

# Nevada State Board of NURSING

## BOARD MEETING MINUTES

July 21 - 22, 2021

The Nevada State Board of Nursing Board Meeting was called to order by President, Susan VanBeuge, DNP, APRN, FNP-BC, FAANP, at 8:30 a.m., on July 21, 2021 at the Hyatt Place, Reno-Tahoe Airport, 1790 E. Plumb Lane, Reno, NV 89502, and 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  
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  
Rhoda Hernandez, IT Technician  
Jan Hewitt, Executive Assistant  
Kristie Neuhauser, Accountant  
Tamara Pachak, CNA Program Coordinator  
Gail Trujillo, Director of Licensure, Certification, and HR

**Call to Order:** The meeting was called to order at 8:30 a.m. on Wednesday, July 21, 2021.

### **Public Comment:**

- C. Dinauer acknowledged Lonna Burress, former Executive Director, Nevada State Board of Nursing (NSBN), who died in May 2021. She served from 1994-1996. Ms. Dinauer also acknowledged Tracy McCollum's time on this Board. Ms. McCollum recently resigned to accept a CNO position in Arizona.
- O. McGuinness recognized LPNs serving during COVID-19.

## **A. Board Governance and Administration**

1. Approval of the May 12-13, 2021 Board meeting minutes. Approved under the Consent Agenda.
2. Review, discussion, and possible action regarding FY 20/21 Goals and Objectives. Approved under the Consent Agenda.
3. Executive Directors Report. All staff is back in the office, and we are fingerprinting again. Thanks to the work done by Ms. Arguello, and Ms. Hernandez, we can hold our meetings in a hybrid fashion.
4. Review, discussion, and possible action regarding the approval of FY 21/22 Goals and Objectives. S. VanBeuge stated the objectives are measurable and line up with last year's objectives. It was moved and seconded to accept the FY 21/22 Goals and Objectives as presented. MOTION CARRIED.
5. Review, discussion, and possible action regarding the Executive Director's Annual Performance Evaluation. It was moved and seconded to approve the Executive Director's Annual Evaluation as discussed by the Board. MOTION CARRIED.
6. Review, discussion, and possible action on FY 21/22 Annual Budget. K. Neuhauser and C. Dinauer presented this agenda item. We had over 3000 waivers coming into the state in FY20/21. We expect the waivers to continue; therefore, we will contract with someone to organize the data. Merit increases and cost of living expenses were also calculated into the annual budget. It was moved and seconded to accept the FY 21/22 Annual Budget as presented. MOTION CARRIED.
7. Review and discussion regarding FY 20/21 Budget. Fees collected are 9% higher than average. Expenses are 2% under budget. Once we begin collecting late fees again, those will be added to the monthly spreadsheet. An announcement of the resumption of late fees will be communicated through the message center and the NSBN website.
8. Review, discussion, and possible action regarding nomination and appointment of delegates and alternate delegates to the National Council of State Boards of Nursing (NCSBN) 2021 Annual Meeting. Each state provides two delegates to the National Council assembly. As a delegate, you are representing the Board at that meeting. There will be a training session as a delegate. It was moved and seconded to nominate B. Murphy and O. McGuinness as delegates and C. Maes as an alternate to the National Council of State Boards Delegate Assembly. MOTION CARRIED.
9. Review, discussion, and possible action regarding direction for voting at the NCSBN Delegate Assembly 2021 Annual Meeting. This is a two-part agenda item. The first is the approval of policy changes for NCLEX exam recommendations. It was moved and seconded to approve the policy changes presented. MOTION CARRIED. The NCSBN committee offers a slate of candidates for the Board of Directors. It was moved and seconded to approve the 21/22 slate of Directors. MOTION CARRIED.
10. Review, discussion, and possible action on the Conflict of Interest Policy Acknowledgement. This item comes before the Board annually. The action is that all Board members sign off on the Conflict of Interest Policy Acknowledgement. The Acknowledgement was distributed, signed, and collected for filing.
11. Annual approval of authorization of Executive Director to act as Board Agent for financial transactions, keeper of records (for issuing of and responding to subpoenas), and authority to accept the voluntary surrender of licenses/certificates and as the spokesperson for actions with

other community groups or the media and other routine business functions. Approved under the Consent Agenda.

12. Review, discussion, and possible action regarding Board member and staff conference training reports. Approved under the Consent Agenda.
13. Review, discussion, and possible action regarding review of Nevada State Board of Nursing (NSBN) Training and Travel Policy. Information was added, which includes Board travel arrangements. We follow the State Administrative Manual and government per diem rates. If you are going to travel for NCSBN, they pay for your hotel, flight, conference, etc. (up to two representatives) and make the travel arrangements. The NCSBN policy was included in your Board Packet. It was moved and seconded to approve the changes to the NSBN Training and Travel Policy as presented. MOTION CARRIED.
14. Presentation by the Nevada Office of the Attorney General regarding Boards and Commission Training, including Ethics and Open Meeting Law. Harry Ward, Deputy Attorney General, presented the following educational material:
  - a. Open Meeting Law.
  - b. Public Records.
  - c. Public Disclosure and Recusal.
  - d. Disciplinary actions.
  - e. Fiduciary duty.
  - f. Public Comment.
15. Review, discussion, and possible action regarding FY 21/22 conference schedule. C. Dinauer presented the NSBN conference schedule. The Board members submitted their request to attend NCSBN meetings in 2021 and 2022. It was moved and seconded to approve the conference schedule for FY21/22. MOTION CARRIED.
16. Review, discussion, and possible action regarding 2022 NSBN Board meeting dates and locations. It was moved and seconded to accept the Board's meeting dates for 2022 as presented. MOTION CARRIED.
17. Presentation and general discussion regarding the process involved during disciplinary hearings. K. Arguello, F. Olmstead, S. McCord presented. Items reviewed:
  - a. The preponderance of evidence. The petitioner has the burden of proof.
  - b. Everything we do has a basis in the law.
  - c. The Respondent is entitled to a full, fair, and unbiased hearing.
  - d. In an administrative hearing, the Board looks at evidence presented.
  - e. The complaint process was defined in detail.
18. Presentation and discussion regarding a Legislative update following the 2021 Nevada Legislative Session. F. Olmstead reported on the 81<sup>st</sup> Nevada Legislative Session. Several Bills discussed were: AB91 appoints an APRN to the Board. It further extends the time on the Board. The most you can be on the NSBN Board is twelve years. AB253 discusses the physical location for a meeting; AB327 requires nurses to complete two hours of cultural diversity; AB442 regards CEUs for APRNs; SB5 regards telehealth, and SB109 is a workforce data collection law. Take the time to review bills of interest to you and the nursing profession.
19. Review and discussion regarding FY 20/21 scope of practice trends. S. McCord stated that last year was unique due to COVID-19. There were 544 calls received last year. A large majority of

questions were regarding prescribing and cosmetic surgery. Mr. McCord reviewed specific questions for each level of the nursing profession. The reason to collect this data is that it provides the Board with the most frequently asked questions related to scope of practice that nurses may need guidance. Additionally, the data provides a basis for the Board to provide relevant publications and website resources to the nursing community. Mr. McCord thanked the Board staff for making this reporting possible as it is laborious and complicated.

20. Review and discussion regarding FY 20/21 NSBN HR report. G. Trujillo presented the report, which is a snapshot of things that happened over the last year. We were able to continue operations during COVID-19.
21. Review, discussion, and possible action regarding possible direction from the Board regarding Nevada Administrative Code 632.193 and the requirements to complete an audit of an application to renew a CNA certificate. F. Olmstead shared the history of CNA certificate renewal requirements that the CNA must work under direct supervision as a CNA, 40 hours in 24 months, and fulfill continuing education credits. When the CNA renews, they attest to these hours of employment. When Board staff perform an audit, we ask for proof. What kind of proof? Must be on the employer's letterhead and signed by the employer, and attest to the number of hours worked as a CNA. Sometimes the employee is doing the job of a CNA, but their title says Tech or Unit Clerk. Board staff asks for Board direction on certification renewal requirements. If the Board chooses to request a change in the requirements, it is a regulatory change and a lengthy process. It was moved and seconded to assign the CNA Advisory Committee to review and bring back to the Board a recommendation of CNA certificate renewal requirements. MOTION CARRIED.
22. Board President Report. Board President VanBeuge thanked Board staff for their endless and tireless work getting us through COVID; she thanked C. Dinauer for her Executive leadership and thanked the Board members for their professionalism, flexibility, and reliability. She is proud of the work the Board has done. President VanBeuge further discussed things she does in the role of President. She is invited to be a part of the National Council of State Boards of Nursing (NCSBN) President's network. They provide many presentations on a variety of topics which you can view on their website.

## **B. Nursing Practice**

1. Review, discussion, and possible action regarding Application for Board Approved Outpatient Treatment/After Care Provider.
  - a. Laurie Combs, LCSW, LCADC – It was moved and seconded to accept the Application for Board Approved Outpatient Treatment/After Care Provider, Laurie Combs. MOTION CARRIED.

## **C. Education**

1. Review, discussion, and possible action regarding Carrington College, Las Vegas Associate Degree in Nursing program's request to increase enrollment from 24 seats (original submission) to 32 seats per semester with a total of 96 students per year. Dr. Akins was present for questions. Carrington College has the capacity for additional students. It was moved and seconded to grant

the request for increased enrollment from 24 seats to 32 seats per semester with 96 students per year. MOTION CARRIED.

2. Review and discussion regarding the NCLEX year-to-date first-time pass rates for the 2<sup>nd</sup> Quarter of 2021. The overall state pass rate is 90.31% year-to-date. National pass rates are down 3% from last year. Students are back in the classroom setting, and visits are scheduled throughout the following year.
3. Review and discussion regarding Headmaster CNA Certification Exam pass rates by a program for 2<sup>nd</sup> Quarter 2021. T. Pachak presented the CNA Certification Exam pass rates and scheduling of site visits. Ms. Pachak is assessing low-scoring programs between didactic and practical to seek improvement in scores. Dr. Johnson made clear that if low scores do not rise, corrective action will be taken.
4. Review, discussion, and possible action regarding acceptance of Majen Certification Training's site visit May 3, 2021 and submitted action plan. Jennifer Powers, Majen, was present to answer questions. During the site visit, low pass rates and remediation plans were discussed. Ms. Pachak also addressed the students' concerns of inconsistency in training between instructors. It was moved and seconded to accept the site survey and remediation plan with conditional approval; Majen will report on the progression of the action plan to every Board Meeting until all requirements and recommendations have been met. MOTION CARRIED.
5. Review, discussion, and possible action regarding initial application for Pershing Hospital Nursing Assistant Training Program. T. Pachak presented the initial application and site survey. Christina Dickerman, CNO, was present for questions. It was moved and seconded to accept the Pershing Hospital Nursing Assistant Training Program application with conditional approval. MOTION CARRIED.

#### **D. Discipline Programs**

1. Applications (initial and renewal in question)
  - a. Hollins, Krystal, CNA032452. 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. Silva, Felipa, CNA031885. 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.
  - c. Martin, Beatriz CNA029289. 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.
  - d. Sanchez, Julia, CNA019538. 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.
  - e. Aitken, Julia CNA034654. Renewal application denied for violation of NRS 632.347 (1)(g) unprofessional conduct and NAC 632.2852 Qualifications for Certificate (CNA). Approved under the Consent Agenda.

- f. Tyson, Tomeki, LPN16243. K. Arguello requested to continue this matter to the next Board meeting. It was moved and seconded to carry this matter over to the next Board meeting. MOTION CARRIED.
- g. Grigsby, Dannette, RN applicant. K. Arguello presented this agenda item. The Respondent was present to make a statement. It was moved and seconded to accept the application for licensure. MOTION CARRIED.
- h. Macarthy, Omasan, CNA applicant. F. Olmstead presented this agenda item. The Respondent was present to make a statement. It was moved and seconded to accept the application for licensure with the caveat that the Respondent is not eligible to work in long term, assisted living, or home health care. MOTION CARRIED.
- i. Grimes, Alecia, RN applicant. F. Olmstead presented this agenda item. The Respondent was present to make a statement. It was moved and seconded to accept the application for RN licensure. MOTION CARRIED.
- j. Osborne, Stacie, RN applicant. K. Arguello presented this agenda item. The Respondent was present to make a statement. It was moved and seconded to accept the application for licensure. MOTION CARRIED.
- k. Clifton-Luevano, Sarah, RN applicant. F. Olmstead presented this agenda item. The Respondent was present to make a statement. It was moved and seconded to accept the application for RN licensure. MOTION CARRIED.

2. Settlement agreements:

- a. Iseh, Faith, RN73600. Agreement for Reprimand and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct, NAC 632.890 (25) failing to observe/report; (27) customary standards of practice; and (28) causing harm to patient or family of the patient. Approved under the Consent Agenda.
- b. Banks, Kenneth, RN36199. 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.
- c. Grove, Sandra, LPN12115. 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. Tate, Sadie, RN09819. 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.
- e. Roongruangkul, Reno, LPN15811. 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.
- f. Rank, Joseph, LPN13572. 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.

- g. Oamar, Bonifacia, RN42697. 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.
  - h. Hill, Twyla, CNA036734. 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.
  - i. Caserta, Lynn, LPN12938. Agreement for Suspension and Probation 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.
  - j. Horton, Lori, RN32533. Agreement for Suspension and Probation 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 (16) failing to properly document controlled substances; and (18) diversion of equipment or drugs. Approved under the Consent Agenda.
  - k. Maguire, Melissa, RN72397. 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; and (1)(o) failing to comply with a Board order. Approved under the Consent Agenda.
  - l. Mead, Jessica, RN96429. 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.
3. Formal administrative hearings
- a. Mestas, Karen, RN26556. K. Arguello presented this agenda item. The Respondent was not present. K. Arguello submitted documents into evidence. It was moved and seconded to find the Respondent in violation of NRS 632.347 (1)(o) unprofessional conduct because Respondent failed to comply with the Board's order. MOTION CARRIED. It was moved and seconded that the Board revoke the Respondent's RN license and order its surrender. The Respondent may not apply for reinstatement of licensure for three years. Board-ordered disciplinary action shall become part of the Respondent's permanent record and be published and reported to all appropriate agencies. MOTION CARRIED
4. Special Action:
- a. Everett, Pamela, CNA011942, request for reconsideration. K. Arguello presented this agenda item. The Respondent was present. It was moved and seconded that the Board reconsider the CNA certification request. MOTION CARRIED. K. Arguello informed the Board that all information required for CNA certification had been received, and Ms. Everett is compliant with the audit. K. Arguello requested the matter be closed. It was moved and seconded to close this matter. MOTION CARRIED.

- b. Clayton, Dionne, CNA018418, request for reconsideration. F. Olmstead presented this agenda item. The Respondent was present to make a statement. It was moved and seconded to accept the request for reconsideration of CNA certification. MOTION CARRIED. F. Olmstead requested a continuance of the case until the September Board meeting so that Respondent would have time to gather pertinent documentation. It was moved and seconded that the Board continues this matter to the next Board meeting. MOTION CARRIED.
- c. Rivera, Jose, RN applicant, request for reconsideration. F. Olmstead presented this agenda item. The Respondent was present and made a statement. It was moved and seconded that the Board reconsider the RN application. MOTION CARRIED. Respondent reiterated his case. It was moved and seconded that the Board accepts the application for RN licensure. MOTION FAILED. It was moved and seconded to continue reconsideration of this matter to the September Board meeting. MOTION CARRIED.
- d. Simon, Iulia, RN68238, request for reconsideration of reprimand. K. Arguello presented this agenda item. The Respondent was present and made a statement requesting the reprimand be expunged from her record. H. Ward stated that per statute, we cannot expunge a reprimand in Nevada that would need to be addressed legislatively. It was moved and seconded to deny the request for reconsideration of reprimand. MOTION CARRIED.

**E. Recommendations for Agenda Items for Future Board Meetings**

- Recommendation from the CNA Advisory Committee on how a CNA can comply with hours requirements.
- Board stipend – specific to how stipends came to be.

**Public Comment:**

- Board Member Murphy thanked the IT team for putting together this hybrid meeting format. H. Ward commented that he was impressed with the technology demonstrated during this hybrid meeting.

**Adjournment**

The meeting was adjourned at 1:57 p.m. on Thursday, July 22, 2021.