that could be charged to monitorees throughout their treatment and the costs to NSBN for monitoring those participants.
24. Review, discussion and action regarding LCB File No. R105-14: F. Olmstead led the discussion regarding the proposed regulation revisions to require APRNs to register and utilize the Nevada Prescription Drug Monitoring Program throughout their practice. He explained that NSBN is joining forces with the Nevada Prescription Drug Coalition in its attempt to reduce prescription drug abuse in Nevada. It was moved and seconded the Board approve the concept and wording of the proposed regulation changes. MOTION CARRIED.

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25. Review, discussion and action regarding the Tuition Reimbursement Policy: D. Scott proposed the Tuition Reimbursement Policy to the Board. The Board unanimously agreed that a tuition reimbursement policy should be in place for Board staff; however, additional research would need to be completed in order to decide on its parameters. It was moved and seconded the Board approve the concept of a tuition reimbursement policy and direct Board staff to research the policies and procedures at similar entities and report the findings at the September Board meeting. MOTION CARRIED.
26. Review, discussion and action regarding the 2013 Findings from the RN Workforce in Nevada Survey: D. Scott led the discussion and Board reviewed the 2013 Findings from the RN Workforce survey.
27. Review and discussion regarding the Veterans Licensure Reciprocity and Data efforts memorandum: Director of Military and Veterans Policy for the State of Nevada, Caleb Cage, was present to inform the Board of the forthcoming legislative efforts to add language in Nevada statute regarding the licensure of Veterans. He thanked the Board and Board staff for their proactive efforts and working to create an LPN bridge program for Veterans in southern Nevada. This program will be held at the College of Southern Nevada and will begin the spring of 2015. The Department of Veterans Services will work diligently to inform Nevada Veterans of this opportunity.
28. Presentation by Barry H. Lubin, MD: *Everything You Wanted to Know About Urine Drug Screens but Were Afraid to Ask*: Barry H. Lubin, MD, Medical Review officer for Affinity Online Solutions was present to inform the Board about the procedure and challenges that occur for participants completing urine drug screen analysis and responded to Board members questions.
29. Review, discussion and action regarding Social Media implementation: D. Scott presented this agenda item. The Board reviewed the social media policies and agreed that NSBN would benefit by having a social media presence. It was moved and seconded the Board approve a pilot of one social media campaign and report the progress at September Board meeting. MOTION CARRIED. J. Snidow recused.
30. Review, discussion and action regarding sponsoring a speaker for the Nevada Action Coalition Summit: D. Scott presented this agenda item. She informed the Board that Joey Ridenour, Arizona State Board of Nursing, Executive Officer has agreed to speak at the 2014 Nevada Action Coalition Summit. D. Scott proposed that NSBN sponsor her trip because of the service she is providing. It was moved and seconded the Board sponsor a speaker for the Nevada Action Coalition Summit.

ACTION

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

C. CERTIFICATION PROGRAMS

1. Review, discussion and action regarding Western High School initial application for a Nursing Assistant Training Program: R. Colosimo explained that Western High School has a qualified and very experienced instructor, Jan Monroe. It was moved and seconded to approve the program contingent upon a site visit before classes start and request a site survey during first class. MOTION CARRIED.

ACTION

D. DISCIPLINE PROGRAMS

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

2. Settlement agreements

- a. Watts, Jacob, CNA 023084: Agreement for Fine of \$100 and class for violation of NRS 632.320 (1)(g) unprofessional conduct and NAC 632.890 (37) practicing without an active license/certificate. Accepted under the Consent Agenda.
- b. Bashaw, Dianne, CNA019011: Consent Agreement for Fine of \$200 Renewal Applicant for violation of NRS 632.320 (1)(a) fraudulent application and (1)(b) criminal conviction. Accepted under the Consent Agenda.
- c. Torres-Macias, Victoria, CNA013465: Consent Agreement for Fine of \$200 Renewal Applicant for violation of NRS 632.320 (1)(a) fraudulent application and (1)(b) criminal conviction. Accepted under the Consent Agenda.
- d. Pettit, Brent, RN71691: Agreement for Fine of \$400 and class 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.
- e. Martinez, Melissa, RN72487: Contract for Temporary Voluntary Surrender of License for violation of NRS 632.320 (1)(e) controlled substances and/or alcohol, (1)(g) unprofessional conduct and NAC 632.890 (18) diversion of equipment or drugs. Accepted under the Consent Agenda.
- f. Perez, Tanelle, RN45228: Agreement for Probation for violation of NRS 632.320 (1)(b) criminal conviction, (1)(e) controlled substances and/or alcohol, (1)(g) unprofessional conduct, (1)(k) falsified information to obtain controlled substances, (1)(m) action in another state, NAC 632.890 (9) impaired practice, (10) positive drug screen on duty, (16) failing to properly document controlled substances and (37) practicing without an active license. Accepted under the Consent Agenda.
- g. Italiano, Gertrude, RN65918: Agreement for Fine of \$600 and class for violation of NRS 632.320 (1)(g) unprofessional conduct, NAC 632.415 unprofessional conduct, and NAC 632.890 (37) practicing nursing without an active license. Accepted under the Consent Agenda.
- h. Smith, Leah, RN56305: Contract for Temporary Voluntary Surrender of License for violation of NRS 632.320 (1)(e) controlled substances and/or alcohol, (1)(g) unprofessional conduct, and NAC 632.890 (18) diversion of drugs. Accepted under the Consent Agenda.
- i. Claus, Lori, RN13388: Agreement for Reprimand, Fine of \$2700, and classes 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. Caproni, Ronald, RN39132: Agreement for Fine of \$300, and class 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.
- k. Kirby, Kathleen, RN44384: Consent Agreement for Fine of \$200 Renewal Applicant for violation of NRS 632.320 (1)(a) fraudulent application and (1)(b) criminal conviction. Accepted under the Consent Agenda.
- l. Peterson, Christina, RN72827: Contract for Temporary Voluntary Surrender of License for violation of NRS 632.320 (1)(e) controlled substances and/or alcohol, (1)(g) unprofessional conduct, (1)(j) falsified documentation of controlled substances, and NAC 632.890 (9) impaired practice, (16) failing to properly document controlled substances, (18) diversion of equipment or drugs, and (20) inaccurate recording, falsifying. Accepted under the Consent Agenda.
- m. Manson, Tajuana, CNA022203: Agreement for Fine of \$50 and class 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.
- n. This item was removed from the agenda.
 - o. Pampilon, John Paolo LPN15796: Agreement for Monitoring for violation of NRS 632.320 (1)(b) criminal conviction. Accepted under the Consent Agenda.
 - p. Anders, Anna, RN78792: Agreement for Fine of \$700 and class 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.
 - q. Galau, Leona, RN21443: Agreement for Reprimand, Fine of \$2500, and classes 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.
 - r. Smith, Brandon, CNA applicant: Agreement for Monitoring for violation of NRS 632.320 (1)(e) controlled substances and/or alcohol. Accepted under the Consent Agenda.
 - s. Suh, Kyunghi, RN25655: Agreement for Fine of \$400 and class 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.
 - t. Smith, Keisha, CNA013683: Consent Agreement for Fine of \$100 Renewal Applicant for violation of NRS 632.320 (1)(a) fraudulent application and (1)(b) criminal conviction. Accepted under the Consent Agenda.
 - u. Flemings, Mundre RN71646: Consent Agreement for Fine of \$200 Renewal Applicant for violation of NRS 632.320 (1)(a) fraudulent application and (1)(b) criminal conviction. Accepted under the Consent Agenda.
 - v. Kujat, Kimberly, RN applicant: Agreement for Monitoring for violation of NRS 632.320 (1)(b) criminal convictions. Accepted under the Consent Agenda.
 - w. Olsen, Kacey, CNA applicant: Agreement for Monitoring for violation of NRS 632.320 (1)(b) criminal conviction. Accepted under the Consent Agenda.
 - x. Duncan, Lisa, RN applicant: Agreement for Monitoring for violation of NRS 632.320 (1)(b) criminal convictions. Accepted under the Consent Agenda.
 - y. Robertson, Casey, RN applicant: Agreement for Monitoring for violation of NRS 632.320 (1)(b) criminal convictions. Accepted under the Consent Agenda.
 - z. Trapp, Andrew, RN applicant: Agreement for Monitoring for violation of NRS 632.320 (1)(b) criminal conviction. Accepted under the Consent Agenda.
 - aa. Schultz, Kara, RN57984: Agreement for Monitoring for violation of NRS 632.320 (1)(e) controlled substances and/or alcohol, (1)(g) unprofessional conduct and NAC 632.890 (18) diversion of equipment or drugs. Accepted under the Consent Agenda.
 - bb. Schofield, Heather, RN72454: Agreement for Monitoring for violation of NRS 632.320 (1)(e) controlled substances and/or alcohol, (1)(g) unprofessional conduct, NAC 632.890 (16) failing to properly document controlled substances and (18) diversion of drugs. Accepted under the Consent Agenda.
 - cc. Regan, Silke, CNA022402: Voluntary surrender of certificate for violation of NRS 632.320 (1)(b) criminal conviction, (1)(e) controlled substances and/or alcohol and (1)(o) failing to comply with Board order. Accepted under the Consent Agenda.
 - dd. Schlesner, Sharon CNA applicant: 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.
 - ee. Lakatos, Janet, RN applicant: Agreement for Monitoring for violation of NRS 632.320 (1)(e) alcohol and/or controlled substances. Accepted under the Consent Agenda.

ff. Taylor, Rachael, RN applicant: Agreement for Monitoring for violation of NRS 632.320(1)(a) action in another state and (1)(e) controlled substances and/or alcohol. Accepted under the Consent Agenda.

3. Successful completion of probation

- a. Bently-Wright, Kristi RN34867: Successful completion of probation accepted under the Consent Agenda.
- b. White, Jeffrey, RN15031: Successful completion of monitoring accepted under the Consent Agenda.

4. Reinstatement of licensure/certification – No business

5. Formal administrative hearings

- a. Demos, Teresa, RN52692: Respondent was not present. It was moved and seconded the Board accept the Voluntary Surrender of License in Lieu of other Disciplinary Action for violation of NRS 632.320 (1)(b) criminal conviction. MOTION CARRIED.
- b. Viernes, Laurence, RN71807: Respondent was not present. Pursuant to NAC 632.923, it was moved and seconded the Board find the respondent guilty of violating NRS 632.320 (1)(a) fraudulent application. It was moved and seconded the Board revoke the respondent's license. Respondent may not apply for a reinstatement for a period of twenty (20) years. It was moved and seconded the disciplinary action become part of the respondent's permanent record and be published and reported to all appropriate agencies. MOTION CARRIED.

ACTION

ACTION

6. Board-directed investigations – No business

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

9. Special Action

- a. Review, discussion and action regarding request from Risdon, Kathleen LCSW, LADC for Outpatient Treatment/Aftercare Provider: It was moved and seconded the Board approve Kathleen Risdon LCSW, LADC as an Outpatient Treatment/Aftercare Provider. MOTION CARRIED.

ACTION

E. EDUCATION

- 1. Review and discussion regarding the NCLEX first time pass rates year-to-date for CY2014: The Board reviewed the 2013 NCLEX statistics for all fifty states. Nevada's BSN programs ranked 4th in country and Nevada's fully approved programs continue to do very well with their first time NCLEX pass rates. Nevada's provisionally approved programs are currently below the 80%. The official second quarter results will be ready for the September meeting.
- 2. Review, discussion and action regarding Breckinridge School of Nursing at ITT Technical Institute "teach out" final report: The Board expressed its concern about the lack of detail in the final report and the continued low HESI test scores. It was moved and seconded the Board accept the "teach out" final report. MOTION CARRIED.

ACTION

3. Review and discussion regarding NSBN policies and history with school of nursing working toward full approval: The Board discussed critical factors in the success of a nursing programs ability to complete the nursing programmatic accreditation application process and the affect of experienced leadership of the nursing educators.
4. Review and discussion regarding concept and wording for nursing education regulations: The Board reviewed the changes proposed by the Education Advisory Committee. Revisions to the qualification statement for the director or dean of a nursing program more closely follow the National Council of State Boards of Nursing model rules.
5. Review, discussion and action regarding appointment to the Education Advisory Committee: It was moved and seconded the Board appoint Judith Cordia, RN40497 to the Education Advisory Committee. MOTION CARRIED.

ACTION

F. NURSING PRACTICE

1. Review, discussion and action regarding revisions to the School Nurse Practice Decision and grid: Lyn Row, Clark County School District Chief Nurse and Dana Balchunas, Washoe County School District Chief Nurse were present to discuss the changes proposed to the School Nurses Practice Decision and Grid. They provided rationale to the changes and answered Board members questions. It was moved and seconded to approve the revisions as proposed with the addition of “RN ONLY” to the phrenic nerve stimulator and diaphragmatic pacer service located in the nursing services grid. MOTION CARRIED.

ACTION

PUBLIC COMMENT: There were no public comments at the end of the meeting.

ADJOURNMENT

The meeting adjourned at 11:30 a.m. on Friday, July 18, 2014.