

Nevada State Board of **NURSING**

BOARD MEETING MINUTES

January 18 - 19, 2023

The Nevada State Board of Nursing Board Meeting was called to order by President Susan VanBeuge, DNP, APRN, FNP-BC, FAANP, FAAN at 9:00 a.m., on January 18, 2023, at the Doubletree by Hilton, Las Vegas Airport, 7250 Pollock Dr. Las Vegas, Nevada 89119, and via video and telephonic conferencing.

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

MEMBERS ABSENT

OTHER'S PRESENT

Cathy Dinauer, MSN, RN, Executive Director
Fred Olmstead, General Counsel
Kimberly A. Arguello, General Counsel
Rosalee Bordelove, Senior Deputy Attorney General
Sofia Ward, Senior Deputy Attorney General
Sam McCord, BSN, RN, Director of Investigations and Discipline
Michelle Johnson, EdD, MS, APRN, CPNP-PC, Director of Nursing Education
Corina Jimenez, Executive Assistant
Tamara Pachak, CNA Program Coordinator
Rhoda Hernandez, Technology and Computer Systems Specialist
Mike Hillerby, Lobbyist

Call to Order: The meeting was called to order at 9:00 a.m. on Wednesday, January 18, 2023.

Public Comment:

- Rene Ruiz represents, California Nurses Association, National Nurses United in the Northern and Southern (CNA, NNOC). They are open to having more conversations about the Nurses Licensure Compact (NLC) with Board Members.

A. Board Governance and Administration

1. Approval of the November 16-17, 2022, Board meeting minutes: OM recused herself. Approved under the Consent Agenda.
2. Review, discussion, and possible action regarding FY 22/23 Goals and Objectives: Approved under the Consent Agenda.
3. Removed
4. Executive Director Report. C. Dinauer advised the Board she was contacted by the Hospital Association and the Governor's office to help fast-track licenses for nurses, ' because of the influx of RSV pediatric patients. Staff worked together, and if contacted, we would move the applicant to the front of the line. There was not a high volume of applicants that needed the fast-track process. Governor Lombardo issued two executive orders, and copies were made available if required. C. Dinauer advised the Board of the information regarding the executive orders, including reviewing the regulations to prevent unnecessary barriers to licensure and certification and determining which regulations could be eliminated. We are required to provide justification for licensure, examination, and do. C. Dinauer advised the board the staff is working on the process. Building leases will end in 2023, and we are in the process of completing paperwork to locate new buildings. C. Dinauer thanked Dr. VanBeuge for taking the time and meeting with the Philippines Nurses' and NNA.
5. Review and discussion regarding update of NSBN's 100th anniversary. C. Dinauer provided the board with the 100th-anniversary publication. The 100th-anniversary celebration is scheduled for April 13, 2023, from 5:00 pm to 8:00 pm at the Governor's Mansion in Carson City, Nevada.
6. Review, discussion, and possible action regarding future board meeting dates in 2024. C. Dinauer presented the 2024 board meeting dates. Board members requested at least 4 weeks in advance if the meeting will be two or three days. It was moved and seconded to approve the 2024 board meeting dates. MOTION PASSED.
7. Review, discussion, and possible action regarding board members' request to participate in Council on Licensure, Enforcement, and Regulation (CLEAR) committees/meetings to include costs and fees associated with participation. It was moved and seconded to approve travel funds for Ovidia McGuinness to attend the CLEAR committees/meetings. MOTION PASSED.
8. Review, discussion, and possible action regarding NSBN Board attendance at NCSBN Discipline Management Conference May 21-24, 2023, Greenville, SC. It was moved and seconded to approve travel funds for Elizabeth Trilops, Jacob Watts, and Branden Murphy to attend the NCSBN Discipline Management Conference. MOTION PASSED.
9. Review and discussion regarding legislative update. C. Dinauer presented the agenda item. Mike Hillerby provided an update regarding the legislature, upcoming on February 6, 2023. Mr. Hillerby provided details such as; we have a new Republican Governor and Democrats being the majority in both houses. The legislature and the Governor have about 1.9 billion dollars because tax revenues are ahead, and a tremendous amount of money has come in through the various COVID relief structures. Some of the money is called "one-shot," which means the money cannot go into ongoing programs, and needs to be allocated by June 30, 2023. Governor Lombardo is not in favor of a new state tax increase. The previous Governor Sisolak, requested for public/state employees to receive a 10% increase for the 1st year and 5% for the 2nd year. Governor Lombardo will respond on Monday at his State of the Union address. Medical malpractice will be discussed

because it hasn't been heard for about 20 years. Licensing boards will be in the spotlight to discuss the Boards' role in being self-funded, how it works, and what they do. The Executive Orders regarding the Freeze and expedited licensure will make it easier for people to come to Nevada. The licensing fees have been \$100 for well over 2 decades. Governor Lombardo supports the compact. The Nurse License Compact is scheduled for the Assembly and Labor Committees. The National Council States Boards of Nursing supports the NLC and will provide additional lobbying help with Nevada Lobbyist Tom Clark & Associates from Reno, NV. Some bills will include the open-meeting law, ethics, etc. The bill AB45 will set up a loan repayment program for healthcare providers.

10. Review, discussion, and possible action regarding the audit process and/or discipline process involving the random audit of nurses for compliance with the requirements for completion of continuing education found in NAC 632.340 and NAC 632.415. C. Dinauer and F. Olmstead presented the agenda item. O. McGuinness provided the Board with the CEU policy with track changes for review. F. Olmstead provided the board with background information about the regulations regarding discipline, audits, etc. Discussion included the pros and cons of the updates provided. It was moved and seconded for the Continued Education policy to be sent to the legal team for review of the concept and wording, removing "reprimand" and possibly adding "not being renewed" to the policy if CEUS are not received. A friendly amendment for Board staff to review the policy and present it to the Board. This framework might include changes to the disciplinary aspect of enforcing continuing education requirements and return at the July 2023 board meeting for further discussion with updates. MOTION PASSED.
11. Review and discussion regarding gender-neutral language in NRS and NAC. K. Arguello presented the agenda item and stated that the Legislature Council Bureau have been reviewing the NRS and NAC's regulations and will be updating the pronouns.
12. Review and discussion regarding the wording of screening question #7 on licensure applications pertaining to conditions, disorders, or disabilities. K. Arguello presented the agenda item. The discussion included whether or not the question is a statutory law and must be on the application, and if the question should be edited and/or removed. The board requested for the agenda item to return at the March board meeting as an action item.

B. Nursing Practice

1. Review, discussion, and possible action regarding proposed revisions to the Nevada State Board of Nursing practice decisions titled: Hemovac and/or a Jackson-Pratt Surgical Drain. S. McCord presented the agenda item. S. McCord presented the agenda item. As requested by the board, the agenda item went before the CNA, LPN, and NPAC committees for approval. S. McCord provided the following information: LPNs are within their scope of practice when delegating to adequately trained CNAs. The prohibitions for CNAs may not strip or attempt to clear any inclusions in the drain tubing. It was moved and seconded to accept the practice decision as written with one change to remove the word "urine" and replace it with "drainage." MOTION PASSED.

C. Education

1. Review, discussion, and possible action regarding the appointment of Dr. Sherry Akins as Director of Nursing at the College of Southern Nevada. M. Johnson presented the agenda item. It was moved and seconded to approve the appointment of Dr. Sherry Akins as Director of Nursing at the College of Southern Nevada. MOTION PASSED.
2. Review, discussion, and possible action regarding the appointment of Dr. Evette Fuerniss as LPN Program Director at the College of Southern Nevada. M. Johnson presented the agenda item. It was moved and seconded to approve the appointment of Dr. Evette Fuerniss as LPN Program Director at the College of Southern Nevada. MOTION PASSED.
3. Removed.
4. Review, discussion, and possible action regarding appointment of Dr. Stephanie Robinson as Interim Dean of BSN Program at Unitek College. M. Johnson presented the agenda item. It was moved and seconded to approve the appointment of Dr. Stephanie Robinson as Interim Dean of the BSN Program at Unitek College. MOTION PASSED.
5. Removed.
6. Review and discussion regarding the NCLEX year-to-date first-time pass rates for 4th quarter 2022 and Annual Pass Rates for 2022. M. Johnson presented the agenda item. Discussion included programs below the 80% threshold and the action plans. The Next Generation NCLEX (NGN) will begin on April 1, 2023. Las Vegas College has gone through 5 quarters of low scores and is on an improvement plan.
7. Review and discussion regarding Headmaster CNA Certification Exam 2022 fourth-quarter and annual pass rates by program. T. Pachak presented the agenda item. Discussion included 23 active programs; only 11 programs are above 80%. Programs will complete a site visit and request a remediation plan after 2 consecutive quarters below 80%, and for high schools, it's 2 academic years. Board members discussed the process for the schools that have had issues with being below 80%. If on remediation for 2 consecutive quarters below 80%, the board can advise removal of the program. The school can respond within 15 days to appear in front of the board. The agenda item will be discussed with counsel and staff for clarification.
8. Review, discussion, and possible action to accept the PFC Nick Crombie Certified Nursing Assistant Training Academy's submitted remediation plan. T. Pachak presented the agenda item. T. Pachak discussed the remediation plan, with pass rates not coming up. DeMadeline Rice was present for questions. It was moved and seconded to accept the remediation plan and submit a follow-up report at the May 2023 board meeting. MOTION PASSED.
9. Review, discussion, and possible action regarding the progress report of Truckee Meadows Community College Nursing Assistant Training Program's remediation plan. T. Pachak presented the agenda item. Nancy Dibble provided a statement. Discussion included if the CNA program is a prerequisite for the Nursing Program or if students pass the course to take the CNA exams. It was moved and seconded to accept the remediation plan. The board members requested that TMCC return to the May 2023 board meeting with a follow-up progress report regarding the remediation plan update. MOTION PASSED.
10. Review, discussion, and possible action regarding the progress of Western Nevada College Nursing Assistant Training Program's remediation plan. T. Pachak presented the agenda

item. Debi Ingraffia-Strong provided a statement and is present for questions. Discussion included barriers such as insufficient student testing, testing availability, and stating that WNC has been below 80% for about 3 years. T. Pachak clarified that Headmaster opened up availability for students in December, but WNC students declined to test with Headmaster and decided to extend and wait for Credentia to begin testing. It was moved and seconded to deny the remediation plan and direct board staff to begin the due process in removing their approval. MOTION PASSED.

11. Review, discussion, and possible action regarding the progress report of Great Basin College Nursing Assistant Training Program's remediation plan. T. Pachak presented the agenda item. Gina Johnson provided a statement. It was moved and seconded to accept the remediation plan. The board members requested that GBC return to the May 2023 board meeting with a follow-up progress report remediation plan update. MOTION PASSED.
12. Removed.
13. Review, discussion, and possible action to approve the Battle Mountain High School Nursing Assistant Training Program's progress report on correcting deficiencies found during the October 5, 2022, site survey. T. Pachak presented the agenda item. No one was available from the school for questions. It was moved and seconded to accept the remediation plan. The board members requested Battle Mountain return to the May 2023 board meeting with a follow-up progress report remediation plan update. MOTION PASSED.
14. Review, discussion, and possible action regarding the initial application for Genevieve Training Center Nursing Assistant Training Program. T. Pachak presented the agenda item. Jacqueline Copeland provided a statement. It was moved and seconded to accept the application and grant the application approval upon the site survey being completed and approved. MOTION PASSED.
15. Review, discussion, and update regarding the transition to Credentia, the CNA test vendor. T. Pachak presented the agenda item. The following information was provided; Headmaster contract is officially completed by January 1, 2023, Credentia is set to start their contract on February 1, 2023; there are a total of 20 evaluators that have shown interest with Credentia, 12 are done with the process, there are 2 regional will test all students and 2 in-facility test sites will only test their own students, Perry Foundation in Henderson is approved and will start testing on February 1, 2023, College of Southern Nevada (CSN) is in the process of getting approved as a regional test site for their Charleston location and St. There are in the process of getting approved, Truckee Meadows Community College (TMCC) in finalizing the process and will be in-facility test site. Majen is in the process of becoming a regional-approved site.

D. Discipline Programs

1. Applications (initial and renewal in question)
 - a. Gillespie, Lajenee, CNA applicant: K. Arguello presented the agenda item. L. Gillespie provided a statement. It was moved and seconded to accept the CNA application. MOTION PASSED.

- b. McGee, James, RN applicant: K. Arguello presented the agenda item. J. McGee provided a statement. It was moved and seconded to accept the RN application. MOTION PASSED.

2. Settlement agreements:

- a. Aquino, Remy, LPN10328: Agreement for Reprimand and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct, NAC 632.890 (16) failing to properly document controlled substances, (21) obtain, possess, furnish prescription drugs without authorization, and (27) failing to comply. Approved under the Consent Agenda.
- b. Millard, Shannon, RN85608: 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, and NAC 632.890 (36) failing to comply. Approved under the Consent Agenda.
- c. Desher, Amanda, LPN15670: Agreement for Probation for violation of NRS 632.347 (1)(e) controlled substances and/or alcohol, (1)(g) unprofessional conduct, and NAC 632.890 (36) failing to comply. Approved under the Consent Agenda.
- d. Perez, Anthony, LPN16198: Agreement for Reprimand and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct and NAC 632.890 (27) failing to perform nursing functions in a manner consistent with established or customary standards. Approved under the Consent Agenda.
- e. Saravo, Grace, RN 827480: Agreement for Reprimand and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct and NAC 632.890 (27) failing to perform nursing functions in a manner consistent with established or customary standards. Approved under the Consent Agenda.
- f. Tang, Raymond, RN82034: Agreement for Reprimand and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct and NAC 632.890 (2) performing acts beyond the scope of the practice of nursing, and (18) diverting supplies, equipment, or drugs for personal or unauthorized use. Approved under the Consent Agenda.
- g. Davis, Alexia, CNA 847352: Agreement for Reprimand and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct and NAC 632.890 (27) failing to perform nursing functions in a manner consistent with established or customary standards. Approved under the Consent Agenda.
- h. Umunnakwe, Emmanuel, RN 814507: Agreement for Reprimand and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct and NAC 632.890 (27) failing to perform nursing functions in a manner consistent with established or customary standards. Approved under the Consent Agenda.
- i. Plant, Shante, RN75126: Agreement for Reprimand and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct and NAC 632.890 (27) failing to perform nursing functions in a manner consistent with established or customary standards. Approved under the Consent Agenda.
- j. Rushton, Sarah, RN82247: Agreement for Reprimand and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct and NAC 632.890 (27) failing to perform nursing functions in a manner consistent with established or customary standards.

- and (42) engage in any other professional conduct with a patient or client that the Board determines is outside the professional boundaries. Approved under the Consent Agenda.
- k. Gidvani, Julie, RN59404: Agreement for Reprimand and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct and NAC 632.890 (27) failing to perform nursing functions in a manner consistent with established or customary standards. Approved under the Consent Agenda.
 - l. Snyder, Jaime, RN83394: Agreement for Probation for violation of NRS 632.347 (1)(g) unprofessional conduct and NAC 632.890 (2) practice beyond the scope, and (27) failing to perform nursing functions in a manner consistent with established or customary standards. Approved under the Consent Agenda.
3. Formal administrative hearings
- a. Hidalgo, Jordan, RN 847137: K. Arguello presented the agenda item. J. Hidalgo was not present. Joe Sandy, the witness, was present virtually and was available for questions. All documents were submitted into evidence. It was moved and seconded to find the respondent in violation of NRS 632.347 (1)(g), unprofessional conduct, NAC 632.890 (9) Respondent practiced nursing while, with or without good cause, his physical, mental, or emotional condition impairs his ability to act in a manner consistent with established or customary nursing standards, or both, and (27) Respondent failed to perform nursing functions in a manner consistent with established or customary standards. It was moved and seconded the license be Revoked for 1 year and that the Board order the discipline action become part of the Respondents permanent record and be published and reported to all appropriate agencies. MOTION PASSED.
 - b. McPherson, Meike, CNA031637: K. Arguello presented the agenda item. It was moved and seconded to accept the Voluntary Surrender of License in Lieu of Other Disciplinary Action for violation of NRS 632.347 (1)(g) unprofessional conduct, NAC 632.890 (12) privacy violation, and (42) professional boundaries/social media. MOTION PASSED.
 - c. Pagni, Kelia, RN90208: F. Olmstead presented the agenda item. It was moved and seconded to find the Respondent in violation of NRS 632.347 (1)(g) unprofessional conduct, (1)(o) failing to comply with an order of the Board. It was moved and seconded the license be Revoked for 1 year and that the Board order the discipline action become part of the Respondents permanent record and be published and reported to all appropriate agencies. MOTION PASSED
 - d. Winkler, Amanda, LPN17956: F. Olmstead presented the agenda item. It was moved and seconded to accept the Voluntary Surrender of License in Lieu of Other Disciplinary Action for violation of NRS 632.347 (1)(o) failing to comply with a Board order, NAC 632.890 (36) failing to comply. MOTION PASSED.
4. Special Action:
- a. Felkins, Janet, LPN13594, Reinstatement Request: F. Olmstead presented the agenda item. J. Felkins provided a statement. It was moved and seconded to accept the renewal application, with the recommendation to complete a refresher course or the NCLEX. MOTION PASSED.

- b. Jury, John, RN53001, Reinstatement Request: F. Olmstead presented the agenda item. J. John provided a statement. It was moved and seconded to accept the request for reinstatement and accept the Agreement for Probation terms for violation of NRS 632.347 (1)(e) controlled substance and/or alcohol, (1)(g) unprofessional conduct, and NAC 632.890 (18) diverting supplies, equipment or drugs, and (39) pattern of conduct demonstrates failure to protect public. MOTION PASSED.
- c. Frank, Nicole, RN68787, Reinstatement Request: F. Olmstead presented the agenda item. N. Frank has requested a closed hearing. N. Frank did not provide a statement. The Board confirmed that out of 5 years, only 1 year of the original order had been completed. It was moved and seconded to deny the request for reinstatement for violation of NRS 632.347 (1)(e) controlled substance and/or alcohol, (1)(g) unprofessional conduct and NAC 632.890 (36) failing to comply.
- d. Koctekin, Arzu, RN81937, Reconsideration Request: K. Arguello presented the agenda item. A. Koctekin and C. Perry agree that the language is incorrect on page 1, paragraph 2 (controlled substance) and is not considered “controlled substances.” C. Perry has requested the language to be utilized as “dangerous medications” and not “dangerous drugs.” K. Arguello agrees with changing and updating the language to be utilized. It was moved and seconded to update the language from “controlled substances” to “dangerous medications.” MOTION PASSED.

E. Recommendations for Agenda Items for Future Board Meetings

- Review, discussion, and possible action regarding the review of NSBN Continuing Education/Employment Audit Violations policy for the July 2023 business meeting.
- Review, discussion, and possible action regarding the wording of screening question #7 on licensure applications pertaining to conditions, disorders, or disabilities.

Public Comment:

- Renee Ruiz, California Nurses Association, National Nurses United in the Northern and Southern (CNA, NNOC), expressed their opposition to the Nurses License Compact by providing details of why they oppose such as nurse recruitment and nurse retention are best addressed by creating safe workplaces, not through multi-state licensures compact. Nevada already has an endorsement process to process out-of-state nurses rapidly. Nevada should maintain sovereignty over nurse licensing and patient care. Including the 30-hour CEU requirement. Nevada may have a Registered Nurse staffing crisis, but does not have a shortage of licensed registered nurses. Nevada has greatly increased licensed registered nurses in the last 5 years. The compact is not the solution for the staffing crisis. We will be submitting a greater detailed written public comment.

Adjournment

The meeting was adjourned at 12:03 p.m. on Thursday, January 19, 2023.