

# Nevada State Board of **NURSING**

## **BOARD MEETING MINUTES**

July 10-12, 2019

The Meeting of the Nevada State Board of Nursing was called to order by President, Deena McKenzie, MSN, RN, CNML, at 1:00 p.m. on Wednesday, July 10, 2019, at Zephyr Point Presbyterian Conference Center, 660 Highway 50 Zephyr Cove, Nevada 89448

### **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  
Abbie Purney, DNP, APRN, CCNS, Director of Nursing Education  
Gail Trujillo, Director of Licensure and Certification, HR  
Sharon Vincello, J.D., Executive Assistant  
Rhoda Hernandez, IT Technician  
Vickey Alvarez, Senior Accountant  
Michael Hillerby (7/10/2019)  
Yvonne Nevarez-Goodson, Esq., Executive Director of Nevada Commissions on Ethics (7/10/2019)  
Sarah Bradley, Senior Deputy Attorney General (7/11/2019)  
Caleb S. Cage, Chief and Homeland Security Advisor, Division of Emergency Management and Office of Homeland Security (7/11/2019)  
Vanessa Davis, Auditor, CPA, CGMA (7/11/2019)

**PUBLIC COMMENT:** C. Dinauer congratulated Board members J. Watts on graduating with his bachelor's degree, and J. Tan on receiving his FAAN in June.

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

1. Approval of the May 15-16, 2019 board meeting minutes: Approved under the consent agenda.
2. Executive Director Report: C. Dinauer and G. Trujillo informed the Board that the Governor's Executive Order 2019-01 requires all state employees and board members to complete training on sexual harassment and discrimination. All NSBN staff members have completed the required training and the Board was provided with information on how to complete their mandatory training.

3. Progress report on Board Goals and Objectives FY 18/19: Approved under the consent agenda.
4. Review, discussion, and possible action regarding the approval FY 19/20 Goals and Objectives: C. Dinauer presented the FY 19/20 Goals and Objectives. The Board reviewed each section and provided feedback regarding specific objectives. It was moved and seconded the Board approve the FY 19/20 Goals and Objectives with the suggested revisions. MOTION CARRIED.
5. Review, discussion, and possible action regarding the Executive Director's Annual Performance Evaluation: The Board completed the executive director annual evaluation and provided feedback regarding upcoming goals. It was moved and seconded the Board approve the executive director annual evaluation as discussed. MOTION CARRIED.
6. Review, discussion, and possible action regarding the 2019 Board Self-Assessment results: The Board reviewed the 2019 Board Self-Assessment results. D. McKenzie highlighted a few areas of improvement and the Board agreed to revise the Board orientation process to address these areas. It was moved and seconded the Board schedule a board meeting within 90 days to develop a plan for board member orientation. MOTION CARRIED.
7. Review, discussion, and possible action regarding FY19/20 Annual Budget: V. Alvarez presented the FY19/20 Annual Budget. It was moved and seconded to approve the FY19/20 Annual Budget. MOTION CARRIED.
8. Review, discussion, and possible action regarding NSBN Reserve Policy. It was moved and seconded to continue this agenda item to the September 2019 Board Meeting. MOTION CARRIED.
9. Review, discussion, and possible action regarding Conference Schedule FY19/20: C. Dinauer presented the FY 19/20 conference schedule. Each board member selected conference(s) that they will attend to support them in their role as a board member and in carrying out the mission of NSBN. It was moved and seconded the Board approve the FY 19/20 conference schedule as discussed. MOTION CARRIED.
10. Review, discussion, and possible action regarding nomination and appointment of delegates and alternate delegates to the NCSBN 2019 Annual Meeting: It was moved and seconded the Board appoint C. Dinauer and S. VanBeuge as delegates and O. McGuinness as an alternate delegate. MOTION CARRIED.
11. Review and discussion regarding direction for voting at the NCSBN Delegate Assembly: The Board discussed the voting process at NCSBN's Delegate Assembly, and the delegates were advised to use their discretion when voting for candidates.
12. Review and discussion regarding legislative update: M. Hillerby provided the board with a summary of legislative bills that passed during the 2019 legislative session and how they may affect the board. The Board requested that a written report with an implementation plan to be presented to the Board during the September 2019 Board Meeting.
13. Presentation by Chief Caleb S. Cage, Chief and Homeland Security Advisor, Division of Emergency Management and Office of Homeland Security: C. Cage explained that the Department of Emergency Management gathers resources before disasters occur and improves ways to coordinate resources before, during and after emergencies. He provided the Board with a copy of the *Statewide Resilience Strategy and Legislative Recommendations to the Nevada Commission on Homeland Security*. He summarized the recommendations and provided an overview of the 2019 legislative changes including; SB 35 that created a resilience committee of emergency management public health officials and NRS 415A that established the Emergency Health Provider Act which is a database of health professionals who can be called upon during and emergency.
14. Ethics Training by Yvonne Nevarez-Goodson, Esq., Executive Director of the Nevada Commission on Ethics: Yvonne Nevarez-Goodson, Esq. provided a two-hour ethics course with topics including, trends of ethics complaints against public officers and public employees, how to identify a conflict of interest, and when a conflict disqualifies a board member or board staff.
15. Review, discussion, and possible action regarding the Department of Public Safety increasing the fingerprinting fee to \$40.25 effective July 1, 2019. V. Alvarez informed the Board that the Department of Public Safety increased the fingerprint processing fee to \$40.25. Board staff recommended that the

Board absorb the \$0.25 increase as implementing this change would create an undue hardship on staff and applicants. It was moved and seconded the Board keep the fingerprint fee at \$40. MOTION CARRIED.

16. Review, discussion, and possible action regarding NSBN attendance and support of nursing events. The Board discussed the various events that celebrate Nevada nurses and CNAs and the role of Board in attending these events. While the Board expressed support for these events the Board agreed that it will not allocate funds to attend celebration events. It was moved and seconded that the Board not approve funding for board members or staff to attend nursing or CNA celebration events. MOTION CARRIED.
17. Review, discussion, and possible action regarding the authorization of the Board President to approve Board Member attendance at events and conferences together with associated costs: The Board acknowledged that in-between board meetings a conference or event may be announced that a board member may benefit from attending. The Board discussed authorizing the board president to approve attendance and associated costs for board members to attend these events. It was moved and seconded that the Board President be given authority to approve conferences attendance and associated costs for board members. MOTION CARRIED.
18. Review and discussion regarding NSBN website revision: R. Hernandez presented a draft of NSBN's new website. Board members provided feedback regarding its many features and commended R. Hernandez on the work completed thus far.
19. Review and discussion regarding State of Nevada Travel and Per Diem Policy: C. Dinauer presented the Travel and Per Diem Policy for review. She expressed the importance of fully adhering to the policy, including during board meetings. She added that board staff is researching meal options at various board meeting locations to ensure that we comply with the daily per diem rates.
20. Review, discussion, and possible action regarding approval of the Review and Approval of Board Policies: The Board reviewed the Review and Approval of Board Policy which proposed that board staff follow a formal review process to ensure that all policies are reviewed for currency. The Board suggested changing the review process to occur every three years. It was moved and seconded the Board approve the Review and Approval of Board Policy to occur every three years. MOTION CARRIED.
21. Review and discussion regarding compliance with SCR6: F. Olmstead presented how NSBN complies with the provisions of SCR6. ?
22. Review and discussion regarding update on Affinity: Board staff informed the Board that Affinity is an approved contractor to provide drug and alcohol testing for the board's monitorees. The process for contract approval and renewal was also reviewed.
23. Review and discussion regarding future board meeting locations: C. Dinauer and S. Vincello informed the Board that they are currently considering alternate venues for upcoming board meetings. They announced that while we are considering various amenities, adhering to the Travel and Per Diem Policy is priority when selecting our venue.
24. Review and discussion regarding scope of practice trends. S. McCord presented the scope of practice trends.
25. Review and discussion regarding operation update on advisory committees. S. McCord and A. Purney presented operation update.
26. Review, discussion, and possible action regarding maximum number of advisory committee members: S. McCord and A. Purney informed the Board about NSBN's current committees and their respective number of members. The Board discussed the importance of being able to reach a quorum and maintaining a productive workgroup. S. McCord added that board staff receive many committee member applications and submit all applications to the Board for approval. The Board agreed that committee chairs should be reviewing the committee applications to ensure appropriate representation in various practice types and locations. It was moved and seconded the Board limit the maximum number of committee members to 12 members for all committees and that committee chairs review applications and provide recommendations to the Board regarding approval of appointment. MOTION CARRIED.

27. Discussion and possible action regarding Conflict of Interest Policy Acknowledgment. F. Olmstead presented the Code of Ethical Standards and Conflict of Interest Policy. All Board members reviewed the policy and signed acknowledgement and compliance with the policy.
28. 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.
29. Review and discussion of FY 18/19 Q4 financials. V. Alvarez presented the FY18/19 Q4 financials and answered questions from board members.
30. Review and discussion of Board Member Conference Training Reports: Approved under the consent agenda.
31. Review and discussion of Board Staff Conference Training Reports: Approved under the consent agenda.
32. Review and discussion regarding State of Nevada Governor's Office Finance Division of Internal Audits Audit Report, Boards and Commissions Independent Occupational and Professional Licensing Boards Governance: C. Dinauer and F. Olmstead presented the audit report to the board and explained how the audit recommendations may affect NSBN. They added that the audit recommendations would require legislative approval; therefore, we will monitor proposed changes during the next legislative session and provide regular updates to the Board.
33. Boards and Commissions Training by Sarah Bradley, Senior Deputy Attorney General. S. Bradley provided boards and commissions training: S. Bradley provided NSBN annual training. She discussed topics and answered questions regarding:
  - Auditing and financial oversight,
  - Suspension vs. revocation vs. summary suspension,
  - Nevada Open Meeting Law,
  - The complaint and settlement process,
  - The consent agenda.

B. LICENSURE PROGRAMS – No business

C. CERTIFICATION PROGRAMS

1. Review, discussion, and possible action regarding year-to-date trended CNA examination results. A. Purney presented year-to-date trended CNA examination results.
2. Review and discussion of upcoming Headmaster Workshop. A. Purney presented the upcoming Headmaster Workshop July 25 and 26, 2019 in Elko and Reno to include contents of the review. She clarified the workshop covered the practical component of the CNA licensure examination and was designed to help CNA instructors improve skills to teach practical skills.
3. Review and discussion of upcoming CNA instructor update. A. Purney presented the upcoming CNA instructor update which was postponed until fall due to instructor had a conflict and needed to move the date. She also clarified this workshop will focus on the written and theory component of the CNA licensure exam.

D. DISCIPLINE PROGRAMS

1. Applications (initial and renewal in question) – No business
2. Settlement agreements
  - a. Morton, Allison, LPN16470. 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. Voight, Wendy, RN29002. 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. Abney, Brianna RN74533. Agreement for Reprimand, Monitoring, and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct, NAC 632.890 (9) practicing nursing while, with or without good cause, her physical condition impairs her ability to act in a manner consistent with established customary standards or both, and (10) practicing nursing, if any amount of alcohol is present in the body of the of a nurse while on duty. Approved under the consent agenda.
- d. Butler, Consuelo, CNA014062. Agreement for Reprimand and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct, and NAC 632.890 (25) failing to observe the conditions, signs and symptoms of a patient, to record the information or to report significant changes to the appropriate persons, (27) failing to perform nursing functions in a manner consistent with established or customary standards and (34) neglecting a patient. Approved under the consent agenda.
- e. Eke, Kelechi, RN41886. Agreement for Reprimand, Fine, and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct, and NAC 632.890 (26) violation of state/federal nursing law/regulation. Approved under the consent agenda.
- f. Burnett, Ronald, APRN002740, RN79789. Agreement for Reprimand and Continuing Education upon RN license for violation of NRS 632.347 (1)(g) unprofessional conduct, and NAC 632.890 (2) practicing beyond scope and/or (27) failing to perform nursing functions in a manner consistent with established or customary standards. It was moved and seconded to accept the Agreement for Reprimand, Fine, and Continuing Education.
- g. Eubanks, Elizabeth, RN84179. 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 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. Henderson, Donnie, RN76308: Respondent was present and provided the requested evaluation. It was moved and seconded the Board reinstate the Respondent’s license. MOTION CARRIED.

6. Special Action – No business

## E. EDUCATION

- 1. Review and discussion of NCLEX Workshop September 26, 2019. A. Purney presented information on the NCLEX Workshop to be held in Las Vegas on September 26, 2019.

## F. NURSING PRACTICE

- 1. Review, discussion, and possible action regarding appointment to the APRN Advisory Committee: It was moved and seconded the Board appoint Stephen Ingerson, MSN, APRN, CNS; and reappoint Patricia Stroehbn, MSN, APRN, M FNP-BC; Teresa Praus, MSN, APRN, FNP-BC; and Cheryl A. Maes, PhD, MSN, APRN, FNP-BC to the APRN Advisory Committee. MOTION CARRIED.
- 2. Review, discussion and possible action regarding application for reappointment to the Nursing Practice Advisory Committee: It was moved and seconded the Board reappoint Greg Highfill, Nursing Student and Jessica Carlson, PhD (c), MSN Ed., RN to the Nursing Practice Advisory Committee. MOTION CARRIED.

3. Review, discussion and possible action regarding proposed revisions to the Nevada State Board of Nursing Practice Decision: The role of the RN in removing chest tubes. S. McCord presented the proposed revisions to the practice decision. It was moved and seconded to approve the revisions to the Nevada State Board of Nursing Practice Decision: The role of the RN in removing chest tubes. MOTION CARRIED.
4. Review, discussion and possible action regarding proposed revisions to the Nevada State Board of Nursing Practice Decision: The role of the RN in Intrauterine Insemination (IUI). S. McCord presented the proposed revisions to the practice decision. It was moved and seconded to approve the revisions to the Nevada State Board of Nursing Practice Decision: The role of the RN in Intrauterine Insemination (IUI). MOTION CARRIED.

G. RECOMMENDATIONS FOR AGENDA ITEMS FOR FUTURE BOARD MEETING

- The 2019 Legislative Session Implementation Plan;
- The NSBN Reserve Policy;
- The Board President speaking on behalf of the Board;
- EBAC audit;
- Board meeting locations;
- The fingerprinting process;
- NSBN annual statistics;
- Board member orientation.

PUBLIC COMMENT: None.

The meeting adjourned at 10:36 a.m. on Friday, July 12, 2019.