

Nevada State Board of NURSING

BOARD MEETING MINUTES

November 15 - 16, 2017

The Nevada State Board of Nursing Board meeting was called to order by President, Jay Tan, DNP, RN, APRN at 8:34 a.m. on November 15, 2017, at the Hyatt Place Reno Tahoe Airport, 1790 E. Plumb Lane, Reno, NV 89502.

MEMBERS PRESENT

Jay Tan, DNP, RN, APRN, President
Mary-Ann Brown, MSN, RN, Vice-President
Susan VanBeuge, DNP, APRN, FNP-BC, CNE, FAANP, RN, Secretary
Deena McKenzie, RN MSN, CNML, Member
Jacob Watts, CNA, Member
Sandra Halley, Consumer Member
Ovidia McGuinness, LPN, Member

OTHERS PRESENT

Cathy Dinauer, MSN, RN, Executive Director
Fred Olmstead, General Counsel
Kimberly A. Arguello, General Counsel
Sam McCord, BSN, RN, Director of Nursing Practice
Karen Frederickson, Executive Assistant
Rhoda Hernandez, IT Technician
Catherine Prato-Lefkowitz, PhD, MSN, RN, Director of Nursing Education
Vickey Alvarez, Accountant (11/16)
Stacy Shaw, Management Assistant (11/16)
Ray Martinez, Investigator (11/16)

CALL TO ORDER - 8:34 a.m.

PUBLIC COMMENT:

- C. Dinauer acknowledged O. McGuinness as the Board's newly appointed LPN Member. J. Tan also welcomed O. McGuinness to the Board. O. McGuinness expressed her appreciation to Governor Brian Sandoval, the NSBN Board, and the citizens of Nevada for approving her appointment to the Board.
- C. Dinauer presented the FY 16/17 NSBN Annual Report.
- S. VanBeuge acknowledged that the week of November 13th - November 17, 2017 is National Nurse Practitioner Week. She added that Governor Brian Sandoval has also recognized this occasion.
- C. Dinauer acknowledged C. Prato who took and passed the RN and PN NCLEX exams.

APPROVAL OF CONSENT AGENDA: It was moved and seconded to approve the Consent Agenda, identified as items A.1. - A.2, D.1.a. - O.1.c, and D.1.f. - D.1.i., D.2.a. - D.2.k., D.3.a. - D.3.b. **MOTION CARRIED.**

A BOARD GOVERNANCE AND ADMINISTRATION

1. Approval of the September 20 - 21, 2017 Board meeting minutes: Approved under the consent agenda.

2. Review and discussion of Board Goals and Objectives: Approved under the consent agenda.
3. Executive Director Report: C. Dinauer provided an update to the Board including discussion regarding:
 - C. Dinauer announced that ORBS implementation is currently in progress. We are anticipating a go-live date in March 2018. She added that workforce questions are required as part of all licensure applications, and are hardwired within the applications. NCSBN has confirmed that at this time, the workforce questions cannot be removed from the applications and will be required of all ORBS users. C. Dinauer will continue to keep the Board updated regarding the ORBS implementation.
 - C. Dinauer provided the Board with an update regarding the Enhanced Nurse Licensure Compact (eNLC) strategic plan.
 - C. Dinauer announced that she has been appointed to a state consortium to identify and respond to barriers to occupational licensure.
4. Review, discussion and action regarding the revision to NSBN Monitoring procedures: C. Dinauer addressed the monitoring program and the revisions to the NSBN Monitoring procedures. S. McCord presented algorithms identifying proposed board staff processes to be in place for the evaluation processes. F. Olmstead described the regulatory change process which will align the new changes with the current format. The workshop notice for the regulation changes will be available on the Board's website. It was moved and seconded to accept the new algorithms as written to be used as the basis for policies that will support the revised monitoring procedures. MOTION CARRIED.
5. Review, discussion and action regarding fiscal year 16/17 Financial Audit: Vanessa Davis, CPA, CGMA, completed the fiscal year 16/17 financial audit. She announced that the audit reflected an unmodified and clean audit, with a strong balance sheet and a 3-1 positive ratio. It was noted that the contingency fund values are identical to last year's, and it was suggested the board review these amounts. All of last year's audit recommendations have been implemented. It was moved and seconded to accept the Financial Audit as presented. MOTION CARRIED. M. Brown recused.
6. Review, discussion and action regarding revisions to the Election of Officers Policy: The Board reviewed the policy and discussed the process of roll call voting. Board members agreed that the votes would be cast via roll call by all Board members. The Board proposed two revisions including defining the term limits and adding any related statutes or regulations to the policy. It was moved and seconded to approve the policy with the revisions as discussed. MOTION CARRIED.
7. Review, discussion and action regarding the 2018 conferences attendance: C. Dinauer presented the 2018 conferences available to Board members. S. VanBeuge added that the Delegate Assembly in August would be very beneficial for all the Board members to attend. It was moved and seconded to approve the 2018 conference schedule as outlined by C. Dinauer. MOTION CARRIED.
8. Review and discussion regarding the process for an Executive Director surrender of a license or certificate: C. Dinauer explained that an Executive Director surrender typically occurs when a nurse/Certified Nursing Assistant violates the terms of their Order/Agreement. She also explained the difference between an ED surrender and ED

summary surrender. If a license/certificate must be summarily suspended (due to immediate harm/danger to the public); there must be a Board meeting within 45 days.

9. Review statistics and trends related to scope of practice inquiries: S. McCord stated there has recently been a decrease in scope of practice calls. He added that the majority of calls are regarding cosmetic procedures. J. Tan asked whether there are current trends for people inquiring to see if this information is being met, and if not; J. Tan requested to see this information in the future. S. VanBeuge suggested that we utilize our advisory committees for such tasks of gathering trends, themes, and statistics, as this will provide leadership succession as well.
10. Review, discussion and action of election of officers: It was moved and seconded to elect D. McKenzie as Board President, S. VanBeuge as Board Vice-President, and J. Watts as Board Secretary. MOTION CARRIED.
11. Review discussion and action regarding first quarter of FY2017 Financial Statement: V. Alvarez provided an update to the Board regarding the 1st quarter financial position which runs from July 1 through September 30, 2017. S. VanBeuge and J. Watts expressed an interest in researching a capital assets policy. It was moved and seconded to accept the first quarter financial statement as proposed. MOTION CARRIED.

B. LICENSURE PROGRAMS - No Business.

C. CERTIFICATION PROGRAMS

1. Review and discussion regarding Headmaster CNA Certification Exam pass rates year to date for 2017: C. Prato presented the year-to-date written and skills pass rates for the Headmaster CNA Certification Exam.

D. DISCIPLINE PROGRAMS

1. Applications (initial and renewal in question)
 - a. Jordan, Amber, CNA013453: Applicant was not present. It was moved and seconded the Board deny the renewal application 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.
 - b. Dietz, Jerry CNA000723: Applicant was not present. It was moved and seconded the Board deny the renewal application 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. Jauregui, Edwina, CNA014050: Applicant was not present. It was moved and seconded the Board deny the renewal application 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.
 - d. Kanter, Joseph, CNA021622: Applicant was present. It was moved and seconded the Board deny the renewal application 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.
MOTION CARRIED.
- e. Sullivan, Andrew, CNA024284: Applicant was not present. It was moved and seconded the Board deny the renewal application 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.
 - f. Mc Knight, Cheryl, CNA019926: Applicant was not present. It was moved and seconded the Board deny the renewal application 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.
 - g. Marasigan, German, CNA023819: Applicant was not present. It was moved and seconded the Board deny the renewal application 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.
 - h. Kirkland, Tracey, CNA024956: Applicant was not present. It was moved and seconded the Board deny the renewal application 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.
 - i. Cornejo, Carmen, CNA018151: Applicant was not present. It was moved and seconded the Board deny the renewal application 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.
 - j. Aligno-Barril, Ana Zenia, RN applicant: Applicant was present by phone. It was moved and seconded the Board accept the application for licensure. MOTION CARRIED.
 - k. Cummings, Carolyn, RN applicant: Applicant was present. It was moved and seconded the Board accept the application for licensure. MOTION CARRIED.
 - l. McCroan, Jonathan, LPN applicant: Applicant was present by phone. It was moved and seconded the Board accept the application for licensure. MOTION CARRIED.
 - m. Ray, Kayleen, RN applicant: Applicant was present by phone. It was moved and seconded the Board accept the application for licensure. MOTION CARRIED.
 - n. Smith-White, Regina, RN applicant: Applicant was present. It was moved and seconded the Board accept the application for licensure. MOTION CARRIED.
 - o. Allen, Justin, RN applicant: Applicant was present by phone. It was moved and seconded the Board accept the application for licensure. MOTION CARRIED.

2. Settlement agreements

- a. Anderson, Jennifer, CNA022714: Agreement for Reprimand for violation of NRS 632.347 (l)(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.
- b. Frank, Anita, CNA017203: Agreement for Reprimand for violation of NRS 632.347 (l)(g) unprofessional conduct, NAC 632.890 (20) inaccurate recording, falsifying, and (27) failing to perform nursing functions in a manner consistent with establishing or customary standards. Approved under the consent agenda.
- c. Ucci, Jamie, RN69563: Agreement for Reprimand and Continuing Education for violation of NRS 632.347 (l)(g) unprofessional conduct, NAC 632.890 (9) impaired practice, and (27) failing to perform nursing functions in a manner consistent with established or customary standards. Approved under the consent agenda.
- d. Mallory, Barbara, RNI 9280: Agreement for Reprimand, Fine, and Continuing Education for violation of NRS 632.347 (l)(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. Colvin, Andrea, RN49247: Agreement for Reprimand, Fine, and Continuing Education for violation of NRS 632.347 (l)(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.
- f. Lipe, Lisa, RN50625: Agreement for Probation for violation of NRS 632.347 (1)(g) unprofessional conduct, NAC 632.890 (9) impaired nursing practice, and (10) practicing nursing if any amount of alcohol is present in the body of the nurse while on duty. Approved under the consent agenda.
- g. Medtaberry, Heather, RN75779: Voluntary Surrender of License in Lieu of Other Disciplinary Action for violation of NRS 632.347 (l)(e) controlled substance and/or alcohol, (1)(g) unprofessional conduct, and (1)(o) failing to comply with a Board, and NAC 632.890 (9) impaired practice, and (36) failing to comply. Approved under the consent agenda.
- h. Moner, Cazaria, RN54479: Agreement for Probation for violation of NRS 632.347 (l)(m) action in another state. Approved under the consent agenda.
- i. Maguire, Melissa, RN72397: Agreement for Probation for the violations of NRS 632.347 (l)(e) controlled substance and/or alcohol, and (l)(g) unprofessional conduct, (1)(o) failing to comply with Board order, and NAC 632.890 (10) positive drug screen on duty, and (16) failing to properly document controlled substances. Approved under the consent agenda.
- j. Escala, Felita, RN42943: Agreement for Reprimand and Continuing Education for violation of NRS 632.347 (l)(g) unprofessional conduct, and NAC 632.890 (24) failing to collaborate with health care team, and (27) failing to perform nursing functions in a manner consistent with established or customary standards. Approved under the consent agenda.
- k. Ortega, Susana, RN52495: Agreement for Reprimand and Continuing Education for violation of NRS 632.347 (l)(g) unprofessional conduct, NAC

632.890 (27) failing to perform nursing functions in a manner consistent with established or customary standards, and (33) abuse of patient. Approved under the consent agenda.

3. Successful completion of probation

- a. Ewell, Julie, RN26594: Termination of probation approved under the consent agenda.
- b. Plaza, Nicole, RN79537: Termination of probation approved under the consent agenda.

4. Reinstatement of licensure/certification

- a. Leone, Amanda, RN66040: Applicant was present. It was moved and seconded the Board accept the application and agreement for probation, for violation of NRS 632.347 (1)(e) controlled substances and/or alcohol, and (1)(g) unprofessional conduct, and NAC 632.890 (36) failing to comply. MOTION CARRIED.
- b. Mothershead, Sara, RN59861: Applicant was present by phone. It was moved and seconded the Board accept the application and agreement for probation, for violation of NRS 632.347 (1)(b) criminal convictions, and (1)(e) controlled substance and /or alcohol. MOTION CARRIED.
- c. Harris, Marshaya, CNA024520: Applicant was present. It was moved and seconded the Board accept the application and agreement for probation, for violation of NRS 632.347 (1)(g) unprofessional conduct, and NAC 632.890 (22) patient abandonment. MOTION CARRIED.

5. Formal administrative hearings

- a. Burgess, Miranda, CNA030558: Respondent was not present. It was moved and seconded the Board find the Respondent in violation of NRS 632.347 (1)(b) criminal convictions, (1)(g) unprofessional conduct, and NAC 632.890 (35) misappropriation of patient property. It was further moved and seconded the Respondent be reprimanded, complete a continuing education course in Critical Thinking within sixty (60) days, and that respondent report to the Board the status of completion of criminal court requirements. Should the Respondent fail to timely complete the required course, her certificate will be suspended without further proceedings until the course is completed. 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.
- b. Marshall, Amanda, CNA034624: Respondent was not present. It was moved and seconded the Board accept the Agreement for Reprimand for a violation of NRS 632.347 (1)(g) unprofessional conduct, NAC 632.890 (12) privacy violation, and (13) confidentiality violation. MOTION CARRIED. D. McKenzie recused.
- c. Mulford, Heather, RN14949: Respondent was not present. It was moved and seconded the Board find the Respondent in violation of NRS 632.140(1)(b), unprofessional conduct, because Respondent is not in good physical and

mental health. It was further moved and seconded that the Respondent's license be suspended, and ordered that the Respondent complete a fitness for duty evaluation within three (3) months. If the Respondent fails to timely complete the fitness for duty evaluation, her license is hereby revoked for a period of one (1) year. 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. Labang, James, RN80142: Respondent was present. It was moved and seconded the Board find the Respondent in violation of NRS 632.347 (1)(m) discipline in another state, and that his license be suspended until June 2020 or until all criminal probation and requirements, and the California Board of Nursing probation requirements are completed. 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.
- e. Jeffrey, Jacqueline, RN56460: Respondent was not present. It was moved and seconded the Board accept the Agreement for Probation for violation of NRS 632.347 (1)(g) unprofessional conduct, NAC 632.890 (9) impaired practice, and (27) customary standards of practice. MOTION CARRIED.
- f. Kendrick, Dana, RN85848: Respondent was present. It was moved and seconded to find the Respondent in violation of NRS 632.347 (1)(g) unprofessional conduct, and NAC 632.890 (10) positive drug screen on duty. The Respondent's license was reprimand, and the Respondent must complete the Nevada Nurse Practice Act course within sixty (60) days, and submit to urine drug testing for one (1) year. 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.
- g. Yesslith, Mia, CNA033475: Respondent was not present. It was moved and seconded that this agenda item be continued at the January 2018 Board meeting. MOTION CARRIED.
- h. Munch, Elizabeth, RN77416: It was moved and seconded the Board find the Respondent in violation of NRS 632.347 (1)(g) unprofessional conduct, and NAC 632.890 (3 7) practice without active license/certificate. It was moved and seconded that the Respondent's license be reprimanded, and that the Respondent complete the Nevada Nurse Practice Act course within three (3) months or the license is automatically suspended until all requirements are completed. It was further ordered that the Respondent and pay the actual attorney fees and costs of this hearing with 120 days of the issuance of costs or the license is automatically suspended and that the disciplinary action become part of the Respondent's permanent record and be published and reported to all agencies. MOTION CARRIED.
- i. Davies, Paula, RN64427: Respondent was present. It was moved and seconded the Board find the Respondent in violation of NRS 632.347 (1)(g) unprofessional conduct, and NAC 632.890 (37) practice without an active license/certificate. It was moved and seconded that the Respondent's license be reprimanded, that the Respondent complete a continuing education course in Professionalism in Nursing and the Nevada Nurse Practice Act course, and

that the Respondent register with Nursys eNotify within sixty (60) days or the license is automatically suspended until all requirements are met. 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.

- j. Leseman, Dena, RN93679: Respondent was not present. It was moved and seconded that this agenda item be continued until the January 2018 Board meeting. MOTION CARRIED.

6. Special Action

- a. Review, discussion and action regarding appointment(s) applications for the Disability Advisory Committee. It was moved and seconded to nominate Toril Strand, Susan O'Day, and Peggy Cullum to the Disability Advisory Committee. MOTION CARRIED.
- b. Review, Discussion and action regarding appointment (s) applications for the APRN Advisory Committee. It was moved and seconded to nominate Aaron Bellow, Pamela Burgio, and Jeanine Swygmán to the APRN Advisory Committee. MOTION CARRIED.

7. Ratification of staff denials - NRS 632.320 (1)(a) fraudulent applications - No Business

E. NURSING PRACTICE

1. Review and discussion regarding the NCLEX first time pass rates year-to-date for 2017: C. Prato presented the NCLEX first time pass rate year-to-date for 2017.
2. Review, discussion and action regarding accepting the Alterius Career College Board ordered progress report: Marion Meyash, Susan Holm, and Diana Kostrzewski were present to answer Board member questions. The Board was informed that the corporate office of Alterius Career College has decided to close the nursing program and a teach-out will begin. Susan Holm explained that their improvement plan has been successful thus far, that they have hired 4 new employees and they are stable at this time. It was moved and seconded the Board accept the progress report as proposed. MOTION CARRIED.
3. Review, discussion and action regarding accepting the Touro University's teach out progress report: Board members reviewed Touro University's teach out program. It was moved and seconded the Board accept the progress report for Touro University. MOTION CARRIED.
4. Review, discussion and action regarding accepting the Carrington College, Reno NCLEX scores: Sara Warmbrodt provided the Board with information regarding the necessary program changes in order for students to be successful. Responding to Board member questions, M. Warmbrodt explained the many different ways that the faculty are supported. It was moved and seconded the Board accept the report from Carrington College, with a follow up in March 2018. MOTION CARRIED.
5. Review, discussion and action regarding accepting the College of Southern Nevada's LPN program action report: Irene Coons was present to answer Board member questions regarding CSN's action report and she informed the Board that they have

decided to halt student admissions. She added that two faculty members will be retiring in May of 2018 and she will re-assess the situation next year. S. VanBeuge thanked Irene Coons for notifying the Board of the decision to hold off on admissions and acknowledged the comprehensive assessment. It was moved and seconded to accept College of Southern Nevada's LPN program action report. MOTION CARRIED.

6. Review, discussion and action regarding accepting the findings of Arizona College, Las Vegas site survey report: Patricia Alpert was present to respond to questions regarding the findings of the site survey. Board members asked for additional information regarding staffing and was informed that the program currently has 8 staff members, with 7 faculty. It was moved and seconded the Board accept the site survey. MOTION CARRIED.
7. Review and discussion regarding Arizona College's designated education unit (DEU) partnership. Patricia Alpert presented.

G. RECOMMENDATIONS FOR AGENDA ITEMS FOR FUTURE BOARD MEETINGS:

- o Policies and procedures for the Disability Advisory Committee;
- o CLEAR update to be presented at the July Board meeting;
- o Review frequently used policies at the July Board meeting;
- o Review policies for advisory committees.

PUBLIC COMMENT:

- C. Dinauer introduced Board staff members S. Shaw and R. Martinez.

ADJOURNMENT

The meeting adjourned at 2:29 p.m. On Thursday, November 16, 2017.