

Nevada State Board of **NURSING**

BOARD MEETING MINUTES

May 12 - 13, 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 a.m., on May 12, 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 (absent May 13, 2021)
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
Christie Daliposon, Discipline Support 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
Ray Martinez, Investigator
Brittney Hetzer, Education Support

Call to Order: The meeting was called to order at 9:00 a.m. on Wednesday, May 12, 2021.

Public Comment:

- Sally Miller, nurse and consumer of healthcare referred to an item on the March 17, 2021, Board agenda regarding a proposal to legislation to allow APRNs to provide abortions. Ms. Miller stated that as healthcare providers, we must ensure our patients have all care options available to them. Our personal value system does not figure into this equation. Ms. Miller thanked the Board for the time to make a brief statement.

A. Board Governance and Administration

1. Approval of the March 17-18, 2021 Board meeting minutes. Approved under the Consent Agenda.
2. Review and discussion regarding Conference Training Reports by Board and Board staff. Approved under the Consent Agenda.
3. Review, discussion, and possible action regarding FY 20/21 Goals and Objectives. Approved under the Consent Agenda.
4. Review and discussion regarding Legislative issues: Mike Hillerby was present to provide a legislative update regarding Nevada’s 81st session. Items discussed included:
 - M. Hillerby stated there would be two special sessions: 1) Appropriation of federal monies coming into the states and local governments; and 2) Redistricting and reapportionment, which was delayed due to challenges at the census bureau.
 - Assembly Bill 91 - officially assigns a spot on the Nevada State Board of Nursing (NSBN) for an APRN. This bill has passed out of Assembly and is in Committee. Mr. Hillerby referred to NSBN as the ‘gold standard’ of boards, referring to how NSBN operates, handles licensing, staff professionalism, etc.
 - Assembly Bill 327 – a cultural competency bill that will require two (2) hours of cultural competency continuing education for nurses every two (2) years. Implementation is ongoing and expected to pass out of the second Committee today. If passed, it will come to this Board for enactment.
 - Senate Bill 335 – this bill would move several smaller health-related boards under the Department of Business and Industry. To fund that, it would move 5% of licensing revenue from the smaller boards, including NSBN, to Business and Industry to help support that operation. This bill is not likely to move forward due to the enormity of oversight and management.
 - Senate Bill 379 - a data collection bill whereby NSBN and other healthcare boards cooperate with the Department of Health and Human Services. The licensee would be asked during license renewals (but not required) to complete a lengthy demographic data survey. The purpose is to look at opportunities to attract more people to the Nevada healthcare workforce.
 - Senate Bill 402 – this bill requires additional data collection and an additional two dozen reports that this Board and other boards would need to submit to the Sunset Subcommittee of the Legislative Commission. This bill has passed one Committee, but licensure by endorsement concerns has stalled the bill.
 - Senate Bill 90 – this bill would create a system when a complaint was filed against a licensee and was found not to be credible, or no action was taken; that it would be referred to as a

‘review and evaluation’ rather than an investigation. The bill is currently in Commerce and Labor Committee.

- Assembly Bill 142 – Nurse Licensure Compact. Ultimately this bill did not move forward regardless of our extensive work with SEIU. The union remains adamantly opposed.
- Assembly Bill 387 – this bill concerns midwife reform and is currently parked in Assembly Committee Ways and Means. The chair is planning to ramp up efforts on this bill once the committee deadline has passed. A variety of amendments have been discussed, specifically regarding controlled substances. The bill currently allows lay midwives to have possession of controlled substances without a DEA registration or Pharmacy Board license, which would violate federal law.

5. Executive Director Report. C. Dinauer reported that effective April 4, 2021, all staff are back working in the office. NSBN expects to open for fingerprinting on June 1. Ms. Dinauer reminded Board members to complete an expense report and submit it for reimbursement for their meeting attendance. All Board communication will go through the Board email address to protect personal devices and information. Access instructions are provided to check Board email on your devices without compromising privacy. Check your board email regularly. Travel arrangements will be made using Board email. Board Counsel and Deputy Attorney General, Harry Ward reiterated that the use of your private email for Board business exposes your devices to discovery. Board staff will contact you directly for urgent Board business. Our Nursing News Magazine is currently published quarterly, and Dr. Johnson oversees acquiring articles. Sometimes we do not get many articles. Therefore, staff recommends publishing the magazine three times annually. Board members are welcome to write articles for the magazine. The July board meeting will be an in-person meeting. Board staff are agendaizing education and training to be provided. Please let Ms. Dinauer know of items you would like included.
6. Review and discussion regarding future board meetings in 2021. Effective June 1, 2021, Nevada businesses will open again. As such, NSBN must provide a physical location for public meetings. Our July Board meeting will be in-person and held at the Hyatt Place in Reno. Board staff is working on a hybrid approach so that technology is also in place to attend virtually. Travel arrangement planning for the July meeting will begin in June. Watch your board email for instructions. Make a note of any education items you would like presented, and we will discuss under board agenda item: E. Recommendations for Agenda Items for Future Board Meetings.

B. Nursing Practice

1. Review, discussion, and possible action regarding proposed revisions to the Nevada State Board of Nursing Practice decision titled, ‘Operational Definitions for Protocol, Standing Orders, and Preprinted Order Set.’ S. McCord presented and stated this protocol has been an excellent resource for nurses for years and was last reviewed and approved by the Board in 2009. It was moved and seconded to accept the proposed revisions to ‘Operational Definitions for Protocol, Standing Orders, and Preprinted Order Set.’ MOTION CARRIED.
2. Review, discussion, and possible action to approve proposed Nevada State Board of Nursing practice decision titled, ‘LPN Scope of Practice Regarding Role of the LPN in Hemodialysis.’ S. McCord presented this item which is a new practice decision. Board staff completed much research through National Council of State Boards of Nursing (NCSBN) regarding requirements,

limitations, and scope of practice for LPNs. It was moved and seconded to approve the Nevada State Board of Nursing practice decision titled, ‘LPN Scope of Practice Regarding Role of the LPN in Hemodialysis,’ with a correction to item 3.a. NAC 449.543[5]. MOTION CARRIED.

3. Review, discussion, and possible action regarding proposed revisions to the Nevada State Board of Nursing practice decision titled, ‘The Role of the RN and LPN with Gastrostomy Tubes (G-Tubes).’ S. McCord presented this agenda item which was last revised in 2018 and was a straight-forward practice decision for registered nurses. Board staff wish to address where LPNs fall in this practice decision. It was moved and seconded to approve the revisions to the Nevada State Board of Nursing practice decision titled, ‘The Role of the RN and LPN with Gastrostomy Tubes (G-Tubes).’ MOTION CARRIED.
4. Review, discussion, and possible action regarding proposed revisions to the Nevada State Board of Nursing practice decision titled, ‘Complementary Therapies.’ S. McCord presented this agenda item which was last reviewed in 1999. Mr. McCord reviewed the revisions and updated language regarding complementary areas of nursing practice. National research was conducted to look at how other states define complementary therapies. It was moved and seconded to accept the revisions presented to the Nevada State Board of Nursing practice decision titled, ‘Complementary Therapies.’ MOTION CARRIED.

C. Education

1. Review and discuss the current use of simulation in nursing education. Dr. Johnson gave a brief history of the simulation question from the March 2021 board meeting. Dr. Johnson then presented the information gathered in the fall of 2020 and spring of 2021 from all nursing programs. Data collected included virtual, face-to-face, online, and hybrid simulation for didactic, labs, and clinicals. Dr. Johnson will provide a study results at the July 2021 meeting that queried students about face-to-face versus virtual learning.
2. Review, discussion, and possible action to approve Truckee Meadows Community College (TMCC) Nursing Assistant Training Program Site Visit from April 20, 2021. Dr. Johnson and T. Pachak performed the site visit and assessment. They are taking a close look at all programs in the coming months and particularly those having problems. The TMCC program is doing very well. It was moved and seconded to approve the site visit for Truckee Meadows Community College Nursing Assistant Training Program conducted on April 20, 2021. MOTION CARRIED.
3. Review, discussion, and possible action regarding Western Nevada College’s request for installment of Deborah Ingraffia-Strong as Interim Director. Ms. Ingraffia-Strong was available for questions. Ms. Ingraffia-Strong discussed her vision and goals for WNC School of Nursing, which included developing pathways for a bachelor’s degree, increasing course offerings, and student retention. It was moved and seconded to approve Deborah Ingraffia-Strong as Interim Director of Western Nevada College. MOTION CARRIED.

D. Discipline Programs

1. Applications (initial and renewal in question)
 - a. Leon, Jennifer, CNA applicant: J. Leon was present to make a statement. It was moved and seconded to accept the application for certification. MOTION CARRIED.

- b. Medina, Irene, LPN applicant: I. Medina was present to make a statement. It was moved and seconded to accept the application with a one-year probationary period and assigned education to be completed within 90 days for violation of NRS 632.347 (1)(b) criminal conviction and (1)(m) action in another state. MOTION CARRIED.
 - c. Removed
 - d. Rivera, Jose, RN applicant: J. Rivera was present to make a statement. It was moved and seconded to deny the application for violation of NRS 632.347 (1)(b) criminal conviction, and (1)(m) action in another state. MOTION CARRIED.
 - e. Simoes, Patrick, RN applicant: P. Simoes was present to make a statement. It was moved and seconded to grant the application for licensure and accept the agreement for probation for violation of NRS 632.347 (1)(m) action in another state. MOTION CARRIED.
 - f. Stone, Deanna, CNA03388: Renewal application denied for violation of NRS 632.347 (1) (a) fraudulent application, NRS 632.347 (1)(g) unprofessional conduct, and NAC 632.890 (26) violation of state/federal nursing law/regulation. Approved under the Consent Agenda.
 - g. Webb, Stedman, CNA032404: 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.
 - h. Brooks, Donna, CNA031018: 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.
 - i. Alaho, Hirut, CNA031861: CNA renewal application. All renewal requirements have been met. It was moved and seconded to grant the renewal for CNA certification. MOTION CARRIED.
 - j. Clayton, Dionne, CNA018418: 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.
 - k. Robertson, Kenya, CNA012233: 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.
 - l. Gannon, Sheri, CNA018609: Renewal application denied for violation of NRS 632.347 (1)(g) unprofessional conduct, and NRS 632.2852 qualifications for a certificate (CNA). Approved under the Consent Agenda.
 - m. Nicolas, Judith, CNA028865: 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.
 - n. Martin, Monica, CNA019953: 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.
2. Settlement agreements:
- a. Aguirre, Ibeth, RN 821048: 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 NAC 632.890 (27) customary standards of practice. Approved under the consent agenda.
- b. Sneed, Tirzah, CNA014668: Voluntary Surrender of Certificate 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. Lindsey, Rita, LPN 837646: Agreement for Reprimand and Continuing Education for violation of NRS 632.347(1)(g) unprofessional conduct, and NAC 632.890(42) professional boundaries. Approved under the consent agenda.
 - d. McDonald, Nicole, RN72134: 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, NAC 632.890(36) failing to comply. O. McGuinness requested this item be removed from consent for clarification from Board counsel. Ms. McGuinness requested to review the practice policy regarding violations of terms and conditions. The *Violations of Monitoring and/or Probation Terms and Conditions* policy was submitted into evidence and reviewed by the Board. McGuinness made a motion that the Board does not approve the Agreement for Reprimand. Motion failed due to lack of a second. It was moved and seconded to accept the Agreement for Reprimand. MOTION CARRIED.
 - e. Casey, Rebecca, RN58037: Agreement for Probation for Violation of NRS 632.347(1)(e) controlled substances and/or alcohol, (1)(g) unprofessional conduct, and NAC 632.890(9) impaired practice. Approved under the consent agenda.
 - f. Johnson, Erik, RN88028: Agreement for Suspension and Probation for violation NRS 632.347(1) (e) use of controlled substances, (1)(g) unprofessional conduct and NAC 632.890(18) diverting drugs for personal use or unauthorized use. Approved under the consent agenda.
 - g. Cadiz, Alma, RN70832: Agreement for Reprimand, Fine, and Continuing Education for violation of NRS 632.347(1)(g) unprofessional conduct, NRS 632.415 unprofessional conduct, NAC 632.890(26) violation of state/federal nursing law/regulation. Approved under the consent agenda.
 - h. Mortillaro, Cathy, RN74714: Agreement for Fine and Continuing Education for violation of NRS 632.347(1)(g) unprofessional conduct, NRS 632.415 unprofessional conduct, NAC 632.890(26) violation of state/federal nursing law/regulation. Approved under the consent agenda.
 - i. Christensen, Sage, RN79331: Agreement for Fine for violation of NRS 632.347(1)(g) unprofessional conduct, NRS 632.415 unprofessional conduct, NAC 632.890(26) violation of state/federal nursing law/regulation. Approved under the consent agenda.
 - j. Jimenez, Jacinta, CNA016339: Agreement for Reprimand, Fine, and Continuing Education for violation of NRS 632.347(1)(g) unprofessional conduct, NRS 632.415 unprofessional conduct, NAC 632.890(26) violation of state/federal nursing law/regulation. Approved under the consent agenda.

- k. Olaya, Angelita, RN46837: Agreement for Fine for violation of NRS 632.347(1)(g) unprofessional conduct, NRS 632.415 unprofessional conduct, NAC 632.890(26) violation of state/federal nursing law/regulation. Approved under the consent agenda.
- l. Moore, Jessica, CNA031879: Agreement for Fine and Continuing Education for violation of NRS 632.347(1)(g) unprofessional conduct, NRS 632.415 unprofessional conduct, NAC 632.890(26) violation of state/federal nursing law/regulation. This agenda item was pulled from consent. Branden Murphy recused due to the personal knowledge of the Respondent. It was moved and seconded to accept the agreement for fine and continuing education.
MOTION CARRIED.
- m. Verzosa, Aida, RN82702: Agreement for Fine for violation of NRS 632.347(1)(g) unprofessional conduct, NRS 632.415 unprofessional conduct, NAC 632.890(26) violation of state/federal nursing law/regulation. Approved under the consent agenda.
- n. Allard, Kody, RN75318: Agreement for Fine and Continuing Education for violation of NRS 632.347(1)(g) unprofessional conduct, NRS 632.415 unprofessional conduct, NAC 632.890(26) violation of state/federal nursing law/regulation. Approved under the consent agenda.
- o. Irizarry, Evelyn, LPN16482: Agreement for Reprimand and Continuing Education for violation of NRS 632.347(1)(g) unprofessional conduct, and NAC 632.890(21) obtain, possess, furnish prescription drugs without authorization. Approved under the consent agenda.
- p. Eshete, Ribika, CNA027428: Agreement for Reprimand, Fine, and Continuing Education for violation of NRS 632.347(1)(g) unprofessional conduct, NRS 632.415 unprofessional conduct, NAC 632.890(26) violation of state/federal nursing law/regulation. Approved under the consent agenda.
- q. Millard, Shannon, RN85608: Agreement for Probation Extension for violation of NRS 632.347(1)(g) unprofessional conduct, and (36) failing to comply. Approved under the consent agenda.

3. Formal administrative hearings

- a. Denosta, Mariquit, CNA025950: 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, because Respondent violated NAC 632.415, and NAC 632.890(26) when Respondent failed to abide by any state or federal statute or regulation relating to the practice of nursing. It was ordered that Respondent Mariquit Denosta's CNA certificate is Reprimanded and the Respondent is assessed an administrative fine in the amount of fifty dollars (\$50). Respondent must complete the *Nevada Nurse Practice Act* web-based course and a thirty (30) hour Legal Ethics in Nursing Course within thirty (30) days. This Order shall become part of Respondent's permanent record. MOTION CARRIED.
- b. Everett, Pamela, CNA011942: 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, because Respondent violated NAC 632.415, and

- NAC 632.890(26) when Respondent failed to abide by any state or federal statute or regulation relating to the practice of nursing. It was ordered that Respondent Pamela Everett's CNA certificate is Reprimanded and the Respondent is assessed an administrative fine in the amount of fifty dollars (\$50). Respondent must complete the *Nevada Nurse Practice Act* web-based course and a thirty (30) hour Legal Ethics in Nursing Course within thirty (30) days. This Order shall become part of Respondent's permanent record. MOTION CARRIED.
- c. Griffith, Mark, CNA033869: K. Arguello presented this agenda item. The Respondent was not present. Michelle Perkins was sworn in as a witness and gave testimony. It was moved and seconded to find the Respondent in violation of NRS 632.347(1)(g) unprofessional conduct, because Respondent violated NAC 632.890(35) when Respondent misappropriated the property of a patient. It was ordered that Respondent Mark Griffith's CNA certification is Revoked for a period of one (1) year. This Order shall become part of Respondent's permanent record. MOTION CARRIED.
 - d. Marcino, Destiny, CNA 833334: F. Olmstead presented this agenda item. The Respondent was present. Mr. Olmstead requested a continuation to further investigate this case. It was moved and seconded to continue this matter at the July Board meeting. MOTION CARRIED.
 - e. Memmoli, David, RN50215, APRN001414: F. Olmstead presented this agenda item. The Respondent was not present. Mr. Olmstead requested a continuation to further investigate this case. It was moved and seconded to continue this matter at the July Board meeting. MOTION CARRIED.
 - f. Murray, Marriott, CNA013696: K. Arguello presented this agenda item. The Respondent was not present. Ms. Arguello stated that Marriott Murray has complied with all audit requirements and requests a motion to close this matter. It was moved and seconded that the Board dismiss this matter. MOTION CARRIED.
 - g. Powell, Christine, CNA 838341: K. Arguello presented this agenda item. The Respondent was not present. Ms. Arguello stated that Respondent has signed an agreement for Voluntary Surrender of Certificate 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 her license. and requests a motion from the Board to accept the agreement. It was moved and seconded to accept the Agreement for Voluntary Surrender of Certificate in Lieu of Other Disciplinary Action. MOTION CARRIED.
 - h. Torio, Thelma Teresita, RN73082: F. Olmstead presented this agenda item. The Respondent was not present. Mr. Olmstead requested a continuance to provide an opportunity for the Respondent to comply with audit requirements. It was moved and seconded to continue this matter at the July Board meeting. MOTION CARRIED.
 - i. Mead, Jessica RN96429: F. Olmstead presented this agenda item. The Respondent was not present. Due to conflicts with the Respondent attorney's calendar, Mr. Olmstead requested a continuance. It was moved and seconded to continue this case at the July Board meeting. MOTION CARRIED.

4. Special Action:

- a. King, Kenyoda, CNA applicant: F. Olmstead presented this agenda item. The Respondent was present and made a statement. It was moved and seconded to accept the request for reconsideration of CNA certification. MOTION CARRIED. After much discussion, it was moved and seconded to accept the application for CNA certification and further ordered that the Respondent take and submit documentation of successful completion of the *Nevada Nurse Practice Act* and Anger Management courses to be completed within ninety (90) days. MOTION CARRIED.
- b. White, Gary, CNA018614, request for reconsideration: F. Olmstead presented this agenda item. The Respondent was not present. Mr. Olmstead stated that Gary White insists he has worked 40 hours as a CNA during the required audit time frame and requests additional time to acquire the proof of hours worked. It was moved and seconded to move this special action item to the July meeting. MOTION CARRIED.
- c. Solinko, Amanda, CNA031678, request for reconsideration: K. Arguello presented this agenda item. The Respondent was not present. Ms. Solinko requests reconsideration of her CNA certification renewal. It was moved and seconded that the Board grant the request for reconsideration. MOTION CARRIED. Ms. Arguello stated the Respondent had provided all employment hours and CEs required. It was moved and seconded to grant the Respondent's request for certification renewal. MOTION CARRIED.

E. Recommendations for Agenda Items for Future Board Meetings

- Board Counsel presentation and review of terminology.
- Harry Ward offered to present open meeting law information.
- Overview of Robert's Rules of Order, including how to craft motions for the record.
- Review CNA policy regarding renewals and how that aligns with other policies such as CMS and Medicare.
- Nevada State Board of Nursing Travel policy.
- Professional development opportunities and conferences for Board members.

Adjournment

The meeting was adjourned at 11:36 a.m. on Thursday, May 13, 2021.