

Nevada State Board of **NURSING**

BOARD MEETING MINUTES

November 14-15, 2018

The Nevada State Board of Nursing meeting was called to order by President, Deena McKenzie, MSN, RN, at 9:01 a.m. on November 14, 2018 at Hyatt Place, Reno-Tahoe Airport 1790 E. Plumb Lane, Reno, NV 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
Rhigel "Jay" Tan, DNP, RN, APRN, RN Member
Mary-Ann Brown, MSN, RN, RN Member
Ovidia McGuinness, LPN, LPN Member
Richelle O'Driscoll, Consumer Member

OTHERS PRESENT

Cathy Dinauer, MSN, RN, Executive Director
Fred Olmstead, General Counsel
Kim Arguello, General Counsel
Sarah Bradley, Senior Deputy Attorney General, Board Counsel
Sam McCord, BSN, RN, Director of Nursing Practice
Ray Martinez, Investigator
Sharon Vincello, Executive Assistant
Rhoda Hernandez, IT Technician
Catherine Prato-Lefkowitz, PhD, MSN, RN, Director of Nursing Education (11/14)
Vickey Alvarez, Senior Accountant (11/14)
Michael Hillerby, Director of Legislative Affairs, Kaempfer Crowell (11/14)
Cydnee Cernas, Discipline Team Management Assistant (11/15)

The Board Meeting for the Nevada State Board of Nursing was called to order by Board President, D. McKenzie at 9:01 a.m.

PUBLIC COMMENT: C. Dinauer noted it was APRN Week via the Governor's proclamation; S. VanBeuge received the 2019 AANP Advocate's State Award for Excellence. C. Dinauer congratulated G. Trujillo for completing the CPM Program.

A. BOARD GOVERNANCE AND ADMINISTRATION

1. Approval of Board meeting minutes: September 12-13, 2018. Approved under the consent agenda.
2. Executive Director Report. C. Dinauer provided the process board members will follow when they receive a call to meeting (CTM) from NCSBN. Please forward emails from NSCBN regarding a CTM received to the Executive Assistant.
3. Review, discussion, and action regarding FY 18/19 Goals and Objectives. Approved under the consent agenda.

4. Review, discussion, and action regarding Board Member Elections. Board President D. McKenzie called for nominations for President. Board Member O'Driscoll nominated D. McKenzie for another term. D. McKenzie accepted the nomination. The Board voted unanimously for D. McKenzie to serve another term as President. Board President Deena McKenzie called for nominations for Vice President. Board Member Watts nominated S. VanBeuge. S. VanBeuge accepted the nomination. The Board voted unanimously for S. VanBeuge to serve another term as Vice President. Board President D. McKenzie called for nominations for Secretary. Board Member VanBeuge nominated J. Watts for another term. J. Watts accepted the nomination. The Board voted unanimously for J. Watts to serve another term as Secretary.
5. Review and discussion regarding Open Meeting Law (OML) as it pertains to a quorum of board members attending a professional conference or social gathering. Board Member VanBuege presented her question regarding the OML. Board Counsel clarified OML limitations.
6. Review, discussion, and action regarding EBSCO Health 2019 renewal. C. Dinauer presented this item and explained this very valuable tool NSBN utilizes on a daily basis. It was moved and seconded to accept the three year EBSCO Health 2019 Renewal. MOTION CARRIED.
7. Review and discussion regarding Conference and Training Report by staff. Approved under the consent agenda.
8. Review and discussion regarding Conference and Training Report by Board Members. C. Dinauer presented this item. This agenda item will be on future agendas for Board Members to report their experience and what they learned at conferences which they have attended.
9. Review and discussion of FY 18/19 Q1 Financials. V. Alvarez presented the FY 18/19 Q1 Financials.
10. Review and discussion regarding the Enhanced Nursing Licensure Compact. M. Hillerby provided the most recent update on the eNLC. M. Hillerby, D. Dinauer, K. Arguello and F. Olmstead traveled to Chicago in September to meet with NCSBN to get more information on the Compact. Our team received some new ideas, such as reaching out to various military for their support. M. Hillerby has been meeting with various legislators regarding the concerns the unions have. M. Hillerby is trying to forge a path to get the Compact enacted into law. M. Hillerby is working with William McCurdy and has a meeting planned. C. Dinauer has been doing a lot of work on the workforce side – reaching out to state agencies, etc. We also have a plan to identify supporters of the Compact. C. Dinauer mentioned there will be an Occupational Licensing Meeting later this month and there will be a discussion regarding compacts. C. Dinauer also met with the chief nurse at the National Guard of Nevada regarding nurses in the military. C. Dinauer will be connecting with them. C. Dinauer and F. Olmstead recently went to Las Vegas and spoke to nurses through the March of Dimes and gave a presentation on the Compact to help get the word out.
11. Review, discussion and possible action regarding proposed revisions to the Violations of Monitoring and/or Probations Terms and Conditions policy. S McCord presented this item. It was moved and seconded to accept the updated Violations of Monitoring and/or Probations Terms and Conditions policy. MOTION CARRIED.
12. Review and discussion of statistics and trends related to scope of practice inquiries. S. McCord presented the statistics and trends related to scope of practice inquiries.

13. Review, discussion, and possible action regarding FY 17/18 Audit. V. Alvarez and V. David presented the Independent Auditor's Report. V. David reported a clean and unmodified opinion. We are in compliance with all laws of Nevada. Report on internal control was also an unmodified opinion, no material weaknesses, and no internal control issues. Auditor's comments included there were no difficulties, staff was a joy to work with, and information requested was provided quickly. It was moved and seconded to accept the audit. MOTION CARRIED.
14. Review and discussion regarding ORBS Update. K. Arguello presented the updates on ORBS. Some of the highlights include: almost 25,000 nurses have created accounts, and a one day turn around for applications, documents, and communication. ORBS FAQs created and posted to our website.
15. Review and discussion regarding NSBN Webex. K. Arguello presented this item. NSBN has its own WebEx account which will maximize efficiency, cut down on travel, and facilitate easy teleconferencing.

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 presented the Headmaster CNA Certification Exam year-to-date pass rates for 2018.
2. Review, discussion, and action regarding approval of the Milan Institute, Las Vegas Nursing Assistant Training Program action plan. C. Prato presented this item. C. Prato states the program has improved dramatically. Milan accepted the Board's recommendation to do a student satisfaction survey and have made adjustments to staff based upon that survey. Student satisfaction now at 90%. It was moved and seconded to accept Milan Institute, Las Vegas Nursing Assistant Training Program action plan. MOTION CARRIED.

D. DISCIPLINE PROGRAMS

1. Applications (initial and renewal in question)
 - a. Schub, Mark, CNA023025: K. Arguello presented this item. Respondent was not present. It was moved and seconded to deny the renewal application for violation of NRS 632.347(1)(g) unprofessional conduct; and NAC 632.890(26) violation of state/federal nursing regulation. MOTION CARRIED.
 - b. Laforteza, Marlon, CNA025909: K. Arguello presented this item. Respondent was not present. It was moved and seconded to deny the renewal application for violation of NRS 632.347(1)(g) unprofessional conduct; and NAC 632.890(26) violation of state/federal nursing regulation. MOTION CARRIED.
 - c. Reece, Nigel, CNA018089: Application denied under the consent agenda 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 regulation.
 - d. Gainey, Hiedi, CNA020190: K. Arguello presented this item. Respondent was present earlier in the day. It was moved and seconded to continue this matter to the next board meeting. MOTION CARRIED.
 - e. Ussery, Amanda, LPN applicant: Application denied for under the consent agenda for violation of NRS 632.347(1)(a) fraud or deceit.

- f. Dela Cruz, Nimfa, RN applicant: K. Arguello presented this item. Respondent appeared telephonically. It was moved and seconded to accept the application. MOTION CARRIED.
- g. Kibbler, Helen, RN89373: K. Arguello presented this item. Respondent was present. It was moved and seconded to accept the renewal application. It was further ordered that Respondent provide quarterly reports to the Board. MOTION CARRIED.
- h. Boatner, Daniel, CNA022675: Application denied under the consent agenda for violation of NRS 632.347(1)(g) unprofessional conduct; and NAC 632.890(26) violation of state/federal nursing regulation.
- i. Smeykal-Blair, Mark, LPN applicant: K. Arguello presented this item. Respondent was present. It was moved and seconded to accept the application. MOTION CARRIED.
- j. Walker, Diane, RN applicant: K. Arguello presented this item. Respondent appeared telephonically. It was moved and seconded to accept the application. MOTION CARRIED.
- k. Collett, Juliane, RN Applicant: K. Arguello presented this item. Respondent appeared telephonically. It was moved and seconded to accept the application. It was further ordered that the Respondent be placed on monitoring for two years, complete the Nevada Nurse Practice Act CE course, submit quarterly reports for two years, attend orientation within 30 days of the order, and pay all costs of monitoring. MOTION CARRIED.

2. Settlement agreements

- a. McNary, Jennifer, RN72823: 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.
- b. Lang, Wanda, CNA030876: Agreement for Reprimand, Fine, and Continuing education for violation of NRS 632.347 (1)(g) unprofessional conduct and NAC 632.890 (37) practice without active license/certificate. Approved under the consent agenda.
- c. Himes, Katherine, RN59561: Agreement for Reprimand and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct and NAC 632.890 (13) violating a patient's confidentiality. Approved under the consent agenda.
- d. Burgbacher, Carla, RN61737: Agreement for Reprimand and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct and NAC 632.890 (18) diverting supplies for personal or unauthorized use and (20) inaccurate recording or falsifying information. Approved under the consent agenda.
- e. Johnson, Erik, RN88028: Agreement for Reprimand and Monitoring for violation of NRS 632.347 (1)(g) unprofessional conduct and NAC 632.890 (10) practicing nursing, if any amount of alcohol or a controlled substance or dangerous drug that is not legally prescribed is present in the body of the nurse as determined by a test of blood, saliva, breath, hair or urine while the nurse is on duty. Approved under the consent agenda.
- f. Valdez, Karen, RN79601: Agreement for Reprimand, Monitoring, and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct and NAC 632.890 (9) impaired practice, and (10) positive drug screen on duty. Approved under the consent agenda.

- g. Cutler, Kimberly, RN84595: Agreement for Reprimand and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct and NAC 632.890 (21) obtain, possess, furnish prescription drugs without authorization, and (27) customary standards of practice. Approved under the consent agenda.
- h. Eubanks, Elizabeth, RN84179: Agreement for Probation for violation of NRS 632.347 (1)(g) unprofessional conduct and NAC 632.890 (2) practice beyond scope, (16) failing to properly document controlled substances, and (27) customary standards of practice. Approved under the consent agenda.
- i. Watson, Brandon, RN81679: Agreement for Reprimand and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct and NAC 632.890 (21) obtain, possess, furnish prescription drugs without authorization and (27) customary standards. Approved under the consent agenda.
- j. Robison, Julie, LPN04179: Agreement for Reprimand, Fine, and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct and NAC 632.415 unprofessional conduct and 632.890 (26) violation of state/federal nursing law/regulation. Approved under the consent agenda.
- k. Slaska, Beverly, RN16161: Agreement for Reprimand and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct and NAC 632.890 (25) failing to observe/report and (27) failing to perform nursing functions in a manner consistent with established or customary standards. Approved under the consent agenda.
- l. Finn, Lori, RN35063: Agreement for Probation Extension for violation of NRS 632.347 (1)(e) controlled substances and/or alcohol, (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.
- m. Bauer, Robert, RN89425: Agreement for Probation for violation of NRS 632.347 (1)(b) criminal convictions. Approved under the consent agenda.
- n. Winkler, Amanda, LPN17956: 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 a Board order, and NAC 632.890 (36) failing to comply. Approved under the consent agenda.
- o. Leseman, Dena, RN93679: Agreement for Reprimand for violation of NRS 632.347 (1)(g) unprofessional conduct and NAC 632.890 (16) failing to properly document controlled substances and (27) failing to perform nursing functions in a manner consistent with established or customary standards. Approved under the consent agenda.
- p. Kilburn, Susan, RN12595, APRN00169: Agreement for Reprimand and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct and NAC 632.890 (20) inaccurate recording and/or falsifying and (27) failing to perform nursing functions in a manner consistent with established or customary standards. Approved under the consent agenda.
- q. Kumarasinghe, Nisitha, RN73406: Agreement for Suspension and Probation for violation of NRS 632.347 (1)(e) controlled substances and/or alcohol (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 – No business
4. Reinstatement of licensure/certification – No business
5. Formal administrative hearings
 - a. Christenson, Shelly, RN71031: Respondent and her counsel did not appear. It was moved and seconded to find Respondent in violation of NRS 632.347(1)(g) unprofessional conduct; NAC632.890 (27) failure to perform nursing functions in a manner consistent with established or customary standards; and NAC632.890 (28) causing a patient physical, mental or emotional harm by taking direct or indirect actions or failing to take appropriate actions. It was further ordered that Respondent's license be reprimanded and placed on probation for a period of one-year and that the disciplinary action become a part of the Respondent's permanent record and be published and reported to all agencies. MOTION CARRIED.
 - b. Earles, Daniel, CNA036817: Respondent did not appear. It was moved and seconded to find Respondent in violation of NRS 632.347(1)(g) unprofessional conduct; NAC 632.890(28) causing a patient physical, mental or emotional harm by taking direct or indirect actions or failing to take appropriate actions; and NAC 632.890(33) patient abuse. It was further ordered that Respondent's license be revoked for a period of two years and that the disciplinary action become a part of the Respondent's permanent record and be published and reported to all agencies. MOTION CARRIED.
 - c. Hesterlee, Sunhi, RN81033: Respondent did not appear. Respondent's counsel requested a continuance. It was moved and seconded to continue this hearing to the January 2019 Board Meeting. MOTION CARRIED.
 - d. Kendrick, Dana, RN85848: Respondent appeared. It was moved and seconded to find Respondent in violation of NRS 632.347(1)(o) unprofessional conduct. It was further ordered that Respondent's term of monitoring shall be extended to May 15, 2019. MOTION CARRIED.
 - e. Pagni, Kelia, RN90208: Respondent appeared. It was moved and seconded to find Respondent in violation of NRS 632.347(1)(g) unprofessional conduct; NAC 632.890(36) failure to comply with a condition, limitation or restriction which has been placed on her license. It was further ordered that Respondent's license is placed on probation for a period of five years and that the disciplinary action become a part of the Respondent's permanent record and be published and reported to all agencies. MOTION CARRIED.
 - f. Pickle, Randi, RN97874: Respondent appeared telephonically. It was moved and seconded to dismiss this matter. MOTION CARRIED.
 - g. Rehbein, Tina, RN90704: Respondent was present with counsel earlier in the day. It was moved and seconded to continue this matter to the January 2019 board meeting. MOTION CARRIED.
 - h. Sam, Lyle, CNA032566: Respondent appeared. It was moved and seconded to find Respondent in violation of NRS 632.347(1)(g) unprofessional conduct; NAC 632.890(27) failure to perform nursing functions in a manner consistent with established or customary standards; and NAC 632.890(33) patient abuse. It was further ordered that the

complaint be closed, the Respondent complete enumerated continuing education courses, and failure to complete those courses within 60 days will result in an automatic suspension of license. MOTION CARRIED.

- i. Simpson, Carrette, LPN17588: Respondent appeared. It was moved and seconded to find Respondent in violation of NRS 632.347(1)(g) unprofessional conduct, NAC 632.890(36) failure to comply with a condition, limitation or restriction which has been placed on her license. It was further ordered that respondent complete 18 months of monitoring. MOTION CARRIED.
- j. Stevenson, Terry, CNA013867: Respondent did not appear. It was moved and seconded to find Respondent in violation of NRS 632.320(1)(g) unprofessional conduct; and NAC 632.415, and NAC 632.890(26) failure to abide by any state or federal statute or regulation relating to the practice of nursing. It was further ordered that Respondent's license be reprimanded, pay a fine of \$50, take enumerated continuing education courses, and that the disciplinary action become a part of the Respondent's permanent record and be published and reported to all agencies. MOTION CARRIED.

6. Special Action – No business

E. EDUCATION:

1. Review and discussion regarding NCLEX year-to-date first time pass rates for 2018. C. Prato presented the NCLEX year-to-date first time pass rates for 2018.
2. Review, discussion and action regarding Altierus Career College teach out progress report. C. Prato presented Altierus Career College's teach out progress report. It was moved and seconded to accept teach out progress report. MOTION CARRIED.
3. Review, discussion, and action regarding request from Altierus Career College for approval of new ownership and uninterrupted continuation of its Associate Degree in nursing program in Nevada. C. Prato presented this item. It was moved and seconded to approve request from Altierus Career College for approval of new ownership and uninterrupted continuation of its Associate Degree in nursing program in Nevada. MOTION CARRIED.
4. Review, discussion and action regarding Roseman University curriculum revisions as follows: NURS 300 Introduction to the Profession from 3 credits to 1.5 credits and NURS 303 Nursing Pharmacology from 3 credits to 4.5 credits. C. Prato presented this item. Dr. Brian Oxhorn appeared on behalf of Roseman University. It was moved and seconded to accept curriculum revisions. MOTION CARRIED.
5. Review, discussion and approval of Arizona College's six month report. Approved under the consent agenda.
6. Review, discussion, and action regarding request from Nightingale College for provisional approval of a Bachelor's of Science in Nursing Program in Nevada. C. Prato presented this item. Dr. Marissa Grimley, Dr. Julie Cooley and Blake Halliday appeared on behalf of Nightingale College. It was moved and seconded to approve provisional approval of BSN program with a limit of one-hundred and fifty (150) students per year. MOTION CARRIED.

F. NURSING PRACTICE

1. Review, discussion, and action regarding updates to Nursing Practice Advisory Committee Practice Decision titled: The Role of the CNA with Surgical Drains. S. McCord presented the same to the NPAC committee, upon further review, it needs to go to the CNA & LPN committees. It was moved and seconded to send this practice decision to the appropriate committees. MOTION CARRIED.
2. Review, discussion, and action regarding updates to Nursing Practice Advisory Committee Practice Decision titled: The Installation of Reversible Opioid Agonists Via Epidural Catheter by Registered Nurses. S. McCord presented this item and the changes to this practice decision. It was moved and seconded to accept the revisions and delete the “caution” language. MOTION CARRIED.
3. Review, discussion, and possible action regarding the appointment of: Darren Morris, LPN18115, to the CNA Advisory Committee. S. McCord presented this item. It was moved and seconded to appoint Darren Morris to the CNA committee. MOTION CARRIED.

G. RECOMMENDATIONS FOR AGENDA ITEMS FOR FUTURE BOARD MEETINGS

- C. Dinauer would like to provide Board Members with a template for conference reports.
- C. Dinauer suggested that the Nursing laws and regulations be placed in a binder.
- C. Dinauer would like to add to the July 2019 agenda: review of contracts, contract processes, reserve funds, specific costs of ORBS, conference schedule.
- J. Watts requested board member evaluations for July 2019 meeting.

The Board Meeting was adjourned by President D. McKenzie at 3:03 p.m. on Thursday, November 15, 2018.