

Nevada State Board of **NURSING**

BOARD MEETING MINUTES

September 23-24, 2020

The Nevada State Board of Nursing Board Meeting was called to order by President, Mary-Ann Brown, MSN, RN, at 9:00am, on September 23, 2020 via WebEx conference call.

MEMBERS PRESENT

Mary-Ann Brown, MSN, RN, RN Member, President
Jacob Watts, CNA, CNA Member, Vice President
Ovidia McGuinness, LPN, LPN Member, Secretary
Deena McKenzie, MSN, RN, RN Member
Susan VanBeuge, DNP, APRN, FNP-BC, FAANP, RN Member
Richelle O'Driscoll, Consumer Member
Branden Murphy, MSNed, CPN, CCRN, RN Member

MEMBERS ABSENT

OTHER'S PRESENT

Cathy Dinauer, MSN, RN, Executive Director
Fred Olmstead, General Counsel
Kimberly A. Arguello, General Counsel
Harry Ward, Deputy Attorney General
Sam McCord, BSN, RN, Director of Nursing Practice
Michelle Johnson, EdD, RN, CPNP-PC, Director of Nursing Education
Sydnee Chappell, Executive Assistant
Rhoda Hernandez, IT Technician
Gail Trujillo, CP, Director of Licensure and Certification, Human Resource
Sally K. Miller, PhD, APRN, FAANP, APRN Consultant, Investigator (9/24)
Christie Daliposon, Discipline Support Investigator (9/23)
Ryan Mann, Applications Coordinator (9/23)

Call to Order: The meeting was called to order at 9:00 am, on Wednesday September 23, 2020.

Public Comment:

- Tracy Whittier provided written public comment expressing concern for Board Member B. Murphy's comments and behavior. She requested information on how the public may submit complaints against Board Members.
- C. Dinauer made public comment acknowledging her DNP student, Elizabeth Field from the University of Reno. She also acknowledged Gail Trujillo for receiving her national certification through the Society for Human Resource Management Certified

Professional. She thanked board members M. Brown and D. McKenzie for all their tremendous work for the Board and their endless amount of dedication.

- O. McGuiness thanked M. Brown and D. McKenzie for their work and mentoring. All their efforts are appreciated and congratulations to G. Trujillo on her certification.
- S. VanBeuge expressed her sentiments to M. Brown and D. McKenzie.
- J. Watts thanked M. Brown and D. McKenzie for their service to the Nevada State Board of Nursing and thanked D. McKenzie for her mentorship.

A. Board Governance and Administration

1. Review and discussion regarding Committee and Training Report by staff: C. Dinauer attended virtually the NCSBN annual conference. C Dinauer and M. Johnson both attended virtually the NCSBN NCLEX conference.
2. Review and discussion regarding Committee and Training Report by Board members: S. VanBeuge reviewed the outcomes and discussions had from the NCSBN annual conference. She explained that while Board was against the APRN compact, the NCSBN Delegate Assembly voted to approve the APRN compact. B. Murphy went over his highlights of attending the NCSBN NCLEX conference.
3. Approval of the July 22-33, 2020 Board meeting minutes: Approved under the consent agenda.
4. Executive Directors Report: C. Dinauer reported the possibility of upcoming vaccines for COVID-19 and working closely with program directors to get volunteers together to administer vaccines. In the month of June 2020, there was a ninety-nine (99) percent compliance with all CEU audits. Under the Boards direction to add staff to manage CNA Programs, there has been a new position created. M. Johnson explained the process for creating the job description for the new CNA Manager. The position has been offered and accepted with a start date of November 2nd. This person will work in partnership with M. Johnson in looking at pass rates and how to increase them with program enhancement.
5. Review, discussion, and possible action regarding Executive Director performance evaluation: Board members completed the Executive Director annual evaluation.
6. Review, discussion, and possible action regarding Fiscal Year 20/21 Goals and Objectives: The Board reviewed changes made to the objectives listed on the guide. It was moved and seconded to accept the changes made regarding Fiscal Year 20/21 Goals and Objectives. MOTION CARRIED.
7. Review, discussion, and possible action regarding composition of members serving on the Education Advisory Committee: S. McCord reviewed the statute that requires certain sizing of advisory committees. F. Olmstead reminded Board Members the Disability Advisory Committee and CNA Advisory Committee both have statutory requirements and the rest are policy. The Board discussed needing to know the requirements and criteria of committees in order to appoint members with confidence. R. O'Driscoll suggested board staff provide recommendation and perspective when bringing forth applications. It was moved and seconded to request board staff put together recommendations regarding composition of members serving on Education Advisory Committee and bring back to future board meetings taking into consideration Board discussion. MOTION CARRIED.
8. Review and discussion regarding legislative updates: M. Hillerby presented legislative updates. The first special session was dedicated to the budget and he foresees a tax

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proposal in the next session because of economic impact of COVID-19. He explained the changes in voting due to the pandemic. In a previous board meeting, it was approved by the Board to require one (1) APRN as a member of the Board and will be presented in the next legislative session. It will also be presented that NRS 632.030 be updated to reflect two (2) RNs instead of three (3) and NRS 632.030(d) required to be a registered nurse. M. Hillerby also presented an update about the nursing compact and how COVID-19 has brought more attention to it. Governor Directive was issued allowing licensed healthcare workers to practice in the State of Nevada without applying during the State of Emergency and have been working with Senator Spearman to bring the compact forward.

9. Review and discussion regarding NSBN FY 19/20 HR Report Follow-up: G. Trujillo presented her HR Report to the Board. There is a long-term plan to review and update all job descriptions. She has been working with C. Dinauer in creating a list to start implementing in the HR role. The turnover rate was addressed and exit surveys are being utilized to identify common trends and areas for improvement. A CNA Program Manager position has been created and filled under the direction from the Board.
10. Review and discussion regarding statistics and trends related to scope of practice inquiries: S. McCord presented an update on two (2) quarters, one being before the pandemic and the other being during. The Board reviewed information regarding statistics and trends related to scope of practice inquiries.
11. Review, discussion, and possible action regarding possible revisions to the Fingerprint on Renewal Policy: Board staff explained the policy and procedure in regard to fingerprinting for renewal applications. M. Brown requested fingerprinting information be put into the next Nursing News magazine. The changes made are to include eight (8) screening questions instead of five (5), updated wording of the criminal conviction question, and the procedure for board staff processing renewal applications. It was moved and seconded to accept the revisions to the Fingerprint on Renewal Policy. MOTION CARRIED.

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B. Nursing Practice

1. Review, discussion, and possible action regarding appointments and reappointments of applicants to the Education Advisory Committee: It was moved and seconded to appoint Jody Covert, RN24129, and Angela Silvestri-Elmore, APRN 818053, to the Education Advisory Committee. MOTION CARRIED.
2. Review, discussion, and possible action regarding approval of revisions to the Nevada State Board of Nursing Practice Decision titled The Role of the RN in Intubation: S. McCord explained the history of the practice decision as well as the collaboration between advisory committees to make any necessary updates. RN and APRN were separated into two different practice decisions due to different roles in intubation. It was moved and seconded to approve the revisions to the Nevada State Board of Nursing Practice Decision titled The Role of the RN in Intubation. MOTION CARRIED.
3. Review, discussion, and possible action regarding approval of revisions to the Nevada State Board of Nursing Practice Decision titled APRN Scope in Intubation: S. Miller explained the history of the practice decision as well as the collaboration between advisory committees to make any necessary updates. RN and APRN were separated into two different practice decisions due to different roles in intubation. It was moved and

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seconded to approve the revisions to the Nevada State Board of Nursing Practice Decision titled APRN Scope in Intubation. MOTION CARRIED.

- 4. Review, discussion, and possible action regarding approval of revisions to the Nevada State Board of Nursing Practice Decision titled The Role of the RN in Ultrasound for Antepartum Testing: S. McCord explained the need for updating and hyperlinks have been added that will take nurses to the regulation. It was moved and seconded to approve the revisions to the Nevada State Board of Nursing Practice Decision titled The Role in Ultrasound for Antepartum Testing. MOTION CARRIED.

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- 5. Review, discussion, and possible action regarding approval of revisions to the Nevada State Board of Nursing Practice Decision titled The Role of the RN in Administration of Prostaglandins: S. McCord explained the need for updating and hyperlinks have been added that will take nurses to the regulation. It was moved and seconded to approve the revisions to the Nevada State Board of Nursing Practice Decision titled The Role of the RN in Administration of Prostaglandins. MOTION CARRIED.

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- 6. Review, discussion, and possible action regarding approval of revisions to the Nevada State Board of Nursing Practice Decision titled The Role of the RN in Sexual Assault Examination: S. McCord explained the title of the practice decision is new and a hyperlink to “NSBN SANE” has been added in section 5. It was moved and seconded to approve the revisions to the Nevada State Board of Nursing Practice Decision titled The Role of the RN Sexual Assault Examination. MOTION CARRIED.

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- 7. Review, discussion, and possible action regarding appointments and reappointments of applicants to the APRN Advisory Committee: It was moved and seconded to appoint Kelly Jo Fluitt, APRN000956, and reappoint Jeanine Packham, APRN002063, Aaron Bellow, APRN002023, and Pamela Burgio, APRN00340 to the APRN Advisory Committee. MOTION CARRIED.

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C. Education

- 1. Review, discussion, and possible action regarding approval of Unitek College’s BSN Program 6-month report and continued provisional approval: M. Johnson presented the report to the Board. Abdel Yosef and Sarah Renouser were present virtually to answer any questions and gave an update on cohorts and clinicals. It was moved and seconded to approve Unitek College’s BSN Program 6-month report and continued provisional approval. MOTION CARRIED.

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- 2. Review, discussion, and possible action regarding approval of Dr. F. Patrick Robinson as Interim Dean of Nursing of Arizona College of Nursing, Las Vegas Campus: M. Johnson presented this agenda item. Dr F. Patrick Robinson was present virtually and advised the Board of a recent offering to fill the Dean of Nursing position with a tentative start date of November 1, 2020. It was moved and seconded to approve Dr. F. Patrick Robinson as Interim Dean of Nursing of Arizona College of Nursing, Las Vegas Campus. MOTION CARRIED. B. Murphy recused from this agenda item.

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- 3. Review, discussion, and possible action regarding approval of Dr. Audrey Auer, Director Nursing Education Services, BSN Program Nightingale College: M. Johnson presented this agenda item. Linda Benson, a representative from Nightingale College, was present virtually and explained the mission of bringing nursing education to rural areas. It was moved and seconded to approve Dr. Audrey Auer, Director Nursing Education Services, BSN Program Nightingale College. MOTION CARRIED.

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4. Review and discussion regarding Headmaster CNA Certification Exam pass rates by program for 3rd Quarter 2020: M. Johnson presented the 3rd Quarter 2020 Headmaster pass rates. There was discussion about waivers and using 100% simulation instead of clinicals due to the pandemic that may be affecting the pass rates. It was requested by the Board to bring back this agenda item as an action item for future board meetings.
5. Review and discussion regarding the NCLEX year-to-date first-time pass rates for 3rd Quarter 2020: M. Johnson presented the 3rd Quarter 2020 NCLEX pass rates. B. Murphey acknowledged schools with 100% pass rates. M. Johnson explained the drop in pass rates may be due to students testing further out from their graduation date but will wait until 4th Quarter to see if COVID-19 is affecting pass rates overall.
6. Review, discussion, and possible action regarding approval of the University of Nevada, Las Vegas' request to increase BSN nursing student enrollment by 8 students for the fall 2020 cohort: M. Johnson presented this agenda item. Steven Palazzo was present virtually to answer any questions and notified the Board this is a one-time request and will have sufficient staff to handle the increase. It was moved and seconded to approve the University of Nevada, Las Vegas' request to increase BSN nursing student enrollment by 8 students for the fall 2020 cohort. MOTION CARRIED. S. VanBeuge recused from this agenda item.
7. Review, discussion, and possible action regarding approval of Dr. Stephanie Durfor as Practical Nursing Program Chair at Las Vegas College: M. Johnson presented this item. Dr. Stephanie Durfor was present telephonically and explained her mission and vision to grow the LPN program to put more qualified LPN's in the community. It was moved and seconded to approve Dr. Stephanie Durfor as Practical Nursing Program Chair at Las Vegas College. MOTION CARRIED. B. Murphy recused from this agenda item.
8. Review, discussion, and possible action regarding Roseman University's request to establish an Academic Practice Partnership with Renown Health System: M. Johnson presented this item. Dr. Brian Oxhorn was present virtually and explained the plan for the partnership. He also explained the intent to build a healthcare workforce internally for Renown employees for RN to BSN, pre-licensure BSN, and MSN programs with no changes to admission requirements. The groups of 8 will reside in Reno at Renown with full time Roseman faculty as a supervisor. It was moved and seconded to approve Roseman University's request to establish an Academic Practice Partnership with Renown Health System. MOTION CARRIED.

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D. Discipline Programs

1. Applications (initial and renewal in question)
 - a. Bruce, Myrna, CNA028752: Renewal application denied 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. Calderon, Patricia, CNA025196: F. Olmstead presented this agenda item. P. Calderon was present telephonically and made a statement. It was moved and seconded to deny the renewal application for violation of 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 the renewal application not be ruled as fraudulent. MOTION CARRIED.

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ACTION c. Hartman, Veronica, CNA031204: Renewal application denied 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.

ACTION d. Lewis, Deanna, CNA030738: K. Arguello requested for agenda item to be continued. It was moved and seconded to continue this agenda item for a future date. MOTION CARRIED.

ACTION e. Carter, Marcita, RN applicant: K. Arguello presented this item. M. Carter was present telephonically and made a statement. It was moved and seconded to accept the application for licensure. MOTION CARRIED.

ACTION f. Holtz, Alexander, RN applicant: K. Arguello presented this item. A. Holtz was present virtually and made a statement. It was moved and seconded to accept the application for licensure. MOTION CARRIED.

ACTION g. Matusiak, Alicja, RN applicant, APRN applicant: K. Arguello presented this item. A. Matusiak was present virtually and made a statement. It was moved and seconded to accept the application for licensure. MOTION CARRIED.

ACTION h. Murray, Jeremy, RN applicant: F. Olmstead presented this item. J. Murray was present telephonically and made a statement. It was moved and seconded to accept the application for licensure. MOTION CARRIED.

ACTION i. Still, Tonya, LPN applicant: F. Olmstead presented this item. T. Still was present telephonically and made a statement. It was moved and seconded to accept the application for licensure. MOTION CARRIED.

2. Settlement Agreements

ACTION a. Bonney, Dawn, RN52375: Agreement for Probation for violation of NRS 632.347 (1)(e) controlled substances and/or alcohol, (1)(g) unprofessional conduct, and NAC 632.890 (10) positive drug screen on duty and (27) customary standards of practice. Approved under the Consent Agenda.

ACTION b. Means, Ariane, RN78161: Agreement for Probation for violation of NRS 632.347 (1)(e) controlled substances and/or alcohol, (1)(g) unprofessional conduct, and NAC 632.890 (18) diverting supplies, equipment or drugs for personal or unauthorized use. Approved under the Consent Agenda.

ACTION c. Aamer, Sidra, RN90665: Agreement for Reprimand and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct, NAC 632.890 (20) inaccurate recording, (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, and (28) causing a patient or the family of the patient physical, mental or emotional harm by taking direct or indirect actions or failing to take appropriate actions. It was moved and seconded to accept the Agreement. MOTION CARRIED.

ACTION d. Barnum, Jennifer, RN 816758: Agreement for Reprimand and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct, NAC 632.890 (2) practicing beyond scope, and (18) diverting supplies, equipment or drugs for personal or unauthorized use. It was moved and seconded to accept the Agreement. MOTION CARRIED.

e. Howard, Diana, RN39954: Agreement for Probation for violation of NRS 632.347 (1)(g) unprofessional conduct, (1)(m) action in another state, and NAC 632.890

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(16) failing to properly document controlled substances. Approved under the Consent Agenda.

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f. Shine, Wendy, RN84984: Agreement for Reprimand and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct, NAC 632.890 (20) inaccurate recording, falsifying or otherwise altering or destroying records, and (27) customary standards of practice. Approved under the Consent Agenda.

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g. Tayam, Myrna, RN52032: Agreement for Reprimand and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct, NAC 632.890 (20) inaccurate recording, falsifying or otherwise altering or destroying records, and (27) customary standards of practice. Approved under the Consent Agenda.

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h. Snidow, Jennifer, RN71764, APRN001376: 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.

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i. Shorey, Lillian, CNA024770: 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.

ACTION

j. Hall, Carmen, RN33120: Agreement for Reprimand for violation of NRS 632.347 (1)(e) controlled substances and/or alcohol, (1)(g) unprofessional conduct, (1)(o) failing to comply and NAC 632.890 (36) failing to comply with a Board order. Approved under the Consent Agenda.

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k. Eckley, Karen, LPN16241: Agreement for Reprimand for violation of NRS 632.347 (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.

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l. Mestas, Karen, RN26556: Agreement for Probation for violation of NRS 632.347 (1)(g) unprofessional conduct, (1)(o) failing to comply with a board order. Approved under the Consent Agenda.

3. Formal administrative hearings

ACTION

a. Cote, Martha, RN2697: K. Arguello presented this item. Respondent was present virtually. It was moved and seconded to find the Respondent in violation of NRS 632.347 (1)(g) unprofessional conduct and NAC 632.890 (37) practicing without an active license. It was further ordered that Respondent's RN license be reprimanded. It was further ordered that Respondent must complete the Nurse Practice Act web-based course and thirty (30) hour Legal Ethics in Nursing Course within ninety (90) days and that the disciplinary action become part of the Respondent's permanent record and be published and reported to all agencies. MOTION CARRIED.

ACTION

b. Davis, Tracy, LPN18070: F. Olmstead presented this item. 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 further ordered no disciplinary action be taken. MOTION CARRIED.

c. Miller, Codi, CNA 820516: F. Olmstead presented this item. Respondent was not present. It was moved and seconded to find the Respondent in violation of NRS 632.347 (1)(g) unprofessional conduct, NAC 632.890 (9) impaired practice, and NAC 632.890 (27) failing to perform nursing functions in a manner consistent with established or customary standards. It was further ordered the Respondent's license

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be revoked and may not reapply for one (1) year. It was further order that the disciplinary action become part of the Respondent’s permanent record and be published and reporting to all agencies. MOTION CARRIED.

4. Special Action

ACTION

a. Eileen Gamboa, RN57974 - Request for Reinstatement: K. Arguello presented this item. E. Gamboa was present telephonically and made a statement. It was moved and seconded to accept the application for reinstatement after completing a refresher course. MOTION CARRIED.

ACTION

b. William Sabatini, RN 831336, CRNA 831336 - Request for Reconsideration: K. Arguello requested for agenda item to be continued. It was moved and seconded to continue this agenda item for a future date. MOTION CARRIED.

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c. Michael Davis, RN72708 - Request for Reconsideration: F. Olmstead presented this item. M. Davis was present virtually and made a statement. It was moved and seconded to approve the request for reconsideration and to bring back for a future date per the request of M. Davis after the action in California is cleared. MOTION CARRIED.

Recommendations for Agenda Items for Future Board Meetings

- Recommendations for compositions for advisory committees
- Plans for CNA programs
- Action item for CNA pass rates
- Year-to-date NCLEX pass rates

Public Comment:

- D. McKenzie thanked the Board and board staff for their amazing work and all support given over the past 6 years. She also thanked the deputy attorney generals for their support of the board. She expressed her enjoyment and honor it was to serve on the Board.
- S. VanBeuge thanked M. Brown and D. McKenzie for time spent with the Board. She also recognized the passing of APRN Greg Peistrup and the service he has done.
- J. Watts thanked M. Brown for serving, her leadership, and mentorship.
- B. Murphy expressed gratitude for D. McKenzie and M. Brown for all their work. He also acknowledged Rhoda Hernandez for all her work to make the board meeting happen.
- M. Brown found the whole experience of being on the Board rewarding and it has been a tremendous opportunity. She will miss the hard work, and everyone involved. Thankful for the support shown.
- O. McGuiness thanked M. Brown and D. McKenzie for their leadership and will miss them. She also acknowledged all nurses worldwide that have lost their life due to the pandemic.

Adjournment:

The meeting was adjourned at 1:47pm on Thursday, September 24, 2020.