

Nevada State Board of **NURSING**

MINUTES OF REGULAR BOARD MEETING March 18-19, 2009

The Regular Meeting of the Nevada State Board of Nursing was called to order by President Doreen Begley, MS, RN, at 9:02 a.m. on March 18, 2009, at Tamarak Junction, 13101 S. Virginia St., Reno, NV 89511

MEMBERS PRESENT

Doreen Begley, MS, RN, President
Betty Carlgren, LPN, Vice President
Carrie McMurray, CNA, Secretary
Sandra Halley, Consumer Member
Belen Gabato, MS, RN, Member
Tish Smyer, DNSc, RN, Member
Kelly DeMaria, MSN, RN, Member

OTHERS PRESENT

Debra Scott, MSN, RN, APN, FRE, Executive Director
Chris Sansom, BSN, RN, Director of Operations
Fred Olmstead, General Counsel
Dean Estes, Director of Finance and Technology
Marianne Kadlic, Executive Assistant
Roseann Colosimo, PhD, MSN, RN, Education Consultant (3/18)
Kathleen Reynolds, BHS, RN, Compliance Coordinator
Marilyn Schmit, RN, Application Coordinator (3/18)
Keith Marcher, Sr. Deputy Attorney General

CALL TO ORDER – 9:02 a.m.

PUBLIC COMMENT: There was no public comment.

APPROVAL OF CONSENT AGENDA

It was moved and seconded to approve the Consent Agenda, identified as items A.1., C.1. & 2., D.2.a-r., D.3.a, F.1.a.-b. B. Carlgren recused herself on D.2.j. **MOTION CARRIED.**

ACTION

A. BOARD GOVERNANCE AND ADMINISTRATION

1. Approval of minutes of Board meetings, January 14-16, 2009 and February 9, 2009. Approved under the Consent Agenda.
2. Conference and seminar report: R. Colosimo discussed the highlights of the Nursing Capacity Summit Meeting she attends at regular intervals. D. Scott, F. Olmstead, T. Smyer, and D. Begley reported on various highlights of the NCSBN's Mid-Year Meeting in Chicago.
3. Review statistics and trends: C. Sansom presented information and responded to Board members questions regarding statistics and trends in scope of practice inquiries, licensure, certification, discipline and investigations, and compliance.

4. Progress report on FY08-09 Goals and Objectives: D. Scott reported on recent progress related to achievement of Board goals and objectives since the last reporting period.
5. Review, discussion, and action regarding legislative update: F. Hillerby gave the Board an update related to legislation which has been introduced during the current session including regulation of medication aides-certified, numerical staffing ratios, whistleblower protection for nurses, and regulation related to the oversight of boards and commissions.
6. Review, discussion, and action regarding scheduling a special Board hearing: It was moved and seconded the Board approve a special Board meeting date on May 6, 2009, videoconferenced between the Board's Reno and Las Vegas offices. MOTION CARRIED.

ACTION

B. LICENSURE PROGRAMS

1. Ratification of staff site survey of University of Nevada, Reno School of Nursing Program: Ratification of staff site survey of University of Nevada, Reno (UNR) School of Nursing. R. Colosimo briefly reviewed the survey stating that UNR had an excellent nursing program with a 92% pass rate for first time test takers for NCLEX and a low attrition rate. She stated that it appeared that Dr. Patsy Ruchala's leadership had resulted in successful improvements for the program. Dr. Ruchala and Vice President Dr. John MacDonald thanked the Board for the support through the years of change. T. Smyer commented on the great participation of students in the committees at UNR. K. DeMaria expressed concern about the "either/or" clinical in obstetrics and pediatrics. B. Gabato requested information on preceptor terminology which is currently available in facilities. It was moved and seconded that the Board ratify the staff survey for UNR's continued full Board approval. MOTION CARRIED.
2. Discussion regarding applications accepted by the Board pending completion of Board ordered requirements: C. Sansom presented this agenda item voicing questions about the intent of the Board when applicants are ordered to complete specific tasks prior to their being licensed or certified. The Board members suggested that the intent is for the applicants to complete the Board ordered requirements within six months of the Board ordering the requirements. The Board stated that they would be more specific when making a motion directing applicants to complete specific criteria before being licensed/certified and asked that staff add a reminder to the current motion forms.

ACTION

C. CERTIFICATION PROGRAMS

1. Ratification of the bi-annual survey of the Evergreen Carson City Health and Rehabilitation Nursing Assistant Training Program: Approved under the consent agenda.
2. Ratification of the initial survey of the Purrfect Nursing Assistant Training Program: Approved under the consent agenda.
3. Review, discussion, and action regarding application for a Nursing Assistant Training Program at Evergreen, Pahrump: R. Colosimo thanked the Board for allowing staff to expedite Evergreen, Pahrump's application to meet the needs of a rural community. It was moved and seconded to grant initial approval of the program with stipulation of survey during first class. MOTION CARRIED.

ACTION

D. DISCIPLINE PROGRAMS

1. Applications (initial and renewal in question):
 - a. Crawford, Dallas, CNA017749: Applicant was present. It was moved and seconded the Board accept the renewal application for certification and the Agreement for Fine of

- ACTION \$100 for violation of NRS 632.320 (7) unprofessional conduct, and NAC 632.890 (37) practicing without an active certificate. MOTION CARRIED.
- b. Kinzalow, Lesley, RN applicant: Applicant was not present. It was moved and seconded the Board deny the application for licensure for violation of NRS 632.320 (7) unprofessional conduct, and NAC 632.890 (16) failing to properly document controlled substances, and (18) diversion of equipment or drugs, and ordered the denial become part of the applicant's permanent record and published and reported to all appropriate agencies. MOTION CARRIED.
- ACTION c. Allen, Rianna, RN48923: Applicant was present with counsel. It was moved and seconded the Board accept the renewal application for licensure, and issue an Order of Probation for one year to include monthly reporting, no restriction on access to narcotics, and all other chemical dependency stipulations for violation of NRS 632.320 (2) criminal convictions, and (5) controlled substances and/or alcohol, and that the disciplinary action become part of the applicant's permanent record and published and reported to all appropriate agencies MOTION CARRIED.
- ACTION d. Barnes, Christi, RN applicant: Applicant was not present. It was moved and seconded the Board accept the application for licensure. MOTION CARRIED.
- ACTION e. Brandt, Rebecca, CNA applicant: Applicant was present. It was moved and seconded the Board accept the application for certification. MOTION CARRIED.
- f. Caillouet, Terri, RN applicant: Applicant was present. It was moved and seconded the Board accept the application for licensure and that the license may not be issued until the applicant pays the administrative fine due to the Arkansas Board of Nursing in full and submits documentation to the Board, completes a Board approved RN refresher course within 6 months, and is then placed on an Order of Probation for five years with all chemical dependency requirements for violation of NRS 632.320 (12) action in another state. Failure to complete these requirements within six months will result in automatic denial of the application for licensure without further proceedings. It was further ordered the disciplinary action become part of the applicant's permanent record and be published and reported to all appropriate agencies. MOTION CARRIED.
- ACTION g. Dahl, Sharon, RN applicant: Applicant was present. It was moved and seconded the Board accept the application for licensure and that the permanent license not be issued until the applicant successfully completes a Board approved RN refresher course. MOTION CARRIED.
- ACTION h. Elieff, Maria, CNA applicant: It was moved and seconded the Board accept the application for certification and the Agreement for Probation for violation of NRS 632.320 (2) criminal convictions, and (5) controlled substances and/or alcohol. MOTION CARRIED.
- ACTION i. Fish, Noreen, CNA applicant: It was moved and seconded the Board accept the application for certification and the Agreement for Probation for violation of NRS 632.320 (2) criminal convictions, and (5) controlled substances and/or alcohol. MOTION CARRIED.
- ACTION j. Hendricks, Diane, RN53132: Applicant was not present. It was moved and seconded the Board accept the renewal application for licensure. MOTION CARRIED.
- ACTION k. Johnson, Shelli, RN36833: Applicant was present. It was moved and seconded the Board accept the renewal application for licensure. MOTION CARRIED.
- ACTION l. Lawson, Freda, CNA002171: Applicant was present. It was moved and seconded the Board accept the renewal application for certification. MOTION CARRIED.

- ACTION m. Lim, Estefania, RN applicant: Applicant was not present. It was moved and seconded the Board accept the application for licensure. MOTION CARRIED.
- ACTION n. McReynolds, Kimberly, RN applicant: Applicant was not present. It was moved and seconded the Board accept the application for licensure and the Agreement for Monitoring for violation of NRS 632.320 (5) controlled substances and/or alcohol. MOTION CARRIED.
- ACTION o. Miles, Sarah, CNA applicant: Applicant was not present. It was moved and seconded the Board accept the application for certification. MOTION CARRIED.
- ACTION p. Torres, Francis, RN applicant: Applicant was not present. It was moved and seconded the Board accept the application for licensure and the Agreement for Probation for violation of NRS 632.320 (7) unprofessional conduct, and NAC 632.890 (27) customary standards of practice. MOTION CARRIED.
- ACTION q. White, Sarah, RN applicant: Applicant was present. It was moved and seconded the Board accept the application for licensure. MOTION CARRIED.
- ACTION r. This item was removed from the agenda.

2. Settlement agreements:

- a. Ayele, Alemzewd, LPN13690: Agreement for Reprimand for violation of NRS 632.320 (7) unprofessional conduct, and NAC 632.890 (20) inaccurate recording, falsifying or otherwise destroying records, and (27) customary standards of practice. Accepted under the consent agenda.
- b. Carpenter, Valerie, CNA001165: Agreement for Reprimand for violation of NRS 632.320 (7) unprofessional conduct, and NAC 632.890 (20) inaccurate recording, falsifying or otherwise destroying records, and (27) customary standards of practice. Accepted under the consent agenda.
- c. Carranza, Angela, CNA022290: Voluntary Surrender of Certificate in Lieu of Other Disciplinary Action for violation of NRS 632.320 (7) unprofessional conduct, (14) failing to comply with Board order, and NAC 632.890 (9) impaired practice, (10) positive drug screen on duty, and (35) failing to comply. Accepted under the consent agenda.
- d. Darling, Edna, RN31828: Agreement for Reprimand for violation of NRS 632.320 (7) unprofessional conduct, and NAC 632.890 (40) professional boundaries. Accepted under the consent agenda.
- e. Higgins, Melissa, RN46154: Agreement for Monitoring for violation of NRS 632.320 (7) unprofessional conduct, and NAC 632.890 (9) impaired practice, and (16) failing to properly document controlled substances. Accepted under the consent agenda.
- f. Millick, Constance, RN18592: Agreement for Probation for violation of NRS 632.320 (7) unprofessional conduct, and NAC 632.890 (16) failing to properly document controlled substances. Accepted under the consent agenda.
- g. Nicholson, John, CNA022064: Agreement for Reprimand for violation of NRS 632.320 (7) unprofessional conduct, and NAC 632.890 (2) practicing beyond scope. Accepted under the consent agenda.
- h. Nieto, Lydia, CNA021930: Agreement for Reprimand for violation of NRS 632.320 (7) unprofessional conduct, and NAC 632.890 (2) practicing beyond scope. Accepted under the consent agenda.
- i. Omon, Isiramen, RN40303: Agreement for Reprimand for violation of NRS 632.320 (7) unprofessional conduct, and NAC 632.890 (16) failing to properly document controlled substances. Accepted under the consent agenda.

- j. Parish, Barbara, RN25673: Agreement for Reprimand for violation of NRS 632.320 (7) unprofessional conduct, and NAC 632.890 (40) professional boundaries. Accepted under the consent agenda. B. Carlgren recused herself.
 - k. Plaughter, Sharmen, RN20776: Agreement for Reprimand for violation of NRS 632.320 (7) unprofessional conduct, and NAC 632.890 (27) customary standards of practice. Accepted under the consent agenda.
 - l. (Rojas) Coleman, Marrison, LPN11740: Agreement for Reprimand and Fine of \$100 for violation of NRS 632.320 (14) failing to comply with Board order. Accepted under the consent agenda.
 - m. Bergamini, Joanne, RN21397: Agreement for Probation for violation of NRS 632.320 (5) controlled substances and/or alcohol, (7) unprofessional conduct, (14) failing to comply with Board order, and NAC 632.890 (18) diversion of equipment or drugs, (27) customary standards of practice, and (35) failing to comply. Accepted under the consent agenda.
 - n. Miller, Melanie, RN49493: Agreement for Monitoring for violation of NRS 632.320 (5) controlled substances and/or alcohol, (7) unprofessional conduct, and NAC 632.890 (9) impaired practice, and (27) customary standards of practice. Accepted under the consent agenda.
 - o. Van Blankenstein, Rebecca, RN48684: Contract for Temporary Voluntary Surrender of License for violation of NRS 632.320 (5) controlled substances and/or alcohol, (7) unprofessional conduct, and NAC 632.890 (18) diversion of equipment or drugs, and (27) customary standards of practice. Accepted under the consent agenda.
 - p. Cunningham, Gwynne, RN28854: Contract for Temporary Voluntary Surrender of License for violation of NRS 632.320 (5) controlled substances and/or alcohol, (7) unprofessional conduct, and NAC 632.890 (18) diversion of equipment or drugs. Accepted under the consent agenda.
 - q. Jury, John, RN53001: Agreement for Monitoring for violation of NRS 632.320 (5) controlled substances and/or alcohol, (7) unprofessional conduct, (12) action in another state, and NAC 632.890 (18) diversion of equipment or drugs, and (27) customary standards of practice. Accepted under the consent agenda.
 - r. Stevener, Cathy, RN14150: Agreement for Suspension and Probation for violation of NRS 632.320 (5) controlled substances and/or alcohol, (7) unprofessional conduct, and NAC 632.890 (9) impaired practice. Accepted under the consent agenda.
3. Successful completion of probation/monitoring:
- a. Burns, Darlene, RN26197: Termination of probation accepted under the consent agenda.
4. Reinstatement of licensure/certification
- a. Brock, Angela, RN37862: Applicant was present. It was moved and seconded the Board accept the reinstatement application for licensure and the Agreement for Probation as amended on the record for violation of NRS 632.320 (7) unprofessional conduct, (14) failing to comply with Board order, and NAC 632.890(18) failing to comply, (27) customary standards, and (38) fraudulent license. MOTION CARRIED.
- ACTION
5. Formal administrative hearings
- a. Bennett, Traci, RN31277: Respondent was not present. It was moved and seconded the Board accept the Agreement for Probation for violation of NRS 632.320 (1)

- ACTION fraudulent application, (7) unprofessional conduct, and NAC 632.890 (16) failing to properly document controlled substances. MOTION CARRIED.
- b. Hampton, Shirley, RN32884: Respondent was not present. It was moved and seconded the Board accept the Agreement for Fine of \$400 for violation of NRS 632.320 (7) unprofessional conduct, and NAC 632.890 (36) practicing without an active license. MOTION CARRIED.
- ACTION
- c. This item was removed from the agenda
- d. Hasbrouck, Heather, RN41951: Respondent was not present. Pursuant to NAC 632.923, it was moved and seconded the Board find the allegations of the complaint to be true, and find the Respondent guilty of violating NRS 632.320 (2) criminal conviction, and (5) controlled substances and/or alcohol. It was moved and seconded the Board revoke the respondent's license. Respondent may not apply for reinstatement of licensure for two years. It was moved and seconded the Board order the disciplinary action become part of the Respondent's permanent record and be published and reported to all appropriate agencies. MOTION CARRIED.
- ACTION
- e. Kapinkin, Autum, RN48419: Respondent was not present. It was moved and seconded to continue this matter to the first available Board meeting in Reno. MOTION CARRIED.
- ACTION
- f. Lyons, Ronnie, RN49759, EMS000444: Respondent was not present. It was moved and seconded the Board close this case. MOTION CARRIED.
- ACTION
- g. Polk, Antonia, RN57735: Respondent was not present. Pursuant to NAC 632.923, it was moved and seconded the Board find the allegations of the complaint to be true, and find the Respondent guilty of violating NRS 632.320 (7) unprofessional conduct, and NAC 632.890 (18) diversion of equipment or drugs, and (27) customary standards of practice. It was moved and seconded the Board revoke the respondent's license. Respondent may not apply for reinstatement of licensure for three years. It was moved and seconded the Board order the disciplinary action become part of the Respondent's permanent record and be published and reported to all appropriate agencies. MOTION CARRIED.
- ACTION
- h. Purzner, Jayne, RN17148: Respondent was not present. It was moved and seconded the Board grant a continuance of this matter to the Reno meeting currently scheduled for November 2009. MOTION CARRIED.
- ACTION
- i. Robertson, Dorothy, LPN08913: Respondent was not present. It was moved and seconded the Board accept the Agreement for Probation for violation of NRS 632.320 (7) unprofessional conduct, and NAC 632.890 (27) customary standards, and (39) pattern of conduct demonstrates failure to protect the public. MOTION CARRIED.
- ACTION
6. Board-directed investigations - No business.
7. Ratification of staff denials – NRS 632.320 (1) fraudulent application - No business.
8. Ratification of staff denials (NRS 632.320 (2) convictions
- a. Harris, Dawnyale, RN applicant: Applicant was present to appeal the staff denial. It was moved and seconded the Board overturn the staff denial and accept the application for licensure, and order that she take and successfully complete Board approved courses on the Nevada Nurse Practice Act and legal ethics within 6 months or the application is automatically denied without further proceedings. MOTION CARRIED.
- ACTION

ACTION b. Mendoza, Eric Conrad, CNA applicant: Applicant was present to appeal the staff denial. It was moved and seconded the Board overturn the staff denial and accept the application for certification and order that he take and successfully complete Board approved courses on the Nevada Nurse Practice Act and legal ethics within 6 months or the application is automatically denied without further proceedings. MOTION CARRIED.

ACTION c. Morlin, Samanthajo, CNA applicant: Applicant was present to appeal the staff denial. It was moved and seconded the Board overturn the staff denial and accept the application for certification and order that she take and successfully complete Board approved courses on the Nevada Nurse Practice Act and legal ethics within 6 months or the application is automatically denied without further proceedings. MOTION CARRIED.

ACTION d. Smith, Kiley, CNA applicant: Applicant was present to appeal the staff denial. It was moved and seconded the Board overturn the staff denial and accept the application for certification. MOTION CARRIED.

9. Special action:

ACTION a. This item was removed from the agenda.
b. Robbins, Dana, RN59458: Respondent was present with counsel. It was moved and seconded the Board deny the request for reconsideration of the denial of reconsideration of the Order of Probation. MOTION CARRIED.

ACTION c. Review, discussion, and action regarding re-appointment to the Disability Advisory Committee: It was moved and seconded the Board re-appoint Ann Testolin, RN23821 to the Disability Advisory Committee. MOTION CARRIED.

ACTION d. Review, discussion, and action regarding application for aftercare provider: It was moved and seconded the Board accept the application of Jason Natwora, MA, LMFT, LADC, MAC as an aftercare provider. MOTION CARRIED.

E. EDUCATION

ACTION 1. Review, discussion and action regarding the Nevada State College (NSC) Nursing Program application for full approval: R. Colosimo presented that NSC met requirements for full approval with 80% NCLEX first time pass rate for calendar year 2008, CCNE accreditation and a positive board staff survey. D. Begley stated she was appointed to the Board when NSC started this process and she was pleased they were applying for full approval. T. Smyer congratulated Dr. Shirlee Snyder on making full professor. Provost Leslie DiMare and Dr. Snyder thanked the Board for their support during the journey. It was moved and seconded the Board grant full approval to Nevada State College. MOTION CARRIED.

ACTION 2. Review, discussion, and action regarding the University of Oklahoma College of Nursing application for a second degree (clinical only) BSN program in Nevada: R. Colosimo reported to the Board that Dr. Russell of Orbis Education has withdrawn the application. Board accepted withdrawal of application for a clinical only nursing program in Nevada. MOTION CARRIED.

ACTION 3. Review, discussion and action regarding Western Nevada College (WNC) nursing program request for change in curriculum: Dr. Judith Cordia presented changes to WNC's curriculum. K. DeMaria stated the increase in pharmacology credits was very positive. B. Carlgren asked a question about clinical placements. It was moved and seconded to approve the curriculum changes for WNC. MOTION CARRIED.

4. Review and discussion of annual reports for fully approved Nevada schools of nursing: R. Colosimo presented highlights of the 2008 annual reports for NSBN including the first

three PhD nursing degrees awarded in Nevada, 38 Masters degrees in nursing, an improved patient safety focus, and inclusion of the Nevada Nurse Practice Act in curriculum. Dr. Colosimo reviewed that the Education Advisory Committee had a subcommittee in 2006-2007 composed of Dr. Connie Carpenter, Dr. Patsy Ruchala, Dr. Carolyn Yucha and Dr. Judith Cordia which reviewed other criteria for ongoing approval. The task force found that other methods would be more cumbersome for the schools. The overall Nevada nursing program pass rate was 47th in the nation and the EAC decided that decreasing the pass rate from 80% did not seem appropriate. D. Begley thanked for the review and stated she wanted Board to regularly review its options.

- 5. Review, discussion and action on the appointment of members for the Education Advisory Committee: It was moved and seconded the Board appoint Nancy L. York, RN52231, UNLV School of Nursing, Las Vegas, and Susan Rae Gooch, RN 36227, Southwest Medical Center, Las Vegas to the Education Advisory Committee. MOTION CARRIED.

ACTION

F. NURSING PRACTICE

- 1. Applications in question regarding NRS 632.307
 - a. Boyd, Belva, CNA005312: Applicant was not present. It was moved and seconded the Board accept the renewal application for certification and issue a certificate with limitations pursuant to NRS 632.307. Accepted under the consent agenda.
 - b. Vargas, Delia, CNA applicant: Applicant was not present. It was moved and seconded the Board accept the renewal application for licensure and issue a license with limitations pursuant to NRS 632.307. Accepted under the consent agenda.
- 2. Review, discussion, and action regarding proposed advisory opinion/operational definitions of Protocols, Standing Orders, and Preprinted Order Sets: D. Scott presented this agenda item, reviewing the process that the Nurse Practice Advisory Committee went through in formulating the definition for these terms. It was moved and seconded the Board approve the proposed advisory opinion as written. MOTION CARRIED.
- 3. Discussion and direction regarding requiring national certification for advanced practitioners of nursing in Nevada: This agenda item was presented by D. Scott based on the concept of requiring national certification for all advanced practitioners of nursing in Nevada. *The Consensus Model for APRN Regulation: Licensure, Accreditation, Certification & Education* which was published in July of 2008 and was completed through the work of the APRN Consensus Work Group and the NCSBN APRN Advisory Committee. One of the charges of the group was to define an Advanced Practice Registered Nurse. The group included the requirement for passing a *national certification examination that measures APRN, role and population-focused competencies and who maintains continued competence as evidenced by recertification in the role and population through the national certification program.* The Board discussed the concept of requiring national certification for APNs in Nevada, highlighting the need to grandfather current Nevada APNs who may be unable to get certified. The Board gave direction to Board staff to draft language for regulation revision to be reviewed at a future Board meeting.
- 4. Review, discussion, and action regarding applications for the Advanced Practice Advisory Committee: It was moved and seconded the Board appoint David Burgio, RN28624, APN00339 to the Advanced Practice Advisory Committee. MOTION CARRIED.

ACTION

ACTION

ADJOURNMENT

Meeting was adjourned at 1:22 p.m. on March 19, 2009.