

Nevada State Board of **NURSING**

BOARD MEETING AMENDED MINUTES

March 22-23, 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 March 22, 2023, at the Aloft Reno-Tahoe International Airport, 2015 Terminal Way Reno, Nevada 89502, 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
Harry Ward, Deputy Attorney General
Sam McCord, BSN, RN, Director of Investigations and Discipline
Michelle Johnson, EdD, MS, APRN, CPNP-PC, Director of Nursing Education
Gail Trujillo, Director of Licensure, Certification, and Human Resources
Kristie Neuhauser, MBA, Accountant
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, March 22, 2023.

Public Comment:

- Rene Ruiz represents California Nurses Association, National Nurses United Northern and Southern (CNA, NNOC) provided a statement with her opposition to the AB 108. R. Ruiz stated passing AB 108 is opening the door for less skilled nurses, not properly educated, and this is not

a safe practice for the patients of Nevada. Also, may push for Nevada nurses to leave to work elsewhere. Studies have proven working conditions are the employer's responsibility for creating safe staffing ratios.

- Jamie Pearl, Chief Nurse Representative from NU CNA, provided a statement regarding the AB 108. J. Pearl stated her opposition regarding AB 108, stating it will negatively impact the standard of care in Nevada, impact education requirements, impact coordination of disciplinary actions in compact states that were recently uncovered with Operation Nightingale, will not cure the nurse shortage, and will take jobs away from Nevada nurses.
- Morgan Graham, Nurse in Reno provided a statement regarding her opposition to AB 108. M. Graham provided the following information that AB 108 is harmful to patients and Nevada nurses. There is not a shortage of nurses, but a shortage of nurses willing to risk their license in the current work environment it takes away the ability from the NSBN mission statement of protecting the public's health, safety, and welfare to protect the patients in Nevada.
- Shauna Hamel, Nevada Nurse provided a statement regarding her opposition to AB 108. S. Hamel stated the working conditions of nurses deteriorate and contribute to nurses leaving their bedside practice, staffing crisis manufactured by the poor treatment of nurses, and there not a shortage of licensed nurses. In January 2023, licensed nurses were up 35% compared to 2018, and believes the compact has done nothing to improve the retention of licensed nurses and is not the solution.
- Karen Pels-Jimenez, Chief Nurse Representative at St. Rose Sienna provided a statement regarding her opposition to AB 108. K. Pels-Jimenez stated she is concerned about the safety of patients. Most states don't require continuing education like Nevada, and this can reduce the competency in providing care, and potentially subject nurses to prosecution or discipline. Nevada nurses want to provide high quality and safe patient care. Nevada would be better served by addressing issues related to recruitment and retention, by creating a safe and healthy workplace, supporting nurse education ensuring nurses can be advocates for their patients.
- Rochelle Pardue-Okimoto, Nursing Practice Representative from National Nurses United provided a statement regarding her opposition to AB 108 and AB 198 bills. Both bills promote telehealth, and there are real dangers that exist in not delivering care in person, this leaves the patient vulnerable if there are emergencies. The compact will leave rural people without hospitals and with less care opportunities. So, the compact as stated is a way to help with staffing, but it will continue with what already exists and what we've seen. We need to listen to the nurses that have stated their concerns with staffing ratios, PPE, and meal breaks.

A. Board Governance and Administration

1. Approval of the January 18-19, 2023, Board meeting minutes: Approved under the Consent Agenda.
2. Review, discussion, and possible action regarding FY 22/23 Goals and Objectives: Approved under the Consent Agenda.
3. Review, discussion, and possible action regarding NSBN Staff/Board conference/training report. Approved under the Consent Agenda.
4. Review and discussion regarding FY 2022-2023, and budget through 2nd quarter. Kristie Neuhauser presented the agenda item. K. Neuhauser provided information that included Quarter 1 and in the middle of quarter 2, budget, overall revenue, expenses improved by 1% to 2%, 100th anniversary is calculated at \$5035.00 so far, miscellaneous fees, and legal fees.

5. Executive Director Report. Cathy Dinauer presented the agenda item. C. Dinauer provided information regarding Nurse's Day, sponsored by the Nevada Nurse Association, Governor Lombardo's Executive Orders, Training and Conference reports need to be completed and returned within 2 weeks of the board meeting; expense reports need to be completed and returned within 15 days, and board emails need to be reviewed at least once a week.
6. Review, discussion, and possible action regarding increased budget for the NSBN's 100th anniversary celebration. Cathy Dinauer presented the agenda item. C. Dinauer provided details that included catering, hotel reservations and flights for staff, and decorations. It was moved and seconded to approve the increase of \$10,000. MOTION PASSED.
7. Review and discussion regarding legislative update. Cathy Dinauer presented the agenda item. Mike Hillerby provided an update that included information regarding AB324-regarding COVID-19 vaccines, AB363-limits use of criminal history for licensing, SB210-boards to submit for open vacancies and submit within 60 days, SB302-gender affirming care, SB336-cross board discipline, SB239-medication to end of life, AB270-proposal to create a new profession of anesthesiology assistance, which would be regulated by the Board of Medical Examiners, AB108- Nurse Compact License, and SB234-Student/Faculty ratios.
8. Review and discussion regarding scope of practice questions by board staff for second quarter FY-2023/23. S. McCord presented the agenda item. S. McCord provided details that included 215 calls for the current quarter. The overall calls have decreased slightly. APRN calls are less frequent, but the #1 call were calls regarding cosmetic surgery procedures and applicable law. Questions about Estheticians and the requirement for supervision. Delegation was another common question. The most common LPN practice questions were regarding IV regulations, and certification requirements. CNA calls remain the same. With the most common questions being related to refusal of assignment.
9. Review and discussion related to discontinuing the Board of Nursing's involvement in statewide clinical scheduling system. M. Johnson presented the agenda item. M. Johnson advised the Board ServEDLink will be discontinuing as of July 1, 2023. Complio is the new vendor that purchased ServEDLink but is unable to provide service to all the Educational Facilities and to the Nursing Facilities. The schools were involved with the process regarding new potential vendors. The current scheduling process with ServEDLink is up to date with the Fall 2023 and Spring 2023 semesters. The Education facilities were advised as of July 1, 2023, they would need to complete all their own scheduling and conflicts. Hannah Boll-Matulis will no longer oversee the scheduling system.
10. Review, discussion, and possible action regarding the wording of screening question #7 on licensure applications pertaining to conditions, disorder, or disabilities. K. Arguello presented the agenda item. The agenda item will remain as written. No motion passed.
11. Review, discussion, and possible action regarding board employee salaries under the cap pursuant to NRS 281.123 (1) and the January 2, 2023, revisions to Nevada Pay Policies 30 and 31. G. Trujillo presented the agenda item. It was moved and seconded to approve the pay raise. MOTION PASSED.
12. Review, discussion, and possible action regarding the Nevada State Board of Cosmetology request for support for sb 249. C. Dinauer presented the agenda item. Steven McDonald, Nevada State Board of Cosmetology Director and Janie Huggins, Chief Compliance Officer were present

and provided a statement to include requesting support from NSBN. It was moved and seconded to support SB249, but removal of section 1 on the bill. MOTION PASSED.

13. Review, discussion, and possible action regarding possible for BDR 54-918. C. Dinauer and Mike Hillerby presented the agenda item. S. VanBeuge, Cheryl Maes, and Branden Murphy recused themselves. Discussion included the 1:10 ratio, adjunct faculty, and mandatory or recommended. It was moved and seconded for a neutral position. MOTION PASSED.
14. Review, discussion, and possible action regarding Notice of Intent to Act Upon a Regulation: Executive Order 2023-003. F. Olmstead presented the agenda item. The selected regulations contained in the Notice of Intent to Act were reviewed for purposes of possible streamlining, clarifying, reducing, or otherwise improvement to ensure those regulations provided for the general welfare of the State without unnecessarily inhibiting economic growth. After discussion, it was moved and seconded to accept the proposed amendment of the selected regulations as provided in the Notice of Intent to Act as written, and to provide the proposed amendment of regulations to the Governor in the report required by Executive Order 2023-003. MOTION PASSED

B. Nursing Practice

1. Review, discussion, and possible action regarding application for appointment to the Nurse Practice Advisory Committee. S. McCord presented the agenda item. S. McCord advised the Board there are 2 positions to fill. It was moved and seconded to appoint Sheryl Bennett and Jeanine Clancy, with a friendly amendment to add an additional committee member appointment Lan Cabatingan. MOTION PASSED.
2. Review, discussion, and possible action regarding application for appointment to the APRN Advisory Committee. S. McCord presented the agenda item. S. McCord advised the Board there is 1 position to fill. It was moved and seconded to appoint Danielle Barisone. MOTION PASSED.
3. Review, discussion, and possible action regarding application for appointment to the Education Advisory Committee. MJ presented the agenda item. MJ advised the Board there are 2 positions to fill. It was moved and seconded to appoint Sherry Akins and Nichole Artam. MOTION PASSED.

C. Education

1. Review, discussion, and possible action related to College of Southern Nevada's report related to their action plan for the RN Program. M. Johnson presented the agenda item. Dr. Sherry Akins provided a statement. It was moved and seconded to approve the recommendations action plans and to re-evaluate in 6 months. MOTION PASSED.
2. Review, discussion, and possible action related to College of Southern Nevada's report related to their action plan for the LPN Program. M. Johnson presented the agenda item. Dr. Sherry Akins provided a statement. It was moved and seconded to approve the recommendations action plans and to re-evaluate in 6 months. MOTION PASSED.

3. Review, discussion, and possible action related to Las Vegas College RN program's failure to maintain a first-time NCLEX pass-rates above 80% for two consecutive quarters after submitting an Improvement Plan. M. Johnson presented the agenda item. Branden Murphy recused himself. Antonette Bell provided a statement. It was moved and seconded to place on conditional approval with a friendly amendment for MJ to complete a follow up visit within 3 months and report back to the Board. MOTION PASSED.
4. Review, discussion, and possible action regarding appointment of Dr. Antonette Bell as Interim RN Program Chair at Las Vegas College. M. Johnson presented the agenda item. Branden Murphy recused himself. Antonette Bell provided a statement. It was moved and seconded to approve the appointment of Dr. Antonette Bell. MOTION PASSED.
5. Review, discussion, and possible action related to update on progress of APRN education regulation. M. Johnson presented the agenda item. Discussion included the following: the number of states that regulate APRN's, financial assessment, Nevada survey vs national survey, update regarding the APRN Deans & Director meeting, and APRN and EAC committee updates. The survey summary showed most APRN's are not in favor of regulating and felt that the current accreditation standards were sufficient to meet the needs of protecting the public. It was moved and seconded to continue the process to regulate APRN's, and request for Legal to return with a pathway to regulate APRN's with Statutes and regulations in the State of Nevada. MOTION PASSED.
6. Review, discussion, and possible action related to approval of the 8-month site visit report regarding Unitek College's BSN program. M. Johnson presented the agenda item. Dr. Stephanie Robinson provided a statement that included: the frequent Dean turnover, the need for faculty, there are over 210 students, 11 local faculty, the current ratio is 1:19, and just hired 2 new full-time faculty, and recently interviewed 3 for the Dean position. It was moved and seconded to approve the site visit, maintain provisional status, review a mentor program, and complete the 18-month site visit sooner, if needed. MOTION PASSED.
7. Review and discussion regarding the NCLEX year-to-date first-time pass rates for 1st quarter 2023. M. Johnson presented the agenda item. MJ provided updates on the pass rates. Provided the first day of Next Generation NCLEX (NGN) is April 1, 2023.
8. Review and discussion regarding Credentia CNA Certification Exam 2023 first-quarter pass rates. T.Pachak presented the agenda item and provided updates on the pass rates. TP will provide more accurate pass rates at the May 2023 board meeting.
9. Review, discussion, and possible action regarding possible withdrawal of approval of the Western Nevada College Nursing Assistant Training Program. T.Pachak presented the agenda. Kyle Dalbie, President of WNC and Debbie Ingrassia-Strong provided a statement. Discussion included available exam dates, students that became CNAs vs taking the course as a pre-requisite course into the RN Program, and pass rates with written and clinical exams. It was moved and seconded to allow continuance for the current students to complete their programs through May 2023, test results be presented at the July 2023 Board meeting. A decision for withdrawal will be made at the July 2023 Board meeting. A friendly amendment for the agenda item to read, Review, discussion, and possible action regarding withdrawal of approval of the Western Nevada College. 2 against. MOTION PASSED.

10. 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 grant 30 days to submit the required documents to correct the deficiencies or start the process to remove the approval status. MOTION PASSED.

D. Discipline Programs

1. Applications (initial and renewal in question)
 - a. Djoumessi, Olivier, RN and APRN applicant: K. Arguello presented the agenda item. O. Djoumessi provided a statement. It was moved and seconded to accept the RN and APRN application. MOTION PASSED.
 - b. Hartung, Laurie, RN applicant: K. Arguello presented the agenda item. L. Hartung provided a statement. It was moved and seconded to accept the RN application. MOTION PASSED.
 - c. Villatoro, Jose, CNA021642: 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. Parrott, Shanta, CNA027105: K. Arguello presented the agenda item and requested a continuance. It was moved and seconded to accept the continuance. MOTION PASSED.
 - e. Neang, Jenifer, CNA026040: 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.
 - f. Braggs, Giovanna, CNA013120: 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. Morgan, Margaret, RN52146: Agreement for Reprimand and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct, NAC 632.890 (18) diverting supplies, equipment, or drugs for personal or unauthorized use. Approved under the Consent Agenda.
 - b. Keeling, Charmaine, RN60728: Agreement for Reprimand and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct, NAC 632.890 (2) Practice beyond scope, (20) inaccurate recording, falsifying or otherwise altering records, and (27) customary standards of practice. Approved under the Consent Agenda.
 - c. Lawrence, Zorelda, CNA033002: Agreement for Reprimand and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct, and NAC 632.890 (2) practice beyond scope and (27) customary standards of practice. Approved under the Consent Agenda.
 - d. Rubinstein, Michelle, RN 848501: 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 NAC 632.890 (10) positive drug screen on duty and (27) customary standards of practice. Approved under the Consent Agenda.

- e. Removed
 - f. Oki, Laura, APRN002091: Agreement for Reprimand and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct and NAC 632.890 (26) failing to abide by any state or federal statute or regulation relating to the practice of nursing, and (27) customary standards of practice. Approved under the Consent Agenda.
 - g. Fernandez, Jason Anthony, RN94812: 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 (20) inaccurate recording, falsifying or otherwise altering or destroying records. Approved under the Consent Agenda.
 - h. Mashrick, Thomas, RN 813457: 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. Knipp, Brandon, RN 831498: 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. Govain, Alonzo, CNA 830459: Agreement for Reprimand and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct and NAC 632.890 (24) failing to collaborate with other members of the health care team as necessary to meet the health needs of a patient. Approved under the Consent Agenda.
3. Formal administrative hearings
- a. Axel, Rachal, CNA036499: K. Arguello presented the agenda item. R. Axel was not present. Joe Sandy, the witness, was present virtually, provided a statement and answered questions. All documents were submitted into evidence. 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 (35) misappropriating patient property. MOTION PASSED.
 - b. Cosio, Ixchel, RN77380: K. Arguello presented the agenda item. I. Cosio was not present. It was moved and seconded to find the respondent in violation of NRS 632.347 (1)(o) unprofessional conduct, (1)(g) unprofessional conduct, and NAC 632.890 (36) when Respondent failed to comply with a condition, limitation or restriction which has been placed on her license, respondent to be revoked, and may not apply for a period of one year. MOTION PASSED.
 - c. Echeverria, Tamara, LPN09553: F. Olmstead presented the agenda item. T. Echeverria 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 (9) when Respondent practiced nursing while, with or without good cause, her physical, mental or emotional condition impairs her ability to act in a manner consistent with established or customary nursing standards, or both, (27) when 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 a period of 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. Irwin, Anthony, CNA031189: K. Arguello presented the agenda item. A. Irwin was not present. It was moved and seconded to find the respondent in violation of NRS 632.347 (1)(g) unprofessional conduct, NAC 632.890 (36) when Respondent failed to comply with a condition, limitation or restriction which has been placed on his or her license or certificate, Respondent to be revoked for a period of one 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.
- e. Mardon, Andrea, RN93502: K. Arguello presented the agenda item and requested a continuance. It was moved and seconded to accept the continuance. MOTION PASSED.
- f. McDonald, Susan, RN57156: F. Olmstead presented the agenda item. S. McDonald was not present. It was moved and seconded to find the respondent in violation of NRS 632.347 (1)(g) unprofessional conduct, NAC 632.890 (36) when Respondent failed to comply with a condition, limitation or restriction which has been placed on her license, Respondent to be revoked for a period of three years. MOTION PASSED.
- g. Perkins, Deborah, APRN 814887: F. Olmstead presented the agenda item. F. Olmstead requested a continuance until the May 2023 Board meeting. It was moved and seconded to accept the continuance. MOTION PASSED.
- h. Rhodes, Napoleon, CNA036414: F. Olmstead presented the agenda item. F. Olmstead requested a continuance until the May 2023 Board meeting. It was moved and seconded to accept the continuance. MOTION PASSED.
- i. Rucker, Brandon, LPN17887: K. Arguello presented the agenda item. B. Rucker was not present. It was moved and seconded to find the Respondent in violation of NRS 632.347 (1)(g) unprofessional conduct, violated NAC 632.890 (24) when Respondent failed to observe the conditions, signs and symptoms of a patient, to record the information or to report significant changes to the appropriate persons, and (32) when Respondent endangered the safety of the general public, patients, clients or coworkers by making actual or implied threats of violence or carrying out an act of violence. It was moved and seconded that the Respondent's LPN license be Revoked for 5 years, and that the Board order the discipline action become part of the Respondent's permanent record and be published and reported to the appropriate agencies. MOTION PASSED.
- j. Removed.
- k. Sonetti, Rachel, RN72364: F. Olmstead presented the agenda item. F. Olmstead requested a continuance until the May 2023 Board meeting. It was moved and seconded to accept the continuance. MOTION PASSED.
- l. Removed.
- m. Zydron, Tracey, RN73595: K. Arguello presented the agenda item. K. Arguello requested a continuance. It was moved and seconded to accept the continuance. MOTION PASSED.
- n. Ruiz, Toni, RN76294: K. Arguello presented the agenda item. It was moved and seconded to accept the Agreement for Reprimand, Continuing Education, and Monitoring for

violation of NRS 632.347 (1)(g) unprofessional conduct, NAC 632.890 (10) positive alcohol screen while on duty. MOTION PASSED.

4. Special Action:
 - a. Klores, Amy, RN96012: Request for Reinstatement: F. Olmstead presented the agenda item. A. Klores provided a statement. It was moved and seconded to accept the application. MOTION PASSED.
 - b. Penney, Darcie, RN51920: Request for Reinstatement: F. Olmstead presented the agenda item. D. Penney provided a statement. It was moved and seconded to accept the application. MOTION PASSED.
 - c. Finn, Lori, RN35063: Request for Reinstatement: F. Olmstead presented the agenda item. L. Finn provided a statement. It was moved and seconded to accept reinstatement of her RN license with the conditions of monitoring for 2 years and to run concurrent with Minnesota program, complete all previous requirements, turn in successful completion of the Minnesota agreement, refrain from the use of alcohol and all mood-altering drugs and controlled substances, except for legally prescribed prescriptions, submit progress reports, monthly random drug screens, and bi-monthly counseling. To include a friendly amendment to the original motion to complete the following courses of professional accountability and legal liability and substance use disorder in nursing. 6 in favor, 1 against. MOTION PASSED.
 - d. Shepperd, Jennifer, CNA029769: Request for Reinstatement: F. Olmstead presented the agenda item. J. Shepperd provided a statement. It was moved and seconded to accept the reinstatement of her certificate. MOTION PASSED.

E. Recommendations for Agenda Items for Future Board Meetings

- Review and discussion regarding providing Legislative updates to Board members emails.
- Review and discussion regarding data of how many individuals can take the NCLEX exam.
- Review, discussion, and possible action regarding follow up of LPN pronouncement of death.

Public Comment:

- Marilyn Lim, Unitek College, Reno stated it was her first in person experience and wanted to thank the board for a refreshing and informative meeting.
- Ovidia McGuinness, Board member, would like to take a moment to honor the REMSA flight crew, the patients and family members that lost their lives recently, and thank you to all members of the medical community that give selflessly every day.
- Cathy Dinauer, Executive Director would like to acknowledge those individuals that perished in the care flight accident, and I was able to reach out to the widow of the nurse that was on the care flight. I wanted to offer condolences from the Board of Nursing. Also, to congratulate Dr. Michelle Johnson, who was recently published in the Journal of Nursing Education.

Adjournment

The meeting was adjourned at 2:19 p.m. on Thursday, March 23, 2023.