

Nevada State Board of **NURSING**

BOARD MEETING MINUTES

January 20-21, 2021

The Nevada State Board of Nursing Board Meeting was called to order by President, Susan VanBeuge, DNP, APRN, FNP-BC, FAANP, at 9:00 am, on January 20, 2021 via video and telephonic conferencing.

MEMBERS PRESENT

Susan VanBeuge, DNP, APRN, FNP-BC, FAANP, President
Jacob Watts, CNA, CNA Member, Vice President
Ovidia McGuinness, LPN, LPN Member, Secretary
Cheryl A. Maes, Ph.D., APRN, FNP-BC, APRN Member
Tracey McCollum, MSN, RN, CENP, NEA-BC, RN Member
Branden Murphy, MSNed, CPN, CCRN, RN Member
Richelle O'Driscoll, Consumer Member

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
Gail Trujillo, MS, CPM, SHRM-CP, Director of Licensure & Certification, Human Resources
Christie Daliposon, Discipline Support Investigator
Sally K. Miller, PhD, APRN, FAANP, APRN Consultant, Investigator
Rhoda Hernandez, IT Technician
Ryan Mann, Applications Coordinator
Jan Hewitt, Executive Assistant
Kristie Neuhauser, Accountant
Tamara Pachak, CNA Program Coordinator
Courteney Baccei, Management Assistant
Sherri Twedt, Compliance Coordinator

Call to Order: The meeting was called to order at 9:00 am, on Wednesday, January 20, 2021.

Public Comment:

- S. McCord read a letter of support from the Nevada Advanced Practice Nursing Association (NAPNA) for advanced practice registered nurses (APRNs) to provide abortion care once they have received the proper education and training.

A. Board Governance and Administration

1. Approval of the November 18-19, 2021 Board meeting minutes: Approved under the Consent Agenda.
2. Review, discussion, and possible action regarding support for changes to NRS.442.250 to include APRNs in the definition of practitioners to be authorized to perform abortions. Sandra Koch, M.D. was present and informed the Board that a bill will be introduced to expand the types of providers able to provide abortion care in Nevada to include APRNs. Currently, six states are allowing APRNs to provide this care with no record of reduced quality of care. The Board recommended that the APRN Advisory Committee and Board legal counsel review this bill and render an opinion to determine if this bill would subject APRNs to oversight by physicians. It was moved and seconded to send this item to the APRN Committee and Board Counsel for review and move this item to the next meeting or a special board meeting for further discussion. MOTION CARRIED.
3. Review, discussion, and action regarding possible settlement of Ryan and Liscio v. State of Nevada Ex Rel., Nevada State Board of Nursing. It was moved and seconded to grant Board counsel the authorization to settle this matter and waive attorney's fees and costs. MOTION CARRIED.
4. Review and discussion of legislative updates: Mike Hillerby was present to provide a legislative update regarding Nevada's 81st legislative session beginning on February 1, 2021. Subjects of interest include:
 - The Nurse Licensure Compact (NLC): The Board has begun discussions with potential sponsors of the bill and interested parties, including the Service Employees International Union (SEIU). Discussions have begun with Senator Spearman (D) and Assemblyman O'Neill (R) regarding sponsoring the NLC bill.
 - Nevada State Board of Nursing (NSBN) Board composition: M. Hillerby explained that it is being proposed that an APRN be a required member on the NSBN's Board.
 - Occupational board changes: Some changes may be introduced regarding the requirement that Board members may not serve more than once on a Board.
 - General healthcare: M. Hillerby informed the Board that Medicaid funding changes, access to health care and insurance changes are expected.
 - Board oversight: M. Hillerby mentioned that we may see bills proposing increased oversight of occupational boards.
5. Review, discussion, and possible action regarding reconsideration of Board decision to hold July 2021 Board meeting in rural location. The Board discussed the history of the July Board meeting, including the need to complete continuing education and policy review. The Board supports moving the July Board meeting to a rural location but acknowledged that this may be a challenge at this time. It was moved and seconded to allow the Executive Director and Board staff to determine the appropriate location for the July 2021 Board meeting with

acknowledgement that the Board is in favor of holding Board meetings in rural locations.
MOTION CARRIED.

6. Review, discussion, and possible action regarding FY 2020/2021 projected revenue loss of RN/LPN late fees. The Board discussed the late (reinstatement) fee revenue and inquired why nurses do not renew on time. Board staff confirmed that the number of nurses renewing late has been consistent over the last 14 years and explained that even when renewal reminders were sent to licensees the same percentage of nurses renewed late. Board staff also confirmed that we have not collected late fees since March of 2020 due to the Governor's directive. The fee requirements are established in Nevada statute and regulation.
7. Executive Director Report. C. Dinauer reported on current COVID-19 vaccine administration and announced that she is allowing NSBN staff administrative time should they decide to volunteer. S. McCord confirmed that the processing times for investigations to resolution have had no significant delays due to the pandemic. C. Dinauer added that discussions regarding regulating APRN education programs will be presented to the Board in the future. Also, C. Dinauer introduced Jan Hewitt as the Board's newest executive assistant.
8. Review, discussion, and possible action regarding proposed revisions to the Nevada State Board of Nursing Yes Answer policy. R. Mann presented the proposed changes, including combining two policies (Yes Answer and Telephone Triage), removing redundancies, including our current application questions and removing references to gender. It was moved and seconded to approve the proposed revisions to the NSBN Yes Answer Policy as written. MOTION CARRIED.
9. Review and discussion on FY 2019/2020 NSBN Annual Statistics report. S. McCord presented the 2019/2020 annual statistics and added that we have revised some of the reporting categories. S. McCord thanked all board staff that worked on the report. The Board thanked staff for providing such detailed information and working collaboratively.
10. Review and discussion of Goals and Objectives FY 2020/2021. Approved under the Consent Agenda.
11. Review of 2020 Customer Satisfaction Survey results. G. Trujillo presented the 2020 Customer Satisfaction Survey results. Board staff used these results to revise the website and will be writing an article presenting the results to the public.
12. Review and discussion regarding students with disabilities. C. Dinauer explained that the Board regulates schools of nursing in Nevada and provides accommodations for students taking the National Council Licensure Examination (NCLEX). M. Johnson explained the process for requesting accommodations when a student is attending or applying to a nursing program.

B. Nursing Practice

1. Review, discussion, and possible action regarding reappointment to the Nursing Practice Advisory Committee. It was moved and seconded to reappoint Laura Kennedy, RN21452 to the Nursing Practice Advisory Committee. MOTION CARRIED.

C. Education

1. Review, discussion, and possible action regarding approval of Las Vegas College's LPN Program 6-month report and continued provisional approval. S. VanBeuge and C. Maes disclosed employment at the University of Nevada, Las Vegas (UNLV); there was no objection to them hearing this matter. B. Murphy recused due to Dr. Stephanie Durfor being his immediate supervisor up until recently. Dr. Durfor, the director of the program was present and explained that an additional faculty member was hired, and a third cohort has been admitted into the program. It was moved and seconded to accept Las Vegas College's LPN Program 6-month report and continued provisional approval. MOTION CARRIED.
2. Review, discussion and possible action regarding Unitek College request for installment of Dr. Sandra Olguin as Assistant Dean of Nursing over the Reno campus. She will have campus oversight of the Practical Nursing and BSN programs. S. VanBeuge and C. Maes disclosed employment at UNLV; B. Murphy disclosed previous employment at Arizona College, there was no objection to them hearing this matter. Dr. Sandra Olguin was present to answer board member questions. It was moved and seconded to approve Dr. Olguin as Assistant Dean of Nursing over the Reno campus with Practical Nursing and BSN oversight. MOTION CARRIED.
3. Review, discussion, and possible action regarding approval of Unitek College's LPN and BSN Program 6-month report and continued provisional approval. S. VanBeuge and C. Maes disclosed employment at UNLV; B. Murphy disclosed previous employment at Arizona College; there was no objection to them hearing this matter. Dr. Sandra Olguin explained that the first cohort for the LPN program started in June 2020 and they currently have 46 students. She added that admissions and faculty are continuing to grow. It was moved and seconded to accept Unitek College's LPN and BSN Program 6-month report and continued provisional approval. MOTION CARRIED.
4. Review, discussion, and possible action regarding Truckee Meadows Community College Nursing Assistant Program request to reduce course hours from 168 to 120 hours. S. VanBeuge and C. Maes disclosed employment at UNLV; B. Murphy disclosed previous employment at Arizona College and previous licensure as a CNA, there was no objection to them hearing this matter. Susan Bluhm was present for questions and announced that they are requesting a reduction in course hours to allow additional students to complete the program during the COVID-19 restrictions. She added that they plan on evaluating the success of the newly proposed curriculum hours before deciding if they will return to the longer hours after COVID-19 restrictions are lifted. Dr. Bluhm confirmed that all required content will remain, but some areas will be deducted. Board members expressed concern that the change may affect the program's state exam results. M. Johnson confirmed that the reduced number of clinical hours are above the federal minimum requirements of 16 hours and will meet all state and federal requirements. It was moved and seconded to approve Truckee Meadows Community College Nursing Assistant Program request to reduce course hours from 168 to 120 hours. MOTION CARRIED.
5. Review and discussion, regarding Headmaster CNA Certification Exam pass rates by program for 4th Quarter 2020 and Annual Pass rate for 2020. M. Johnson announced that there was a significant drop in the 3rd quarter pass rates, but overall, our rates have improved. She added that many of our larger programs are doing better.

6. Review and discussion, regarding the NCLEX year-to-date first-time pass rates, Nevada scores benchmarked against national scores for 4th Quarter 2020 and Annual Pass rates for 2019 and 2020. M. Johnson provided the Board with Nevada's NCLEX year-to-date scores and 4th quarter rates compared with the annual pass rates.
7. Review and discussion regarding the NCLEX year-to-date first-time pass rates for 4th Quarter 2020. M. Johnson provided the Board with the NCLEX pass rates for the 4th quarter.
8. Review, discussion, and possible action regarding approval of Nightingale College's 6-month report and continued provisional approval. S. VanBeuge and C. Maes disclosed employment at UNLV; B. Murphy disclosed previous employment at Arizona College; there was no objection to them hearing this matter. M. Johnson presented Nightingale College's 6-month report and expressed concern that the program has not obtained a Nevada NCLEX program code, and students were testing under a program in Utah. Dr. Audrey Auer and Blake Halladay were present for board member questions. Dr. Auer explained that the program will resolve the NCLEX program code concern. M. Johnson also announced that we have been informed that the current pass rate is 0% for the two students who have taken NCLEX. Patty Ackerman was present to discuss how the online lab system works. She explained that students complete tasks at home, submit a video to the school for review, and then the student completes the task in clinicals. Dr. Juliet Kolde and Theresa Korke were also present to answer board member questions. Dr. Auer explained that changes in leadership have occurred, but the current team is working together and moving in the right direction. It was moved and seconded to approve the 6-month report, continued provisional approval, and that the program obtain a NCLEX code and provide board staff with the NCLEX pass rates for the seven students that have graduated within 30 days. It was further ordered that Nightingale College present an update to the Board at its next meeting. S. VanBeuge recused due to technical difficulties. MOTION CARRIED.
9. Review, discussion, and possible action regarding the request for approval for the Sonder CNA Training LLC. Carol Galbraith was present to request that the Board provide contingent approval for Sonder CNA Training LLC. M. Johnson cited the Nevada regulation that outlines the requirements for classrooms and added that this program has not had a site visit to confirm those requirements have been met. It was moved and seconded to deny the approval of Sonder CNA Training LLC until the Board has received a complete CNA training program application. MOTION CARRIED.
10. Review, discussion, and possible action on Nightingale College BSN Program's request for substantive curriculum change which includes moving all labs to an online format. Blake Halladay was present and explained that Nightingale College does not provide any on-ground instruction. He added that students would complete practical experience in a hub (lab setting), and then students would complete supervised field experience in a clinical rotation. The proposed change would allow students to complete practical experience at home, then the student would present a video to the program for approval before they will be allowed to complete a clinical rotation. B. Halladay explained that a specialized group of evaluators will review and approve the videos before approving the clinical rotation. Dr. Auer confirmed that the changes proposed have been presented to their accreditation agency. Dr. Ackerman explained that the motivation behind this change is because students were successful with this change, which was temporarily approved due to COVID-19 restrictions. It was moved and seconded to approve

Nightingale College BSN Program's request for substantive curriculum change which includes moving all labs to an online format. C. Maes opposed. MOTION CARRIED.

11. Review, discussion, and possible action on Nightingale College BSN Program's (Las Vegas Campus) request for approval as an Out-of-State Nursing Program to use clinical sites in Nevada. M. Johnson explained that Nightingale is requesting to be approved as an out-of-state program allowed to complete clinicals in Nevada. This change would remove Nightingale as an approved Nevada program. Students would be enrolled in their Utah program and complete their clinicals in Nevada. B. Halladay confirmed that the students will still be supervised by licensed Nevada faculty and follow the regulation requirements identified in NAC 632.703. The Board reviewed the precedent of out-of-state programs using clinical sites which were usually under specialized circumstances and approved because the program was meeting the needs of the students. The Board agreed that this situation is different because these are Nevada students living in Nevada. B. Halladay explained that they currently do clinicals only in many other states. The Board questioned how this change would affect the current students, and how the program would ensure that these students are not negatively affected. There was no plan currently. It was moved and seconded to deny the request for approval as an out-of-state nursing program using clinical sites in Nevada. MOTION CARRIED.

D. Discipline Programs

1. Applications (initial and renewal in question)
 - a. Cavaiani, Nicholas, CNA 025831: N. Cavaiani was present to provide a statement and additional documentation to the Board. It was moved and seconded to 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.
 - b. Kelley, Rodger, RN applicant: R. Kelley was present with counsel, Craig Perry. R. Kelley confirmed all requirements in other states were complete excluding fines owed. It was moved and seconded to accept the application for licensure. R. O'Driscoll opposed. MOTION CARRIED.
 - c. King, Kenyoda, CNA applicant: K. King was present to provide a statement to the Board. It was moved and seconded to deny the application for violation of NRS 632.347 (1)(b). S. VanBeuge opposed. MOTION CARRIED.
2. Settlement agreements:
 - a. Syphus, Deborah, RN62604: Agreement for Reprimand for violation of NRS 632.347 (1)(g), unprofessional conduct, NAC 632.890 (24) failing to collaborate with healthcare team, and (27) customary standards of practice. Approved under the Consent Agenda.
 - b. Means, Ariane, RN78161: Voluntary Surrender of License in Lieu of Other Disciplinary Action 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.

- c. Nellis, Scott, RN14878: 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.
 - d. Raper, Lorinda, RN50609: Agreement for Reprimand 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.
 - e. Rhodes, Jessica, CNA026016: Agreement for Fine and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct, NAC 632.890 (2) performing acts beyond the scope of practice of nursing. Approved under the Consent Agenda.
 - f. Oneal, Tamika, CNA030516: 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.
 - g. Call, Katie, LPN17846: 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 with a Board order, and NAC 632.890 (36) failing to comply. Approved under the Consent Agenda.
3. Formal administrative hearings
- a. Arrey, Carla, LPN14513: F. Olmstead presented this agenda item. Respondent requested a continuance. It was moved and seconded to continue this matter to the next board meeting. MOTION CARRIED.
 - b. Brown, Ashlee, CNA31080: F. Olmstead presented this agenda item. Respondent was not present. It was moved and seconded to find Respondent in violation of NRS 632.320 (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 Respondent be reprimanded, fined in the amount of \$50, and that the Respondent must complete the Nevada Nurse Practice Act course within 30 days of the effective date of this Order, and that the disciplinary action become part of the Respondent's permanent record and reported to all appropriate agencies. It was further ordered that if the Respondent fails to comply, that the certificate be suspended until all requirements are completed. MOTION CARRIED.
 - c. Horton, Ryan, RN81137: F. Olmstead presented this agenda item. The Respondent was not present. T. McCollum disclosed that she will be recusing because she has knowledge of this case. J. Watts disclosed that he is an employee at Carson Tahoe Health but does not know the Respondent, there were no objections to his hearing the matter. It was moved and seconded to accept the Agreement for Reprimand and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct, NAC 632.890 (25) failing to observe/report and (27) customary standards. T. McCollum recused. MOTION CARRIED.
 - d. Miranda, Ariana, CNA816674: K. Arguello presented this agenda item. The Respondent was not present. It was moved and seconded to find the respondent in violation of NRS 632.347 (1)(g) unprofessional conduct, and NAC 632.890 (36) failure to comply with a

condition, limitation or restriction which has been placed on the Respondent's certificate. It was further ordered to revoke the Respondent's certificate. MOTION CARRIED.

- e. Novick, Elena, RN67552: K. Arguello presented this agenda item. The respondent was not present but provided additional information for review. K. Arguello requested that this matter be closed. It was moved and seconded to dismiss the complaint. MOTION CARRIED.
- f. Rehtzigel, Deanna, RN47462: K. Arguello presented this agenda item. The Respondent was not present but provided additional documentation for review. K. Arguello requested that this matter be closed. It was moved and seconded to dismiss the complaint. MOTION CARRIED.
- g. Rich, Nikema, LPN13875: K. Arguello presented this agenda item. The Respondent was not present but provided additional information for review. K. Arguello requested that this matter be closed. It was moved and seconded to dismiss the complaint. MOTION CARRIED.
- h. Taylor Sanderson, Leora, APRN002548: F. Olmstead presented this agenda item. The Respondent was not present and signed an Agreement for Voluntary Surrender. It was moved and seconded to accept the Agreement for Voluntary Surrender in Lieu of Other Disciplinary Action for violation of NRS 632.347 (1)(g) unprofessional conduct, and NAC 632.890 (36) failure to comply with a condition, limitation or restriction which has been placed on the Respondent's license. MOTION CARRIED.

4. Special Action

- a. Montgomery, Karri RN41233. : K. Arguello presented this agenda item. The Respondent was present and is requesting reconsideration for the Board to terminate her probation agreement. The Respondent signed an Agreement for Probation for five years and she has completed four years under this agreement. It was moved and seconded to deny the request for reconsideration. MOTION CARRIED.
- b. Swartz-Kranich, Sharon, LPN11144: K. Arguello presented presented this agenda item. The Respondent was not present. K. Arguello explained that the Respondent has applied for reinstatement of her Nevada license. It was moved and seconded to deny the application for reinstatement, and that the denial become part of the Respondent's permanent record and published to all appropriate agencies. MOTION CARRIED.
- c. Baylock, Cheryl, RN832979. K. Arguello presented this agenda item. The Respondent was present and requested reconsideration of her Agreement for Probation. It was moved and seconded to grant the request for reconsideration. B. Murphy recused. MOTION CARRIED. C. Baylock provided additional documentation regarding her agreement for probation accepted in July 2020. The Respondent is requesting an early release from probation because her initial action in another state was a result from a default judgement and she has not been able to find employment in her specialty. It was moved and seconded to deny revisions to the previously accepted Agreement for Probation. B. Murphy recused. MOTION CARRIED.
- d. Khachadrian, Michelle, RN applicant: F. Olmstead presented this agenda item. The Respondent was present and is requesting reconsideration for her application that was previously denied and has additional information for Board review. It was moved and

seconded to grant the request for reconsideration. MOTION CARRIED. F. Olmstead explained that board staff is in support of the reconsideration due to the conclusion of the substance use disorder evaluation and signed agreement for probation. It was moved and seconded to accept the application and Agreement for Probation for violation of NRS 632.347 (1)(b) criminal conviction, and (1)(m) action in another state. MOTION CARRIED.

Recommendations for Agenda Items for Future Board Meetings

- Review of support for APRNs to provide abortion care,
- Provide detailed plan for CNA training program surveys,
- Review the possibility of virtual site visits for nursing and CNA training programs,
- Review the possibility of regulating APRN education programs,
- Review the CNA federal codes and Nevada statutes and regulations regarding CNA employment hours.

Public Comment

- O. McGuiness provided public comment thanking the nursing board staff, fellow licensees, healthcare workers, educators, and committees who are continuously working throughout the COVID pandemic.

Adjournment

The meeting was adjourned at 2:08 p.m. on Thursday, January 21, 2021.