

Nevada State Board of **NURSING**

BOARD MEETING MINUTES

July 17-19, 2024

The Nevada State Board of Nursing Board Meeting was called to order by Richelle O'Driscoll, BA, MA, Consumer Member, President at 1:00 p.m., on July 17, 2024, at Zephyr Point Presbyterian Conference Center, 660 Highway 50, Zephyr Cove, Nevada 89448

MEMBERS PRESENT

Richelle O'Driscoll, BA, MA, Consumer Member, President
Cheryl A. Maes, Ph.D., APRN, FNP-BC, APRN Member, Vice President
Elizabeth Trilops, RN, MBA/HCM, RN Member, Secretary
Susan VanBeuge, DNP, APRN, FNP-BC, FAANP, FAAN, RN Member
Elizabeth De Leon-Gamboa, MSN Ed., RN, CPHQ, CCM, CMCN, RN Member
Ovidia McGuinness, LPN, LPN Member
Tyler Johnson, BS, CNA, CNA 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
Rhoda Hernandez, Technology and Computer Systems Specialist
Gail Trujillo, Director of Licensure and Certification, HR
Kristie Neuhauser, MBA, Accountant
Elaine Ralph, Monitoring and Probation Investigator
Deborah Loesh-Griffin, Turning Point, Inc.
Ross Armstrong, Executive Director, Nevada Commission on Ethics

Call to Order: The meeting was called to order at 1:00 p.m. on Wednesday, July 17, 2024.

Public Comment:

- Susan VanBeuge introduced DNP student, Alex Hendrickson from the University of Nevada, Reno.
- Cathy Dinauer introduced DNP student, Jacqueline McDonald from the University of Nevada, Reno.

- Susan VanBeuge provided public comment about the passing of former board member Rick Carrauthers. Rick had a big heart, very giving, and he was larger than life.
- Emailed public comment was received. Board members received a printout of the public comment to read, and a paper copy will be placed in the record. Board members read the public comment.

A. Board Governance and Administration

1. Approval of the May 22-23, 2024, Board meeting minutes: The meeting minutes were pulled from the consent agenda with two corrections. The first correction was to D.4.a to add that C. Maes and S. VanBeuge both recused themselves. The second correction was to C.5. to add that C. Maes and S. VanBeuge both recused themselves. It was moved and seconded to approve the board meeting minutes with the corrections proposed. MOTION PASSED.
2. Review, discussion, and possible action regarding FY 23/24 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. 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.
5. Review, discussion, and possible action regarding the approval FY 24/25 Goals and Objectives. C. Dinauer presented the agenda item. It was moved and seconded to approve the Goals and Objectives as proposed. MOTION PASSED.
6. Review, discussion, and possible action regarding FY 24/25 NSBN Annual Budget. C. Dinauer and K. Neuhauser presented the agenda item. Discussion included addressing the deficit and the contributing factors such as the state ordered cost of living increase, longevity pay, retention pay, and IT costs. It was moved and seconded to accept the budget as proposed. MOTION PASSED.
7. Review and discussion regarding FY 23/24 NSBN Budget. C. Dinauer presented the agenda item. K. Neuhauser was present to provide the final budget numbers. Discussion provided that the revenue was higher than projected and the expenses were slightly less than projected.
8. Review, discussion, and possible action regarding FY 24/25 conference schedule. C. Dinauer presented the agenda item. Discussion included all National Council State Boards of Nursing (NCSBN) and the Council on Licensure, Enforcement and Regulation (CLEAR) conferences. She recommended that board members attend one conference per year and that the whole board does not attend a single conference. The following conference schedule was requested: T. Johnson requested to attend the Annual Meeting and Public Policy Meeting. E. Trilops requested to attend the Annual Meeting. R. O'Driscoll requested to attend the Midyear Meeting and Public Policy Meeting. E. De Leon Gamboa requested to attend the Annual Meeting. C. Maes requested to attend the Midyear Meeting and Annual Meeting. O. McGuinness requested to attend the CLEAR International Symposium virtually. S. VanBeuge requested to attend the Public Policy Meeting. It was moved and seconded to approve the conference attendance as discussed. MOTION PASSED.

9. Review, discussion, and possible action regarding revisions to the NSBN travel policy. C. Dinauer presented the agenda item. Discussion included that the policy is utilized for board and staff. She provided a brief overview of the travel policy and highlighted some specific details, including adhering to the meals and per diem rates, and the procedure for claiming mileage. It was moved and seconded to accept the changes to the policy as presented. MOTION PASSED.
10. Review and discussion regarding FY 23/24 Human Resources report. C. Dinauer presented the agenda item. G. Trujillo provided updates that included the successful move of the Reno office, the completion of staff evaluations, an update on the FY 23/24 cost of living increase for state employees and board staff development. In addition, board staff reviewed 22 policies in FY 23/24.
11. Review, discussion, and possible action regarding election of Officers of NSBN Board. C. Dinauer presented the agenda item. It was moved and seconded to approve C. Maes as President, E. Trilops as Vice President, and E. De Leon Gamboa as Secretary. MOTION PASSED.
12. 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. It was moved and seconded to approve C. Dinauer's cost of living and merit increase effective July 1, 2024. MOTION CARRIED.
13. Presentation by the Nevada Office of the Attorney General regarding Board and Commission Training and Open Meeting Law. Harry Ward, Deputy Attorney General from the Nevada Office of the Attorney General was present to provide a presentation regarding Boards and Commissions Training and Open Meeting Law. The presentation included information regarding complying with Chapter 241 of Nevada Revised Statutes, public comment procedures, and detailed information on what constitutes a meeting, a quorum, and meeting minutes.
14. Presentation by the Nevada Commission on Ethics. Ross Armstrong, Executive Director from the Nevada Commission on Ethics was present to provide annual Boards and Commissions Ethics Law Basics presentation. The presentation included information regarding complying with Chapter 281A of the Nevada Revised Statutes. He explained that the three functions of the Ethics Commission are to provide education and outreach, advisory opinions for ethics questions, and to receive and process complaints for possible ethics violations. He advised the Board of common ethical dilemmas and how to properly proceed in those situations.
15. Review, discussion, and possible action regarding nomination and appointment of delegates and alternate delegates to the National Council of State Boards of Nursing 2024 Annual Meeting. C. Dinauer presented the agenda item. It was moved and seconded to accept S. VanBeuge and C. Dinauer as delegates and K. Arguello and F. Olmstead as alternate delegates. MOTION PASSED.
16. Review, discussion, and possible action regarding direction for voting at the NCSBN Delegate 2024 Annual Meeting. C. Dinauer presented the agenda item and explained the process for voting at the NCSBN annual meeting. C. Dinauer and S. VanBeuge proposed that the board allow the delegates to hear the candidates and decide which candidate they will vote for at the annual meeting. It was moved and seconded to allow the delegates to make the appropriate decision upon hearing the candidates. MOTION PASSED.
17. Removed.
18. Review and discussion regarding the monitor/probation program by Elaine Ralph. E. Ralph was present and provided information regarding the Board's monitor and probation program. She

detailed the process for how a nurse or CNA may enter the program and how they remain in compliance with their agreements and orders. There are currently 109 participants in the program, and she further detailed the different agreements and orders. E. Ralph added that she attended the National Organization of Alternative Programs (NOAP) Conference and learned about the differences between states and their individual programs. This conference also highlighted the various barriers for those in these programs such as testing and the cost of treatment.

19. Review, discussion, and possible action regarding board members roles and responsibilities. C. Dinauer presented the agenda item. It was moved and seconded to accept the policy as revised. MOTION PASSED.
20. Review and discussion regarding Frequently Asked Questions involving the NSBN investigation process. C. Dinauer presented the agenda item. K. Arguello provided an introduction regarding previous board members' questions about various procedures including the agenda, how complaints are received, how complaints are opened, and the case review process. S. McCord added that there is a scoring tool for the investigators to use to determine what discipline to offer respondents. Board members were given the opportunity to ask any procedural questions about the investigative process.
21. Review and discussion presentation regarding NCSBN Board Action Pathway. C. Dinauer introduced S. McCord to give a presentation regarding NCSBN's Board Action Pathway document created by NCSBN to assist Boards in their determination of whether the action of the nurse constituted a violation of the standard of care. He added that it assists board staff in finding the appropriate level of discipline, if any, (right touch outcome), gives guidance on how to establish consistency, and fairness, just culture, and consider all facts. S. McCord concluded that the form was last updated in 2023, and the tool is utilized by board staff.
22. Team building exercise for Board members and executive director conducted by Deborah Loesch-Griffin, Turning Point, Inc. Board members and executive director completed their team building exercise conducted by Deborah Loesch-Griffin, Turning Point, Inc.
23. Presentation regarding process for sharing information with other agencies per NRS 632.405. S. McCord and K. Arguello presented to the Board the process for sharing information with other agencies per NRS 632.405. Generally, this statute makes documents received during the investigation confidential prior to a hearing before the Board. The exception to this includes the sharing of information with other regulatory boards or law enforcement agencies. Additionally, board staff may collaborate with other agencies during our disciplinary process. Discussed that, when appropriate, information is shared with other Boards and appropriate law enforcement agencies.
24. Review and discussion regarding the effects of Senate Bill 431, Nevada Legislature 82nd (2023) Session. C. Dinauer presented the agenda item and explained that this bill requires the Nevada Department of Business and Industry to provide oversight of boards and commissions. F. Olmstead and K. Arguello added that the changes proposed to boards and commissions is in progress, adding that some administrative tasks may be combined for all boards; however, we will not know what changes will occur until the statutes and regulations have been created and when the Governor's budget is proposed.
25. Review and discussion regarding the State of Nevada, Office of the Attorney General's Opinion No.2024-02 regarding interpretation of NRS 622.207. C. Dinauer presented the agenda item. The

Board reviewed the Office of the Attorney General’s Opinion No. 2024-02 regarding interpretation of NRS 622.207. The request was approved by the board to clarify the maximum number of years board members can serve on the board. Term limits were discussed and the maximum number of years a board member may serve is 12 years. S. VanBeuge thanked the Board for moving forward in requesting the opinion clarifying that she sought approval from the attorney general’s office before seeking this opinion.

26. Review, discussion, and possible action on the Conflict-of-Interest Policy Acknowledgement. F. Olmstead presented the agenda item and required acknowledgement to board members. It was moved and seconded to sign the Conflict-of-Interest Policy Acknowledgement. MOTION PASSED.
27. Review, discussion, and possible action regarding the Operating Reserve Policy. C. Dinauer presented the agenda item and requested the Board to transfer \$234,702.27 from the operating reserves to the current budget. It was moved and seconded to approve the request to transfer \$234,702.27 from the operating reserves to the NSBN budget. MOTION PASSED.

B. Nursing Practice

1. Review, discussion, and possible action regarding application for appointment to the Nursing Practice Advisory Committee (NPAC). S. McCord presented the agenda item. It was moved and seconded to approve the appointment of Arlene Diaz, RN31253, Carrie Hintz, RN56325, and Michelle Janati-Ataei, RN81188 to the NPAC Committee. MOTION PASSED.

C. Education

1. None

D. Discipline Programs

1. Applications (initial and renewal in question)
 - a. None
2. Settlement agreements:
 - a. Pallasigui, Elita, APRN002099: Agreement for Reprimand and Continuing Education for violation for NRS 632.347 (1)(g) unprofessional conduct and NAC 632.890 (26) violation of state/federal nursing law/regulation, (NRS 449A.112, 1 (b) Specific rights: Care), and (27) customary standards of practice. Approved under the Consent Agenda.
 - b. Sulpher, Anthony, LPN17331: 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 healthcare team and (27) customary standards of practice. Approved under the Consent Agenda.
 - c. Smith, Connie, LPN11928: 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 healthcare team and (27) customary standards of practice. Approved under the Consent Agenda.

- d. Luciano, Kristen, RN73329: Agreement for Reprimand and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct and NAC 632.890 (12) failing to respect and maintain a patient’s right to privacy, (13) violating a patient’s confidentiality, and (27) customary standards of practice. Approved under the Consent Agenda.
- e. Escarda, Ma Victoria, APRN001943: Agreement for Reprimand and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct and NAC 632.890 (14) performing or offering to perform the functions of a licensee or holder of a certificate by false representation and (27) customary standards of practice. S. VanBeuge and C. Maes disclosed they work with the respondent, this will not affect their ability to be impartial, therefore will not be recusing. It was moved and seconded to accept the settlement agreement. MOTION PASSED.
- f. Hargett, Brian, RN75069: Agreement for Probation for violation of NRS 632.347 (1)(g) unprofessional conduct, (1)(m) action in another state and NAC 632.890 (26) violation of state/federal nursing law/regulation. Approved under the Consent Agenda.
- g. Anthony, Meon, CNA033689: Agreement for Probation 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.
- h. Jones, Keandra, CNA 871571: Agreement for Reprimand and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct and NAC 632.890 (36) failing to comply with a Board order. Approved under the Consent Agenda.

3. Formal administrative hearings

- a. None

4. Special Action:

- a. None

E. Recommendations for Agenda Items for Future Board Meetings

- Review, discussion and possible action regarding adding resources for selfcare for nurses.
- Review, discussion and possible action regarding adding NSBN regulating APRN education programs.
- Review, discussion and possible action regarding the mental health question #7.

Public Comment:

- Tyler Johnson would like to thank R. O’Driscoll for her mentorship, inclusivity, respect and energy during her time served as the board president.

Adjournment

The meeting adjourned at 9:42 a.m. on Friday, July 19, 2024.