

Nevada State Board of **NURSING**

BOARD MEETING MINUTES

July 13 - 15, 2022

The Nevada State Board of Nursing Board Meeting was called to order by Cheryl A. Maes, Ph.D., APRN, FNP-BC, APRN, Secretary, at 1:00 p.m., on July 13, 2022, at Zephyr Point Presbyterian Conference Center, 660 Highway 50, Zephyr Cove, Nevada 89448.

MEMBERS PRESENT

Susan VanBeuge, DNP, APRN, FNP-BC, FAANP, FAAN, President
Richelle O'Driscoll, BA, MA, Consumer Member, Vice President
Cheryl A. Maes, Ph.D., APRN, FNP-BC, APRN Member, Secretary
Jacob Watts, MBA, CNA, CNA Member
Ovidia McGuinness, LPN, LPN Member
Branden Murphy, MSNed, RN, CPN, RN Member
Elizabeth Trilops, RN, MBA/HCM, RN Member

OTHER'S PRESENT

Cathy Dinauer, MSN, RN, Executive Director
Fred Olmstead, General Counsel
Kimberly A. Arguello, General Counsel
Harry Ward, Deputy Attorney General
Michelle Johnson, EdD, MS, APRN, CPNP-PC, Director of Nursing Education
Jan Hewitt, Executive Assistant
Tamara Pachak, CNA Program Coordinator
Kristie Neuhauser, MBA, Accountant
Gail Trujillo, Director of Licensure, Certification, and Human Resources
Rhoda Hernandez, IT Technician

Call to Order: The meeting was called to order at 1:00 p.m. on Wednesday, July 13, 2022.

Public Comment: There were no public comments at the beginning of the meeting.

A. Board Governance and Administration

1. Approval of the May 18-19, 2022, Board meeting minutes. It was moved and seconded to approve the May 18-19, 2022 Board meeting minutes with the following amendments: S. Vanbeuge recused from agenda item D.3.g. and B. Murphy recused from agenda items C.2. and C.3. MOTION CARRIED.

2. Review, discussion, and possible action regarding FY 21/22 Goals and Objectives. Approved under the Consent Agenda.
3. Review, discussion, and possible action regarding approval of Staff/Board conference/training reports. Approved under the Consent Agenda.
4. Executive Director Report. C. Dinauer updated the Board regarding our progress in introducing the Nurse Licensure Compact (NLC) during the 2023 Legislative Session. She added that the Nevada Commerce and Labor meeting will be held in August, and we are hopeful that the NLC will be discussed. C. Dinauer also informed the Board that board staff is participating in discussions with the Nevada Hospital Association, Nevada Rural Hospital Partners, and local nursing programs regarding how to increase enrollment in Nevada's nursing programs.
5. Review, discussion, and possible action regarding potential changes to the Nevada State Board of Nursing Travel and Per Diem Policy. C. Dinauer presented the revised Travel and Per Diem Policy. Significant changes to the policy included clarifying the procedure when travel reservations are revised and how staff can assist Board Members. The Board also confirmed that the daily per diem is an optional reimbursement. It was moved and seconded to approve the proposed Travel and Per Diem policy. MOTION CARRIED.
6. Review and discussion regarding NRS 632.343 requirement for bioterrorism continuing education. C. Dinauer began the discussion by providing the Board with the history of the bioterrorism continuing education requirement. This continuing education course is a one-time requirement for RN and LPN renewals. This law was enacted in 2005 and removing this continuing education course would require a change in Nevada statute. F. Olmstead educated the Board regarding the process of changing a statute. The Board further questioned whether there have been any studies proving that completing continuing education courses increase nurse competency. It was decided that additional research is needed before the Board will decide to propose any changes to continuing education requirements.
7. Review, discussion, and possible action regarding the approval of FY 22/23 Goals and Objectives. C. Dinauer presented the Board with the proposed FY 22/23 Goals and Objectives. S. VanBeuge recommended changing the language in Goal B, Objective 2 to Collaborate with workforce groups to identify nursing workforce strategies. It was moved and seconded to approve the FY 22/23 Goals and Objectives with the revision to Goal B, Objective 2, as discussed. MOTION CARRIED.
8. Review, discussion, and possible action on FY 22/23 NSBN Annual Budget. K. Neuhauser presented the FY 22/23 Annual Budget. She highlighted some significant changes, including:
 - Separating board member and staff travel expenses;
 - Adding funds for the NSBN 100th Anniversary Celebration in 2023; and
 - Adding late fees for FY 22/23.It was moved and seconded to approve the proposed FY 22/23 NSBN Annual Budget. MOTION CARRIED.
9. Review and discussion regarding FY 21/22 NSBN Budget: K. Neuhauser presented the final FY 21/22 budget and answered board members' questions regarding items that came in over or under budget.
10. Review, discussion, and possible action on the Conflict of Interest Policy Acknowledgement. Board members reviewed and signed the NSBN Conflict of Interest Policy.

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 voluntary surrender of licenses/certificates and as spokesperson for actions with other community groups or the media and other routine business functions. Approved under the Consent Agenda.
12. Presentation by the Nevada Office of the Attorney General regarding Boards and Commission Training, including Ethics and Open Meeting Law. H. Ward was present to provide board member training regarding ethics and open meeting law. Items discussed included:
 - When and how a board member should recuse;
 - Meeting notice and agenda requirements;
 - Requirements for closed meetings pursuant to NRS 241.030;
 - Public comment procedures; and
 - Ethical and open meeting law violations.
13. Review, discussion, and possible action regarding FY 22/23 conference schedule. C. Dinauer led the discussion regarding conference schedule attendance for board members. S. VanBeuge announced that NCSBN will sponsor her attendance at the NCBSN conferences as she is currently a member of the NCSBN Board of Directors. It was moved and seconded to send E. Triplops and B. Murphy to the NCSBN Leadership and Public Policy Meeting; R. O’Driscoll, C. Maes, and J. Watts to the NCSBN Midyear Meeting; B. Murphy and J. Watts to the NCSBN Annual Meeting; and O. McGuinness to attend an available CLEAR webinar. MOTION CARRIED.
14. Review, discussion, and possible action regarding 2023 NSBN Board meeting dates and locations. It was moved and seconded to approve the 2023 Board meeting dates and locations as January 18-20 to be held at the Doubletree; March 22-24 (location to be determined); May 17-19 to be held at the Doubletree; July 19-21 to be held at the Zephyr Point Presbyterian Conference Center; September 20-22 to be held and the Doubletree; and November 15-17 (location to be determined). MOTION CARRIED.
15. Review and discussion regarding FY 21/22 scope of practice trends for 4th quarter and Annual Report. S. McCord presented the 4th quarter and annual scope of practice trends for FY 21/22. He highlighted the most common calls received by license type and noted that questions related to delegation increased for all license types.
16. Review and discussion regarding FY 21/22 NSBN HR report. G. Trujillo provided the Board with FY 21/22 human resources updates. Board members were informed that the agency organizational chart and employee job descriptions were reviewed and revised. In addition, all staff are working full-time in the office, completed annual training, and received their yearly evaluations.
17. Review, discussion, and possible action regarding nomination and appointment of delegates and alternate delegates to the National Council of State Boards of Nursing 2022 Annual Meeting. It was moved and seconded to appoint C. Dinauer and C. Maes as delegates and B. Murphy and R. O’Driscoll as alternate delegates for the National Council of State Boards of Nursing 2022 Annual Meeting. MOTION CARRIED.
18. Review, discussion, and possible action regarding direction for voting at the NCSBN Delegate Assembly 2022 Annual Meeting. C. Dinauer presented the summary of recommendations to the

2022 Delegate Assembly. Board members discussed the voting process and items to be considered. It was moved and seconded to approve the NCSBN Board of Directors' recommendations and allow delegates to decide how to vote on candidates running for office. MOTION CARRIED.

19. Review, discussion, and possible action regarding revisions to the Election of Officers Board Policy. C. Dinauer presented the Election of Officers policy for review. The Board reviewed the policy and discussed changing elections to the July board meeting with an effective date of January of the following year. It was moved and seconded to approve the policy as proposed with the addition of changing elections to be held at the July Business Meeting with an effective date of the following January. MOTION CARRIED.
20. Review, discussion, and possible action to add a once only line item to FY 22/23 annual budget for \$10,000 for the NSBN 100th anniversary celebration. C. Dinauer informed the Board that the Nevada State Board of Nursing's 100th anniversary will occur in 2023. She informed the Board that we will hold a ceremony at the Governor's mansion in the spring of 2023 to honor the anniversary. Funding will also include board and staff member travel, purchasing a commemorative pin, mailing invitations, and providing refreshments during the ceremony. It was moved and seconded to approve a once only line item to the FY 22/23 annual budget for the 100th anniversary celebration. MOTION CARRIED.
21. Review and discussion regarding Alcoholics Anonymous. Coral Paris was present to provide education to the Board regarding Alcoholics Anonymous. She gave the Board information regarding the process of attending meetings and an overview of the program. In addition, she answered Board members' questions about criteria related to the terms and conditions found in Board agreements.
22. Review, discussion, and possible action regarding the Executive Director's Annual Performance Evaluation. Board members met with Executive Director C. Dinauer and conducted her annual performance evaluation.
23. Review, discussion, and action regarding policy titled Protecting Access to Reproductive Health Services in Nevada. K. Arguello presented the newly proposed policy and informed the Board that the policy was developed, as required, pursuant to Executive Order 2022-08, enacted by Governor Sisolak on June 28, 2022. This executive order directed the Nevada State Board of Nursing and other Boards in the state of Nevada to implement policies to ensure that no licensee is disqualified from licensure or subject to discipline for providing or assisting in the provision of reproductive health care services or as a consequence of any judgment, discipline, or other sanction threatened or imposed under the laws of another State so long as the services as provided would have been lawful and consistent with standards for good professional practice in the State of Nevada. It was moved and seconded to approve the Protecting Access to Reproductive Health Services in Nevada policy as proposed. MOTION CARRIED.
24. Review and discussion regarding Just Culture and nursing regulation. C. Dinauer began the discussion by providing the Board with an overview of Just Culture, which balances accountability with patient safety. S. McCord informed the Board how the board staff conducts its investigative process once a complaint is received. M. Johnson added that she is participating in writing an article related to Just Culture and nursing students.

25. Board President Report. S. VanBeuge asked Board Members to contact her if they have any questions or concerns related to Board Meeting processes and asked that they check their business emails regularly. In addition, she reminded Board Members that there are many free educational opportunities available through the National Council State Boards of Nursing.

B. Nursing Practice

1. Review, discussion, and possible action regarding applicants for appointment to the Nursing Practice Advisory Committee. It was moved and seconded to appoint Hazel Church, RN 820813, and Sharon Radcliffe, RN 825081, to the Nursing Practice Advisory Committee. MOTION CARRIED.

C. Education

1. Review, discussion, and possible action regarding approval of Grand Canyon University's substantial change site visit report for change in location conducted on June 28, 2022. M. Johnson presented this agenda item. Dean Lisa Smith, Kara Garner and Heather Ziemanski were present to answer Board Member questions. Grand Canyon University requested approval for its location change and provided site schematics for review. M. Johnson added that a site survey of this new location has not been conducted, that the new site is still under construction, and the program is hopeful that all changes will be completed before their student orientation which is scheduled on August 29, 2022. The Board was informed that the program will hold orientation at another location if the site is not ready by August 29, 2022. It was moved and seconded to approve Grand Canyon University's substantial change in location and that M. Johnson complete a site visit once the construction is complete. MOTION CARRIED.
2. Review and discussion related to 2022 year-to-date and 2nd quarter NCLEX first-time pass rates. M. Johnson provided the year-to-date and 2nd quarter NCLEX first-time pass rates for Nevada's nursing programs. It was noted that the pass rates appear to be trending upward, but M. Johnson added that we might see a drop in scores once the Next Generation NCLEX is launched.
3. Review and discussion regarding Headmaster CNA Certification Exam 2022 first-quarter and second-quarter pass rates by program. T. Pachak provided the first and second-quarter pass rates for Nevada's CNA training programs. The Board discussed its options for holding CNA training programs accountable for their low pass rates.
4. Review and discussion related to potential addition of APRN Education to Regulations and Statutes. M. Johnson began the discussion by informing the Board of our current APRN education statutes and regulations and how they would need to be revised should the Board be given authority to regulate APRN education programs. She also provided the Board with an example of how another board of nursing regulates APRN education programs in that state. F. Olmstead added to the discussion by providing the Board with the history of regulation related to APRNs and their education and what the process would be to change our statutes and regulations. The Board asked M. Johnson to complete additional research regarding regulating APRN education programs and report her findings to the Board at a future meeting.

5. Review and discussion regarding selection of CNA testing vendor. T. Pachak informed the Board that our current CNA testing vendor contract expired; therefore, board staff were required to submit a Request for Proposal for a new contract related to CNA testing in Nevada. She informed the Board that the contract was awarded to a new vendor, Credentia, on July 12, 2022. F. Olmstead added information regarding how a contract is awarded through the State Department of Administration Purchasing Division. T. Pachak informed the Board that we are now in the beginning stages of transition from our current testing provider, and she is scheduling an initial meeting with Credentia next week.

D. Discipline Programs

1. Applications (initial and renewal in question)
 - a. No agenda items.
2. Settlement agreements:
 - a. Clendenen, Floyd, RN 829014. Agreement for Probation for violation of NRS 632.347 (1)(m) action in another state. Approved under the Consent Agenda.
 - b. O'Reilly, Barbara, RN 814716. Agreement for Reprimand and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct, and NAC 632.890 (27) customary standards of practice, and (40) medication error. Approved under the Consent Agenda.
 - c. Williams, Patricia, RN57925. 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. Padios, Josephine, RN80789. 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.
 - e. Mateo, Catalina, LPN11464. 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. MeKinda, Flore, CNA033773. Agreement for Reprimand, Fine, and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct, NAC 632.415 unprofessional conduct, and NAC 632.890 (26) violation of state/federal nursing law/regulation. Approved under the Consent Agenda.
 - g. Capalla, Greycy, RN81297. 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. Moore, Robert, CNA025846. Voluntary Surrender of Certificate in Lieu of Other Disciplinary Action for violation of NRS 632.347 (1)(g) unprofessional conduct, and NAC 632.890 (27) failing to perform customary standards of practice, and (33) abusing a patient. Approved under the Consent Agenda.
 - i. Academia, Christine, RN86768. Agreement for Reprimand, Fine and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct and NAC 632.890 (26) violation of state/federal nursing law/regulation. Approved under the Consent Agenda.

3. Formal administrative hearings

a. No agenda items.

4. Special Action:

a. No agenda items.

E. Recommendations for Agenda Items for Future Board Meetings

- Review the bioterrorism continuing education requirement and possible changes to the Nevada statute.
- Provide updates to the Board regarding the NSBN 100th Anniversary.
- Provide an update regarding regulating APRN education programs.

Public Comment:

- F. Olmstead read written public comments submitted anonymously to the Board regarding the online conduct of a Nursing Practice Advisory Committee member.

Adjournment

The meeting was adjourned at 11:29 a.m. on Friday, July 15, 2022.