

Nevada State Board of **NURSING**

BOARD MEETING MINUTES

March 20-21, 2019

The Nevada State Board of Nursing Board Meeting was called to order by President, Deena McKenzie, MSN, RN, at 8:33 a.m. on Wednesday, March 20, 2019, 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
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
Sharon Vincello, J.D., Executive Assistant
Rhoda Hernandez, IT Technician
Vickey Alvarez, Senior Accountant (3/20)
Gail Trujillo, Director of Licensure, Certification, and Human Resources (3/20)
Christie Daliposon, Discipline Support Investigator (3/20)
Sarah Bradley, Senior Deputy Attorney General (3/21)
Ray Martinez, Investigator (3/21)
Gretchen Caldwell, Customer Service Representative (3/21)

PUBLIC COMMENT - none

A. BOARD GOVERNANCE AND ADMINISTRATION

1. Approval of Board meeting minutes: January 16-17, 2019. Approved under the consent agenda.
2. Executive Director Report. C. Dinauer did not have anything to add in addition to what has already been discussed.
3. Review, discussion, and action regarding FY 18/19 Goals and Objectives. Approved under the consent agenda.
4. Review and discussion regarding Conference and Training Report by staff. Approved under the consent agenda.
5. Review and discussion regarding Conference and Training Report by Board Members. Approved under the consent agenda.

6. Review and discussion regarding Legislative Updates. M. Hillerby presented the legislative update including that Monday was the deadline for bill draft requests, they expected 400 BDRs and only 140 were introduced and by April 12th the bills need to be out of the committees. Currently tracking some bills regarding: workforce development, adequacy of providers in networks, and data going to workforce innovation. Some other bills we are watching are making it easier for people with criminal histories to get licenses, for example a conviction at an earlier age or before education may not disqualify and individual from obtaining a license. This has other boards nervous. Additionally, decriminalizing of marijuana and clearing up past records has been ongoing discussion. A growing trend has been adjudications in front of hearing officers rather than the boards, with the decision binding on boards. Coming out of the Sunset Committee and the Governor's Audit, our Board has been the gold standard as Governor Sandoval said to C. Dinauer years ago. Finally, the Nursing compact – nothing has changed. There has been an aggressive agenda by the unions to oppose it; the opposition remains strong if not stronger than before.
7. Review and discussion of the NCSBN FY 2018 CORE report. C. Dinauer, S. McCord and G. Trujillo presented the CORE report to the Board. This is a report generated every two years by NCSBN via a survey they send out to nurses, employers, educators in the state. We have summarized the 200+ pages. You have access to the whole report. Keep in mind the number of responses is very small so it is not statistically significant, but we did glean some good info from the report. Under discipline, the average number of cases resolved within six months was 81%, higher than umbrella boards at 61%. On average, 95% of cases resolved within one year; 612 cases assigned to investigations, does not include applications that go to investigation.
8. Review, discussion, and action regarding revisions to the NSBN policy on Violations Based on Renewal Application Audits. S. McCord and C. Daliposon presented the revisions to the current policy by combining three policies into one so everyone is treated the same. The revised policy reflects the current Nurse Practice Act. It was moved and seconded to accept the policy with the discussed revisions. MOTION CARRIED.
9. Review, discussion, and action regarding revisions to the NSBN policy: The Request for Waiver of Faculty Education Requirements. C. Dinauer presented this item and provided historical background of the policy. It was moved and seconded to approve the policy and add to line number seven the following language 'to be reviewed by the executive director on not less than a yearly basis.'" MOTION CARRIED.
10. Review, discussion, and action regarding the rescinding of APRN Audits and Audit Violations Policy. C. Daliposon presented this item. All of the relevant information discussed in item A.8. are the reasons we are requesting this policy to be rescinded. It was moved and seconded to rescind the APRN Audits and Audit Violations Policy. MOTION CARRIED.
11. Review, discussion, and action regarding the rescinding of CRNA Audits and Audit Violations Policy. C. Daliposon presented this item. All of the relevant information discussed in item A.8. are the reasons we are requesting this policy to be rescinded. It was moved and seconded to rescind the CRNA Audits and Audit Violations Policy. MOTION CARRIED.
12. Review and discussion regarding report from staff on NSBN settlement process and time to resolve disciplinary cases. S. McCord and C. Daliposon presented this item. Cases must be in our jurisdiction. NSBN has four highly trained

- investigators. Our goal is get all the facts. S. McCord then provided a step-by-step overview of what an investigation looks like from complaint to resolution. C. Daliposon presented the process of continuing education audits. C. Daliposon then presented the investigatory process for complaints of practicing without a license. S. McCord presented the settlement process.
13. Review and discussion regarding hearing costs. F. Olmstead presented that the Board can impose costs according to statute. S. Bradley stated costs must be reasonable and actually incurred.
 14. Review, discussion, and action regarding termination of Greater Nevada Credit Union savings account. Senior Accountant, V. Alvarez presented this item and requests that the Greater Nevada Credit Union savings account ending in 0815 be closed. It was moved and seconded to close the Greater Nevada Credit Union savings account ending in 0815. MOTION CARRIED.
 15. 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.
 16. Review and discussion regarding NSBN's renewal application process. G. Trujillo presented the renewal process through ORBS to the Board.
 17. Review and discussion regarding an action plan for the NSBN education department. C. Dinauer presented this item. In February, the Director of Nursing Education resigned. We put out a job advertisement and received 20 applications and interviewed 14 people. We are happy to announce we have hired Abbie Purney, in Las Vegas. She will be starting with us April 15th. We have a plan in place to make sure everything is getting taken care of during this transition.
 18. Review and discussion regarding fiscal year 2018-2019 actual to budget financial statements. Senior Accountant, V. Alvarez presented the fiscal year 2018-2019 actual to budget financial statements.
 19. Review, discussion, and action regarding board member's request to attend the 2019 NCSBN Delegate Assembly. C. Dinauer presented this item. It was moved and seconded to send Board Member VanBeuge to the 2019 NCSBN Delegate Assembly.

B. No business

C. CERTIFICATION PROGRAMS –

1. Review and discussion regarding Headmaster CNA Certification Exam year-to-date pass rates for 2019. C. Dinauer presented the Headmaster CNA Certification Exam year-to-date pass rates for 2019. Milan Las Vegas provided a brief update to the improvements to their program.

D. DISCIPLINE PROGRAMS

1. Applications (initial and renewal in question)
 - a. Gainey, Hiedi, CNA020190. K. Arguello presented this item and removed it from the consent agenda because Respondent provided proof of hours and signed an Agreement for Reprimand and Fine, and Continuing Education. It was moved and seconded to accept the Agreement for Reprimand, Fine and Continuing Education, 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. It was further ordered that the disciplinary action become a

part of the Respondent's permanent record and be published and reported to all agencies. MOTION CARRIED.

2. Settlement agreements

- a. Pacia, Aldrin, CNA027093. Agreement for Reprimand, Fine and Continuing Education 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. Freeman, Mona, CNA034360. Agreement for Reprimand, and Continuing Education for 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(28) causing harm to a patient or family of patient. Approved under the consent agenda.
- c. Smith, Dominica, LPN10811. 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.
- d. Incera, Alejandro, RN69659, APRN001889. Voluntary Surrender of License in Lieu of Other Disciplinary Action for violation of NRS 632.347 (1)(g) unprofessional conduct, and NRS 632.347 (1)(n) deceive, defraud or endanger a patient because the conduct violated NAC 632.890 (2) performing acts beyond the scope of the practice of nursing, (20) inaccurate recording, falsifying, (26) violation of state/federal nursing law/regulation (27) customary standards of practice, and/or (28) causing harm to a patient.
- e. Ringle, Rita, RN43771. Agreement for Reprimand, and Continuing Education for violation of NRS 632.347(1)(g) unprofessional conduct, NAC 632.890(24) failure to collaborate with healthcare team as necessary to meet the health needs of a patient. Approved under the consent agenda.
- f. Peach, Kasandra, LPN17173. Agreement for Reprimand, Fine and Continuing Education 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. Boscolo, Lorella, CNA027570. Agreement for Reprimand, and Continuing Education for 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(28) causing harm to a patient or family of patient. Approved under the consent agenda.
- h. Grady, Evan, RN88170. Agreement for Reprimand, and Continuing Education for violation of NRS 632.347(1)(g) unprofessional conduct, NAC 632.890(16) failing to properly document controlled substances, NAC 632.890(20) inaccurate recording, falsifying, and NAC 632.890(27) failure to perform nursing functions in a manner consistent with established or customary standards. Approved under the consent agenda.
- i. Carino, Kristen, RN67247. Agreement for Suspension and Probation for violation of NRS 632.347(1)(g) unprofessional conduct, NRS 632.347(1)(e) controlled substances, NRS 632.347(1)(o) failure to comply

with Board order, and NAC 632.890(36) failure to comply. Approved under the consent agenda.

- j. Peters, Kathleen, CNA026345. Voluntary Surrender of Certificate in Lieu of Other Disciplinary Action for violation of NRS 632.347 (1)(g) unprofessional conduct, NRS 632.347(1)(e) controlled substances, NRS 632.347(1)(o) failure to comply with Board order, and NAC 632.890(36) failure to comply. Approved under the consent agenda.
- k. Del Rosario Joseph, CNA816698. Agreement for Reprimand for violation of NRS 632.347(1)(g) unprofessional conduct, NRS 632.347(1)(e) controlled substances, NRS 632.347(1)(o) failure to comply with Board order, and NAC 632.890(36) failure to comply. Approved under the consent agenda.
- l. Garrett, Carrie, RN72764. Agreement for Reprimand and Continuing Education for violation of NRS 632.347(1)(g) unprofessional conduct, and NAC 632.890(10) positive drug test on duty. Approved under the consent agenda.
- m. Sciartilli, Mary, RN55625. Agreement for Reprimand and Continuing Education for violation of NRS 632.347(1)(g) unprofessional conduct, NAC 632.890(20) inaccurate recording, falsifying, and NAC 632.890(27) failure to perform nursing functions in a manner consistent with established or customary standards. Approved under the consent agenda.
- n. Curley, Elizabeth, RN60929. Agreement for Reprimand and Continuing Education for violation of NRS 632.347(1)(g) unprofessional conduct, NAC 632.890(20) inaccurate recording, falsifying, and NAC 632.890(27) failure to perform nursing functions in a manner consistent with established or customary standards. Approved under the consent agenda.
- o. Elario, Maria, RN71036. Agreement for Reprimand, Continuing Education and Monitoring for violation of NRS 632.347(1)(g) unprofessional conduct, NRS 632.347(1)(e) controlled substances, NRS 632.347(1)(o) failure to comply with Board order, and NAC 632.890(36) failure to comply. Approved under the consent agenda.

3. No business

4. No business

5. Formal administrative hearings

- a. Angulo, Alecia, LPN16765. F. Olmstead presented. Respondent was present and requested a continuance to hire an attorney. It was moved and seconded to continue the matter until a date can be determined by counsels. MOTION CARRIED.
- b. Bounds, Beverly, RN50988. K. Arguello presented. Respondent was not present. It was moved and seconded to find Respondent in violation of NRS 632.347(1)(m), action in another state. Further, it was ordered that Respondent's license be revoked and Respondent may not apply for reinstatement 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.
- c. Removed
- d. Diede, Joy, RN52363. K. Arguello presented. Respondent was not present. It was moved and seconded to find respondent in violation of NRS

632.347(1)(o) failure to comply with a regulation, subpoena or order of the Board. Further, it was ordered that Respondent complete one year of probation and complete continuing education courses within 60 days, and that the disciplinary action become a part of the Respondent's permanent record and be published and reported to all agencies. MOTION CARRIED.

- e. Estopare, Marta, CNA037045. F. Olmstead presented. Respondent was not present. It was moved and seconded to find respondent in violation of NRS 623.347(1)(g) unprofessional conduct; NAC 632.890(36) failure to comply with board order. Further, it was ordered that respondent's CNA certificate be revoked and Respondent may not apply for reinstatement 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.
- f. Hesterlee, Sunhi, RN81033. F. Olmstead presented. Respondent not present. Respondent's Counsel, C. Perry accepted an Agreement for Probation on behalf of the Respondent and assures the Board that his client will sign the same. It was moved and seconded to accept the Agreement for Probation for a period of three (3) years for violation of NRS 632.347(1)(g) unprofessional conduct, NAC 632.890(16) failure to properly document controlled substances, and NAC 632.890(18) diversion of equipment or drugs. Further, it was ordered that the disciplinary action become a part of the Respondent's permanent record and be published and reported to all agencies. MOTION CARRIED.
- g. Hubler, Regina, RN98778. F. Olmstead presented. Respondent was not present. It was moved and seconded to find Respondent in violation of NRS 632.347(1)(m), action in another state. It was moved and seconded to suspend Respondent's license until Respondent completes the terms and conditions of the Ohio State Board of Nursing. Further, if Respondent fails to complete the terms of the Ohio probation, Respondent's license shall be revoked and may not apply for reinstatement for a period of one year. Further that the disciplinary action become a part of the Respondent's permanent record and be published and reported to all agencies. MOTION CARRIED.
- h. Lucas, Amy, RN96012. F. Olmstead presented. Respondent was not present. It was moved and seconded to find Respondent in violation of NRS 632.347(1)(m), action in another state. Further, it was ordered that it was ordered that Respondent's license be revoked and Respondent may not apply for reinstatement for a period of 21 months and that the disciplinary action become a part of the Respondent's permanent record and be published and reported to all agencies. MOTION CARRIED.
- i. Removed
- j. Radusewicz, Tracy, TRN814892. K. Arguello presented. Respondent was not present. Sworn witness testimony was provided. It was moved and seconded to find Respondent is in violation of NRS 632.347(1)(g) unprofessional conduct, pursuant to NAC632.890 (16) failure to document properly the administration and/or waste of a controlled substance. Further, that Respondent's license be revoked and Respondent may not apply for reinstatement 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.

Rehbein, Tina, RN90704. F. Olmstead presented and requested a continuance. It was moved and seconded to grant the continuance. MOTION CARRIED.

- k. Walton, Alissa, RN27014. K. Arguello presented. Respondent not present. Sworn witness testimony was provided. It was moved and seconded to Respondent is in violation of NRS 632.347(1)(e) controlled substance. Further it was ordered that Respondent's license is revoked and Respondent may not apply for reinstatement 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.

6. Special Action

- a. Review, discussion, and action regarding Coons, Casandra, RN 59128, early release from agreement for probation. S. McCord presented this item. C. Coons was present. It was moved and seconded to grant request for early release. MOTION CARRIED.

E. EDUCATION

1. Review and discussion regarding the NCLEX year-to-date first time pass rates for 2019. C. Dinauer presented the NCLEX year-to-date first time pass rates for 2019.
2. Review, discussion, and possible action regarding approval of Patrick Robinson, Administrator of Arizona College. C. Dinauer presented P. Robinson's curriculum vitae. It was moved and seconded to approve Patrick Robinson as Administrator of Arizona College. MOTION CARRIED.
3. Review, discussion, and possible action regarding approval of Susan Holm as Nursing Program Director for Las Vegas College. C. Dinauer presented this item. It was moved and seconded to approve Susan Holm as Nursing Program Director for Las Vegas College. MOTION CARRIED.

F. NURSING PRACTICE

1. Review, discussion, and action regarding application for Board Approved Nurse Support Group Facilitator: Melson, Shandy, LCPC, LCADC-S. It was moved and seconded to approve Melson, Shandy, LCPC, LCADC-S, as a Board Approved Nurse Support Group Facilitator. MOTION CARRIED.
2. Review, discussion, and action regarding application for Board Approved Outpatient Treatment/Aftercare Provider: Jaqueline, Evans, MSW, LCSW-S, LADC-S. It was moved and seconded to approve Jaqueline, Evans, MSW, LCSW-S, LADC-S, as a Board Approved Outpatient Treatment/Aftercare Provider. MOTION CARRIED.

G. RECOMMENDATIONS FOR AGENDA ITEMS FOR FUTURE BOARD MEETINGS

- Overview of CNA programs
- Contract review for quality and cost
- Scope of Practice Tree
- Budget presentation
- Motion form updated as to suspension versus revocation

PUBLIC COMMENT

- C. Dinauer thanked Board Member VanBeuge for all of her time spent volunteering as an IRE Committee Member.

The meeting adjourned at 1:13 p.m. on Thursday, March 21, 2019.