



RN Newsletter

SPRING 2001 - SECOND EDITION - NUMBER 39

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RULE CHANGES

[Series 9 Passed](#)

Passed During the Legislative Session

The West Virginia Legislature passed SB 299 which included the Discipline Rule submitted by the West Virginia Board of Examiners for Registered Professional Nurses. This rule was printed in a previous RN Newsletter. The rule as approved can be found on the Board's web page at www.state.wv.us/nurses/rn then click on Rules and then on Series 9 Discipline to obtain a complete copy of the Rule.

[Rule Changes](#)

Series 3 Requirements for Registration and Licensure

Additions to this rule include the following language:

3-2.1.3."Direct Supervision" means the activity of a registered professional nurse with an unencumbered license in West Virginia being in the same assigned physical area/location as the person being supervised such that the person being supervised is not alone in that assigned specific work area."

3-4.5. The holder of a temporary permit must work under the direct supervision of a fully licensed registered professional nurse holding an unencumbered West Virginia license until the applicant has successfully passed the NCLEX-RN and a license is issued.

3-14 Professional Misconduct. This section is identical to the language passed during the 2001 Legislative Session and provided in the RN Newsletter last Spring.

3-15 Impaired Nurse Treatment Program. There were no changes to this language. The only change is from Series 9 Discipline Rule to the Licensure Rule.

3-16 Expungement of Records. This language is the same as that passed during the 2001 Legislative Session and provided to licensees in Spring 2000. The only change is from Series 9 Discipline Rule to Series 3 Licensure Rule.

Added throughout the Licensure Rule is language referring all fee information to the new Series 12 Rule Fees. This rule is presented in it's entirety in this RN Newsletter. The fees remain the same except for the

cost for copying documents and an increase in the Insufficient Funds Penalty (Bad Check) from fifteen dollars (\$15.00) to twenty dollars (\$20.00) . All other fees remain the same.

Series 9 Procedural Rule: Disciplinary Action

This rule language passed during the 2001 Legislative Session. The language of the Discipline Rule has been divided into two areas; Series 3 Licensure Rule and Series 9 Disciplinary Rule. This allows Series 9 to be a Procedural Rule and basically lets a person know the process for filing a complaint and what happens thereafter. This language has no changes. The only change is the removal of the Legislative portion to Series 3. The language remaining in Series 9 Disciplinary Action has no changes.

Series 12 Fees

The Schedule of Fees is a new rule. Currently fees are placed throughout all rules. Adopting a Rule for Fees provides easier access to the fee information. The fees changing are:

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BOARD LOOKS AT NURSING SHORTAGE

House Bill 2504 requiring a Study Commission to Study the Nursing Shortage was passed during the 2000 Legislative Session and signed by the Governor on April 30, 2001. The law requires the Board of Nursing to create a Nursing Shortage Study Commission. According to the law The commission shall:

1. Study the nursing shortage in West Virginia and ways to alleviate it, including, but not limited to:

A. Evaluating mechanisms currently available in the state ad elsewhere intended to enhance education, recruitment, and retention of nurses in the workforce and to improve quality of care;

B. Assessing the impact of shortages in nursing personnel on access to, and the delivery of, quality patient care;

C. Developing recommendations on strategies to reverse the growing shortage of qualified nursing personnel in the state, including:

1. Determining what changes are needed to existing programs, current scholarship programs and funding mechanisms to better reflect and accommodate the changing health care delivery environment and to improve quality of care to meet the needs of patients;

2. Facilitating career advancement within nursing;

3. Identifying more accurately specific shortage areas in a more timely manner;

4. Attracting middle and high school students into nursing as a career; and

5. Projecting a more positive and professional image of nursing.

Report to the Legislature by the first day of February, two thousand two, its findings and recommendations and on or before the first day of February each year thereafter.

The Study Commission will have eleven (11) members. The members of the commission are not entitled to compensation for services performed as members, but are entitled to reimbursement for all reasonable and necessary expenses actually incurred in the performance of their duties. Six (6) of the appointed members is a quorum for the purpose of conducting business. The commission shall conduct all meetings in accordance with the open meeting law pursuant to article nine-a, chapter six of the West Virginia Code. The Board will provide updates on the activity of the Study Commission and encourage and invite nurses and other interested persons to offer input in relation to this topic.

A CHANCE TO MAKE A DIFFERENCE STUDY COMMISSION MEMBERSHIP CALL

The Nursing Shortage Study Commission is seeking individuals interested in filling the available positions on the Commission. The positions needed include:

Two (2) individuals employed as registered professional nurses in a hospital and who work primarily providing direct patient care;

Two (2) registered professional nurses who work as long-term care nurses, one of whom works in a nursing home and one of whom works for a home health agency, both of whom work primarily providing direct patient care;

One (1) administrator of a hospital in this state;

One (1) nursing home administrator; and,

Two (2) representatives of the public not currently or previously employed in hospital, nursing home or for a related entity.

If you are interested in participating on this commission please complete the form and return it to the Board office at 101 Dee Drive, Charleston, WV 25313. You may also e-mail the form to westvirginiarn@ncsbn.org.

[STUDY COMMISSION INTEREST IN PARTICIPATION FORM](#)

PLEASE COMPLETE AND RETURN TO THE BOARD OFFICE NO LATER THAN MAY 31, 2001.

STUDY COMMISSION MEETING DATES:

You will be notified as soon as possible regarding selection as a Committee participant.

There will be approximately nine (9) meetings of this Commission. The first two meetings are scheduled for:

June 12, 2001 at 2:00 p.m.

June 25, 2001 at a time to be determined at the June 12 meeting.

The June 12, 2001 meeting will be held in a conference room at 101 Dee Drive, Suite 102, Charleston, WV.

For more information please contact the office at 304-588-3596 and speak with Marty Alston or Laura Rhodes.

LPN EXECUTIVE SECRETARY RETIRES

Nancy R. Wilson, Executive Secretary for the West Virginia State Board of Examiners for Licensed Practical Nurses is retiring in June, 2001. Nancy has been the Executive Secretary for the LPN Board since 1975. Her contributions to the nursing community have been significant at both state and national levels. She recently received the Silver Achievement award from the National Council of State Boards of Nursing, Inc. Please join the Board in congratulating Nancy on her contributions to the nursing community and her retirement.

The LPN Board has appointed Lanette Anderson, JD,RN as the Executive Secretary for the LPN Board. Lanette will begin her role as Executive Secretary on July 1, 2001. Lanette has worked with the Board since 1992 as the Assistant Executive Secretary. She has been active at the national level as a member of the Finance Committee and previously as a member of the Bylaws Committee. Please join the Board in congratulating Lanette on her continued service with the Board in the role of Executive Secretary.

PRESCRIPTIVE AUTHORITY CHANGES

During the 2001 Legislative Session WV 15 CSR 2, the Rules of the Board of Pharmacy for the Uniform Controlled Substances Act, was replaced with new rules that went into effect on May 1, 2001. Section 7 of the rule, governs the issuance, filling, and filing of prescriptions and therefore affects the prescriptive practices of registered professional nurses and nurse midwives with prescriptive authority privileges. Of particular importance are the following requirements:

Each controlled substance prescription must be written on a separate blank and no non-controlled substance can be ordered on a blank with a controlled substance. No more than one controlled substance can be written per prescription blank. This rule applies to outpatient prescriptions only and exempts prescriptions written for patients of an institutional facility.

Every controlled substance prescription must have the name of the practitioner stamped, typed, or printed legibly on the face of the prescription.

If a pharmacist receives a prescription that does not conform to the rule, then the pharmacist must refuse to fill it unless the pharmacist determines in their judgement the immediate necessity for the patient to receive their medication. In that case, the pharmacist must contact the prescriber as soon as possible to inform them that the prescription was not written according to law. If the pharmacist continues to receive prescriptions from the same practitioner that do not comply with the law, then the pharmacist shall inform the Board of Pharmacy who will file a formal complaint with the practitioner's licensing board.

A copy of the letter from the Pharmacy Board along with the attachment will be sent to each person with current prescriptive authority. You may access the current rule via the internet by going to www.state.wv.us/nurse/rn then click on the "State Home Page" then the "Secretary of State" from this page you may access the rule.

CE AUDIT

The Board continues to complete audits for proof of continuing education. It is important to keep the certificates of attendance in a place where they can be easily found. If you are moving or traveling, be sure to keep these papers in a place readily available to you. Failure to respond to the audit in the required time period is a failure of the audit. Fines and disciplinary action may be incurred to failure to respond to the audit in a timely fashion.

When answering the CE question on the RN Renewal form, only answer YES if you have completed the CE. Several people have responded "YES" thinking they would be able to obtain the CE prior to the end of the year and failed to do so. The question can only be answered "YES" if you have completed the required CE at the time of answering the question. The CE question will be on the next renewal form. Make sure you have the required CE prior to completing your renewal form.

NEW !! CONTINUING EDUCATION REQUIREMENT FOR END OF LIFE CARE

A law passed during the 2001 Legislative Session requiring that registered professional nurses (and other licensed groups) shall complete two (2) hours of continuing education course work in the subject of end-of-life care including pain management during each continuing education reporting period. These hours are inclusive of the current requirement NOT additional hours. The first reporting period during which these are required is from January 1, 2002 through December 31, 2003.

2001 LEGISLATIVE ACTIVITY

There are several references to bills passed during this last Legislative Session. In addition to those already highlighted several other bills passed. Senate Bill 10 RN First Assistants passed. This bill permits RN First Assistants meeting specific certification requirements to bill for medicaid reimbursement.

House Bill 2506 "Whistleblower Bill" prohibits discrimination and retaliation against health care workers for reporting instances of waste or wrongdoing; requires confidentiality of health care workers who file reports or complaints; enforcement through civil action and provides a two (2) year statute of limitations.

House Bill 2389 provides that an Advanced Nurse Practitioner practicing in compliance with Article 7, Chapter 30 and other applicable state and federal laws, who develops a mutually agreed upon association in writing with a primary care physician on the panel of and credentialed by the HMO may serve in lieu of an HMO subscriber's primary care physician.

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BOARD MEMBERS

Patsy Haslam, MPH, EdD., RN.....President
P.O. Box 446 - Lot 169 Flat Top Lake
Ghent, WV 25843

Diana Boyle, MSN, RN-CS, FNP.....Secretary
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Fairmont, WV 26554

Barbara Stevens, MSN, EdD., RN
130 Brady Drive
Barboursville, WV 25504

Pamela Alderman, MSN, RN
Rt. 119 - Trace Fork Rd.
Chapmanville, WV 25508

Cynthia Persily, Ph.D., R.N.
126 Whispering Woods Road
Charleston, WV 25304

Judy Nystrom.....Public Member
1595 Stewart Street
Welch, WV 24801

BOARD STAFF

Laura Skidmore Rhodes, MSN, RN.....Executive Secretary

Cyndy R. Haynes, MSN, RN.....Assistant Executive Secretary Education and Licensure

Alice R. Faucett-Carter, JD.....Assistant Executive Secretary Discipline

Marty Alston.....Secretary II/ Accounting Assistant II

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Ghent, WV 25843

Diana Boyle, MSN, RN-CS, FNP.....Secretary
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130 Brady Drive
Barboursville, WV 25504

Pamela Alderman, MSN, RN
Rt. 119 - Trace Fork Rd.
Chapmanville, WV 25508

Cynthia Persily, Ph.D., R.N.
126 Whispering Woods Road
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