

Nevada State Board of **NURSING**

BOARD MEETING MINUTES

September 20-21, 2017

The Nevada State Board of Nursing Board meeting was called to order by President, Jay Tan, DNP, RN, and APRN at 8:32 a.m. on September 20, 2017, at the SpringHill Suites Marriott, 2989 Paradise Road, Las Vegas, NV 89109.

MEMBERS PRESENT

Jay Tan, DNP, RN, APRN, President
Mary-Ann Brown, MSN, RN, Vice-President
Susan VanBeuge, DNP, APRN, FNP-BC, CNE, FAANP, RN, Secretary
Deena McKenzie, RN MSN, CNML, Member
Jacob Watts, CNA, Member
Sandra Halley, Consumer Member (9/20)
Rick Carrauthers, LPN, Member

MEMBERS ABSENT

Sandra Halley, Consumer Member (9/21)

OTHERS PRESENT

Cathy Dinauer, MSN, RN, Executive Director
Fred Olmstead, General Counsel
Kimberly A. Arguello, General Counsel
Sam McCord, BSN, RN, Director Nursing Practice
Sheryl Giordano, APRN-C, APRN Consultant
Karen Frederickson, Executive Assistant
Gail Trujillo, Director of Licensure, Certification and HR
Rhoda Hernandez, IT Technician
Catherine Prato-Lefkowitz, PhD, MSN, RN, Director of Nursing Education
Jeannette Calderon, Education Support Specialist, (9/20)
Sherri Twedt, RN, LNC Compliance Coordinator (9/20)
Vickey Alvarez, Accountant (9/21)

CALL TO ORDER– 8:32 a.m.

PUBLIC COMMENT: C. Dinauer provided public comment to acknowledge S. Halley and R. Carrauthers, as both of their terms as members of the Nevada State Board of Nursing will conclude in October. S. Halley has been a Board member for 9 years and R. Carrauthers has been a Board member for 8 years. C. Dinauer and all Board members thanked them for their service.

Harry Baut was present to provide public comment. He had concerns about a complaint he submitted against a nurse. Board counsel, Sofia Long requested that he submit the complaint to Board staff. Mr. Baut submitted his complaint on the record and Sofia Long acknowledged his complaint.

APPROVAL OF CONSENT AGENDA: It was moved and seconded to approve the Consent Agenda, identified as items A.1., A.3., C.2., D.2.a.-h., D.3.a.-c., D.7.a., E.6., and F.1. MOTION CARRIED

A. BOARD GOVERNANCE AND ADMINISTRATION

1. Approval of the July 25-26, 2017 Board meeting minutes: Approved under the consent agenda.
2. Executive Director Report: C. Dinauer presented this agenda item. She informed the Board that S. Giordano added a link to the website regarding the suicide prevention CEU required for APRNs. The APRN education presentation will be held in Las Vegas on Friday 9/22/17 and in Reno on Friday, 9/29/17. C. Dinauer will be attending a meeting hosted by the Governor regarding opioid abuse on 9/25/17. M.A. Brown provided a report regarding what she learned at the CLEAR conference and she will provide additional training to the Board at the business meeting. C. Dinauer added that the Annual Report is being developed and will be presented to the Board at the November meeting.
3. Progress Report on FY 17/18 Goals and Objectives: Approved under the consent agenda.
4. Review, discussion and action regarding possible changes to regulation including possible new regulations needed to comply with recent legislative changes and possible amendments to existing regulations: F. Olmstead presented this agenda item. He provided additional information to the Board regarding the changes proposed related to establishing a committee for LPNs and solicited language from Board members. The second regulation discussed was regarding APRN practice. It was moved and seconded to direct staff to move forward with the regulations as discussed. MOTION CARRIED.
5. Review, discussion and action regarding the July 2018 Board meeting date, change to July 11-13, 2018: It was moved and seconded to change the date of the July 2018 Board meeting. MOTION CARRIED.
6. Review, discussion and action regarding the renewal of 2018 EBSCO account: It was moved and seconded the Board approve the renewal. MOTION CARRIED.
7. Review, discussion and action regarding possible changes to roles and responsibilities of the Disability Advisory Committee: It was moved and seconded to direct staff to: identify a clear process from the identification of an issue to the resolution with an emphasis on transparency, that evaluations to be completed by a Board approved licensed provider, that specifics related to statutes be reviewed regarding the membership of DAC and ensure that the committee's functions, operations and membership are compliant with existing laws and regulations, that conceptual membership be removed and that the alternative program remain an internal process. Finally, Board staff must present a response to the motion to the Board at the November Board meeting. MOTION CARRIED.
8. Review, discussion, and action regarding Executive Director Annual Evaluation Policy: It was moved and seconded the Board accept the policy as written. MOTION CARRIED.

9. Review, discussion, and action regarding strategic plan for 2019 eNLC implementation: It was moved and seconded the Board accept the eNLC strategic plan as presented. MOTION CARRIED.
 10. Review, discussion, and action regarding end of FY 16-17 financial statements: It was moved and seconded the Board accept the financial statements as proposed. MOTION CARRIED.
 11. Review, discussion, and possible action regarding Election of Officers Board Policy: The Board provided direction to Board staff regarding revisions to the Election of Officers Policy. It was moved and seconded that Board staff revise the policy and present it at the November 2017 meeting. MOTION CARRIED.
- B. LICENSURE PROGRAMS – No Business.
- C. CERTIFICATION PROGRAMS
1. Review and discussion regarding Headmaster CNA Certification Exam pass rates year to date for 2017: C. Prato presented the CNA Certification Examination pass rates for the calendar year 2017.
 2. Review, discussion and action regarding the appointment of Jennifer Williams-Woods to the CNA Advisory Committee. Approved under the consent agenda.
- D. DISCIPLINE PROGRAMS
1. Applications (initial and renewal in question)
 - a. Cardenas, Christopher, RN63415: Applicant was present. It was moved and seconded the Board accept the renewal application for licensure. MOTION CARRIED.
 - b. Agenda item removed.
 - c. Fieger, Michael, CNA031586: Applicant was not present. It was moved and seconded the Board deny the renewal application for certification for violation of NRS 632.347 (1)(b) criminal conviction and NAC 632.890 (41) failing to cooperate with investigation, and ordered the denial become part of the applicant's permanent record and be published and reported to all agencies. MOTION CARRIED.
 - d. Green, Ebony, RN Applicant: Applicant was present via telephone. It was moved and seconded the Board accept the application for licensure. MOTION CARRIED.
 - e. Lester, John, RN44778: Applicant was present via telephone. It was moved and seconded the Board accept the renewal application for licensure, upon the completion of all Texas requirements. MOTION CARRIED.
 - f. Mack, Stephanie, RN24183: Applicant was present with counsel. It was moved and seconded the Board accept the renewal application for licensure and that the applicant must submit quarterly reports to the Board. MOTION CARRIED.
 - g. Palacios, Michelle, CNA017407: Applicant was present. It was moved and seconded the Board accept the renewal application for certification and it was ordered that she must successfully complete the CNA training program and

state certification examinations and complete the Nevada Nurse Practice Act course prior to certification. MOTION CARRIED

- h. Palmer, Joyce, RN27647: Applicant was present. It was moved and seconded the Board accept the renewal application for licensure and ordered that she must successfully complete the Nevada Nurse Practice Act course, a professional accountability and legal liability course within three months or her license will be automatically suspended and that suspension will become part of the applicants permanent record and be published and reported to all agencies. If was further ordered that the applicant submit quarterly reports to the Board on her restitution status. MOTION CARRIED.
- i. Rapaport, Matthew, RN Applicant: Applicant present via telephone. It was moved and seconded the Board accept the application for licensure. MOTION CARRIED.
- j. Rice, Petrie, LPN Applicant: Applicant was present. It was and second the Board accept the application for licensure and ordered that she must successfully complete the Nevada Nurse Practice Act course. MOTION CARRIED.
- k. Vega, Peter, RN Applicant: Applicant was present. It was moved and seconded the Board accept the application for licensure. MOTION CARRIED.
- l. Jackson, Leland, CNA Applicant: Applicant was present. It was moved and seconded the Board accept the application for certification. MOTION CARRIED.
- m. Smyth, Katrina, RN Applicant: Applicant was present. It was moved and second the Board accept the application for licensure and ordered one year of Monitoring. MOTION CARRIED.

2. Settlement agreements

- a. Funcion, Maria, RN25263: 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 health care team. Approved under the consent agenda.
- b. Frederick, Chamorro, RN76674: Agreement for Reprimand for violation of NRS 632.347 (1)(g) unprofessional conduct, NAC 632.890 (2) practice beyond scope, (24) failing to collaborate with the health care team, and (27) failing to perform nursing function in a manner consistent with established or customary standards. Approved under the consent agenda.
- c. Dias, Charity, RN55178: 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.
- d. Childress, Melinda, RN17357: Agreement for Probation 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. Brooks, Tynisha, CNA019920: Agreement for Reprimand and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct and NAC 632.890 (20) inaccurate recording or falsifying records. Approved under the consent agenda.
 - f. Rosasco, Robin, RN10918: Agreement for Reprimand, Fine, and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct and NAC 632.890 (37) practicing without an active license. Approved under the consent agenda.
 - g. Martell, Eric, RN72791: Agreement for Reprimand and Continuing Education for violation of NRS 632.347 (1)(g) unprofessional conduct and NRS 632.472 duty to report. Approved under the consent agenda.
 - h. Simms, Angela, RN41138: 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. Successful completion of probation – No Business
- a. Barlow, Maurice, CNA022949: Termination of probation approved under the consent agenda.
 - b. Dean, Brenda, RN31323: Termination of probation approved under the consent agenda.
 - c. Iverson, Shantel, RN74935: Termination of probation approved under the consent agenda.
4. Reinstatement of licensure/certification
- a. Carino, Kristen, RN67247: Applicant was present. It was moved and seconded the Board accept the reinstatement application for licensure and Agreement for Probation for violation of NRS 632.347 (1)(e) controlled substances and/or alcohol, (1)(g) unprofessional conduct, (1)(o) failing to comply, and NAC 632.890 (36) failing to comply. MOTION CARRIED.
 - b. Barcher, Michael, RN81396: Applicant was present. It was moved and seconded the Board accept the reinstatement application and order 5 years of Probation for violation of NRS 632.347 (1)(e) controlled substances and/or alcohol, (1)(g) unprofessional conduct, (1)(o) failing to comply, and NAC 632.890 (36) failing to comply. MOTION CARRIED.
5. Formal administrative hearings
- a. Aguila, Alexis, RN68364: Respondent was not present. It was moved and seconded the Board accept the Agreement for Reprimand, Fine, and Continuing Education for violation NRS 632.347 (1)(g) unprofessional conduct, NAC 632.415 unprofessional conduct, and NAC 632.890 (26) violation of state/federal nursing law/regulation. MOTION CARRIED
 - b. Akamine, Amie, TLPN405461: Respondent was not present. It was moved and seconded the Board accept the Agreement for Probation for violation of NRS 632.347 (1)(g) unprofessional conduct and NAC 632.890 (22) patient

abandonment, and (20) customary standards of practice. MOTION CARRIED.

- c. Andrews, Heather, CNA013407: Respondent was not present. It was moved and seconded the Board find the Respondent in violation of the allegations in the Complaint and Notice of Hearing. It was moved and seconded the Board deny the renewal application. It was further ordered that the disciplinary action become part of Respondent's permanent record and be published and reported to all agencies. It was further ordered that Respondent be charged attorney fees and costs of the hearing. MOTION CARRIED.
- d. Arch, Faith, LPN14257: Respondent was not present. It was moved and seconded the Board find the Respondent in 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. It was moved and seconded the Respondent be suspended for six months and that she complete the required continuing education and fingerprints within the six months or the Respondent's license will be automatically revoked for three years. It was further ordered that the disciplinary action become part of Respondent's permanent record and be published and reported to all agencies. MOTION CARRIED.
- e. Dixon, Davina, LPN15254: Respondent was not present. It was moved and second the Board find the Respondent in violation of NRS 632.347 (1)(o) failing to comply with a Board order. It was moved and seconded the Respondent be revoked. Respondent may not apply for reinstatement for 3 years. It was further ordered that the disciplinary action become part of Respondent's permanent record and be published and reported to all agencies. MOTION CARRIED.
- f. Fischer, John, RN72762: It was moved and seconded this item be continued to the January 2018 meeting. MOTION CARRIED.
- g. Fletcher, Ogratha, RN48169: Respondent was present. It was moved and seconded the Board accept the 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. MOTION CARRIED
- h. Galdamez, Sonia, CNA027142: Respondent was present. It was moved and seconded the Board accept the 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. MOTION CARRIED.
- i. Gonzalez, Elena, RN38097: Respondent was present. It was moved and seconded the Board close the complaint. MOTION CARRIED. S. VanBeuge absent.
- j. Goodin, Marcie, RN32529: Respondent was present. It was moved and seconded the Board close the complaint. MOTION CARRIED.
- k. Henderson, Donnie, RN76308: Respondent was not present. Respondent's counsel requested the case be continued. It was moved and seconded the Board continue this item to the January 2018 meeting. MOTION CARRIED.

- l. Hoskins, Brandie, LPN14878: Respondent was not present. It was moved and seconded the Board find the Respondent in 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. It was moved and seconded the Respondent be reprimanded, fined in the amount of two hundred dollars, the Respondent must successfully complete the Nevada Nurse Practice Act and legal ethics courses within 90 days or the Respondent's license is automatically suspended. It was further ordered that the disciplinary action become part of Respondent's permanent record and be published and reported to all agencies. MOTION CARRIED.
- m. Incera, Alejandro, RN69659: Respondent was present with counsel. It was moved and seconded the Board find the Respondent in violation of the allegations in the Complaint and Notice of Hearing. It was moved and seconded Respondent be reprimanded, fined in the amount of \$250.00, the Respondent must successfully complete courses in anger management and domestic violence within 90 days or the Respondent's license is automatically suspended. It was further ordered that Respondent submit proof of compliance with his criminal probation. It was further ordered that the disciplinary action become part of Respondent's permanent record and be published and reported to all agencies. MOTION CARRIED.
- n. Jeser, Elizabeth, RN41418: Respondent was present. It was moved and seconded the Board accept the 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. MOTION CARRIED.
- o. Leseman, Dena, RN93679: Respondent was not present. Respondent's counsel requested a continuance. It was moved and seconded the Board continue this item to the November 2017 meeting. MOTION CARRIED. D. McKenzie recused.
- p. Lopez, Adrian, CNA021583: Respondent was not present. It was moved and seconded the Board find the Respondent in violation of NRS 632.347 (1)(g) unprofessional conduct, and NAC 632.890 (35) misappropriation of patient property. It was moved and seconded the Respondent's certificate be revoked. Respondent may not apply for reinstatement for 10 years. It was further ordered that the disciplinary action become part of Respondent's permanent record and be published and reported to all agencies. MOTION CARRIED.
- q. McGuire, Melissa, RN72397: Respondent was not present. Respondent's counsel requested a continuance. It was moved and seconded this item be continued to the November 2017 meeting. MOTION CARRIED.
- r. Mosely, Tyshi, LPN14169: Respondent was not present. It was moved and seconded the Board find Respondent in 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. It was moved and seconded the Respondent be fined \$50.00 due within 120 days of the order or the Respondent's license will automatically be suspended. It was further ordered Respondent be charged the actual attorney and hearing cost

- payable within 120 days of issuance or be auto suspended until all costs are paid. MOTION CARRIED. .
- s. Munster, Denita, RN66419: Respondent was not present. It was moved and seconded the Board grant a continuance to the January Board 2018 meeting. MOTION CARRIED.
 - t. Ninkyi, Wilfred, CNA030454: Respondent was not present. It was moved and seconded the Board grant a continuance to the November 2017 meeting. MOTION CARRIED.
 - u. O'Donohue, Patsy, RN62243: Respondent was not present. It was moved and seconded the Board reject the Agreement for Reprimand signed by the Respondent and continue the agenda item to the January 2018 Board meeting. MOTION CARRIED.
 - v. Agenda item removed.
 - w. Reyes, Jean Khristine, RN47706: Respondent was not present. It was moved and seconded the Board accept the Agreement for 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. MOTION CARRIED.
 - x. Sambilay, Maria Keith Katrina, LPN14273: Respondent was not present. It was moved and seconded the Board find the Respondent in violation of NRS 632.320 (1)(g) unprofessional conduct, NAC 632.415 unprofessional conduct, and NAC 632.890 (26) violation of state/federal nursing law/regulation. It was moved and seconded Respondent be suspended and be fined \$200.00, successfully complete the Nevada Nurse Practice Act course and a 30 hour legal ethics course. The Respondent's license will remain suspended until all requirements are completed. It was further ordered that the disciplinary action become part of Respondent's permanent record and be published and reported to all agencies. MOTION CARRIED.
 - y. Shafik, Karen, LPN13681: Respondent was not present. It was moved and seconded the Board find the Respondent in violation of NRS 632.320 (1)(g) unprofessional conduct, NAC 632.415 unprofessional conduct, and NAC 632.890 (26) violation of state/federal nursing law/regulation. It was moved and seconded the Respondent be fined \$100.00 to be paid within 90 days or the Respondent's license will automatically be suspended. It was further ordered that the Respondent successfully complete the Nevada Nurse Practice act course within 30 days or the Respondent's license will be automatically suspended and that the disciplinary action become part of Respondent's permanent record and be published and reported to all agencies. MOTION CARRIED.
 - z. Spillman, Beverly, LPN16976: Respondent was not present. It was moved and seconded the Board grant a continuance to the November 2017 meeting. MOTION CARRIED.
 - aa. Courts, Crystal, LPN17498: Respondent was not present. It was moved and seconded the Board grant a continuance to the January 2018 meeting. MOTION CARRIED. R. Carrauthers recused.

6. Special Action

- a. Agenda item removed.
- b. Williams. Carscena, RN91985: Respondent was not present. It was moved and seconded the Board deny the request for reconsideration. MOTION CARRIED.
- c. Baje, Rey, RN48363: Respondent was present via telephone. It was moved and seconded the Board grant the request for reconsideration. It was moved and seconded the initial discipline imposed remain. MOTION CARRIED. S. VanBeuge absent.

7. Ratification of staff denials – NRS 632.320 (1)(a) fraudulent applications

- a. Allen, Michelle, CNA Applicant: Ratification of staff denial for violation of NRS 632.347 (1)(a) fraudulent application and (1)(b) criminal conviction. Approved under the consent agenda.

E. NURSING PRACTICE

- 1. Review and discussion regarding the NCLEX first time pass rates year-to-date for 2017: C. Prato presented the year-to-date NCLEX first time pass rates. J. Tan and S. VanBeuge explained that they are faculty at UNLV and will remain fair and impartial for all education agenda items.
- 2. Review, discussion and action regarding accepting the findings of Altierus Career College's site survey report: C. Prato presented the Altierus Career College site survey report. Dr. Lewis assisted in the survey and was present to answer Board member questions. The Board was informed that many changes have been made at the program and an action plan was created to address any issues in the survey. Altierus has also hired a consultant to assist with addressing the challenges and they are conducting a nationwide search to fulfill the needs of the program's staffing needs. It was moved and seconded the Board accept the site survey report and that updates be presented to the Board at each meeting regarding their status and compliance with the action plan until the program is stable. MOTION CARRIED.
- 3. Review, discussion and action regarding Touro University's teach out progress report: C. Prato presented Touro University teach out progress. Touro University is currently at a 92% NCLEX pass rate and they have 10 students remaining. This will be the last appearance in front of the Board. It was moved and seconded to accept the Touro University progress report and the final report may be submitted to the Board in a written report at the November 2017 meeting. MOTION CARRIED.
- 4. Review, discussion and action regarding discontinuing the request for Chamberlain College of Nursing to report student numbers after each class session admission: C. Prato informed the Board that this requirement was put into place to ensure that Chamberlain College remain below their maximum number of enrollees and they have consistently met this requirement. It was moved and seconded the Board approve the discontinuance of the requirement for Chamberlain College to report new cohort admissions. MOTION CARRIED.
- 5. Review and discussion regarding overview report of the College of Southern Nevada's LPN program: C. Prato explained that CSN's pass rates have been low for about a year. The Board was informed that admissions have been stopped at CSN with no

explanation regarding the reason or future admissions. The Board was also informed that the program has identified that students need additional remediation. The Board asked for clarification regarding the programs status. C. Prato explained that she will visit the program and return to the Board with a comprehensive report.

G. RECOMMENDATIONS FOR AGENDA ITEMS FOR FUTURE BOARD MEETINGS:

- Policies and procedures for the Disability Advisory Committee,
- Headmaster testing services reviewed,
- CLEAR update to be presented at the July Board meeting,
- Policy and procedure for the election of officers,
- Review frequently used policies at the July board meeting,
- Draft LPN Committee Policy,
- Discussion of the process for surrendering a license to the ED for a probation or monitoring violation.

PUBLIC COMMENT:

- S. VanBeuge announced that Illinois APRNs were granted full practice authority and she congratulated the APRN and patients of Illinois.

ADJOURNMENT

The meeting adjourned at 3:04p.m. On Thursday, September 21, 2017.