

**WEST VIRGINIA BOARD OF EXAMINERS FOR
REGISTERED PROFESSIONAL NURSES**

March 6, 2015

An Emergency Board meeting was held at the office of the Board of Examiners for Registered Professional Nurses at 101 Dee Drive, Suite 102, Charleston, WV 25311-1620, on August 20, 2014.

BOARD MEMBERS PRESENT BY PHONE:

ROBIN WALTON, Ed.D., MSN, APRN FNP-BC, PRESIDENT

MARY FRIEL FANNING, DNP, RN, SECRETARY

L. ANN BOSTIC, APRNCRNA, DNP

JOYCE EGNOR, MSN, RN

TERESA RITCHIE, DNP, APRN FNP-BC

DR. MARY (LIBBY) FARMER, PhD, PUBLIC MEMBER

BOARD MEMBERS NOT PRESENT:

JUDY NYSTROM, PUBLIC MEMBER

BOARD STAFF PRESENT:

LAURA S. RHODES, MSN, RN, EXECUTIVE DIRECTOR

ROBIN A. LEWIS, Ed.D., MSN, APRN FNP-BC

ALICE R. FAUCETT-CARTER, JD, GENERAL COUNSEL & DIRECTOR OF DISCIPLINE

MARCH 6, 2015

CALL TO ORDER

The special meeting was called to order by Robin Walton, Board President at 8:30 a.m.

QUORUM

With the required number of members being present a quorum was established.

1. ACCEPTANCE OF AGENDA

1. A motion was made by Libby Farmer to accept the proposed agenda as written. The second was offered by Teresa Ritchie. The motion carried.

2. REVIEW AND CONSIDERATION OF HEARING TRANSCRIPT FOR VICKIE HOLLEY

2. EXECUTIVE SESSION

Teresa Ritchie made a motion for the Board to enter in Executive Session for the purposes of review and consideration of the hearing transcript related to Vickie Holley. The second was offered by Libby Farmer. The motion carried.

Robin Walton, Board President, announced that in accordance with Chapter 6, Section 4(2)(A), of the Code of West Virginia, Executive Sessions may be held by governmental agencies to consider matters. All motions arising from the discussion during the Executive Session shall be made and voted on in an open meeting immediately following an Executive Session.

PUBLIC SESSION

A motion was made by Joyce Egnor to reconvene the regular meeting to make motions related to discussion during the Executive Session. The second was offered by Mary Fanning. The motion carried.

A motion was made by Ann Bostic to approve the Findings of Fact, Conclusions of Law, with the exception of number 6, and the Recommendations of the Hearing Examiner. Number 6 of the Hearing Examiner's Conclusions of Law, §30-7.11© is unfit or incompetent by reason of negligence, habits or other causes, is not adopted as there was no clear evidence presented that Holley was negligent while providing direct care to her patients. And, to issue a Final Order suspending Holley's license for a period of one year and said suspension is STAYED and the license number 53347 issued to Vickie Holley is place on PROBATION for a period of one year. On the basis of the foregoing, the Board hereby suspends license number 53347, issued to Holley for a period of one (1) year, with such suspension hereby stayed and contingent upon Holley complying with the terms set forth below, license number 53347 is placed on PROBATION for a period of one (1) year of employment as a registered professional nurse. The computation of such period is to begin on the date on which notice is received in the office of the Board that Holley is employed as a registered professional nurse and shall run only during such time that she is employed as a registered professional nurse on at least a permanent part-time basis (forty hours every two weeks) or full time basis in the State of West Virginia. The Board also ORDERS Holley to pay a fine and administrative cost of one thousand dollars (\$1000.00).

Violation of any of the following terms shall constitute grounds for denial of the leave granted to Holley to petition for reinstatement. To receive and maintain a probationary license, regardless of employment status, Holley shall meet the following conditions:

1. Holley shall not work at a Nursing Registry, Temporary Nursing Agency, Home Health Care Agency, Private Duty Nurse or an Extended Care Facility.
2. Holley shall not work in an autonomous or supervisory nursing position. She shall work only under the direct supervision of a registered professional nurse in a structured setting throughout the term of her probation. Such supervising registered professional nurse must, at the time of said supervision, hold an active, unencumbered West Virginia license until evaluation is completed and a determination regarding any requirements.
3. Holley shall inform the Board in writing within ten (10) days of the date she assumes the practice of registered professional nursing, or any employment in the health care field, in the State of West Virginia and shall include the name, address, and telephone number of her employer. She shall provide in writing the name of her immediate registered professional nurse supervisor. She shall inform the Board of any interruption in nursing practice or change in employment within ten (10) days of such interruption or change.
4. Holley shall immediately inform her nursing employer, and prospective nursing employer, and the director of any nursing education program in which she enrolls or teaches, that the Board has placed her license on probation, and shall provide a complete copy of this agreement to her employer(s). The Board may provide her employer(s) with a copy of this agreement and may communicate with her employer(s).
5. Holley shall, within ten (10) days of employment or continuation of practice, cause her employer or immediate registered professional nurse supervisor to notify the Board, in writing, of the employer's or supervisor's receipt of a copy of this agreement. Holley shall further cause her employer or supervisor to submit monthly reports to the Board describing her job performance, attendance, attitude, and other work behaviors during the first year of probation and if her progress is satisfactory to the Board, quarterly thereafter.
6. Holley shall submit documentation of fifteen (15) contact hours of continuing education in substance abuse and in ethics year during the time her license is on probation in addition to those required by law.
7. Holley shall report in person for an appointment with the Board staff upon request.
8. Holley shall submit to unannounced, witnessed drug-screening tests. Said tests shall be on demand and to the specifications of the Board and at Holley's expense. **Holley shall call the Board's drug screening company DAILY between the hours of 5:00 a.m. through 2:30 p.m. to see if she is selected to test. Receipt of a positive drug screen and/or not calling the drug screening program daily within the specified time frame is deemed to be a violation of this Consent Agreement, and shall result in immediate suspension of**

Holley's license. Eating products containing poppy seeds will not constitute as an accepted reason for having a positive screen for opioids. Holley shall not consume tonic water, quinine water, hemp tea or other products containing substances that trigger a positive drug screen.

9. Holley shall abstain from the use of alcohol and limit her use of drugs to those prescribed for a legitimate purpose by a physician, dentist or nurse practitioner duly licensed in the State of West Virginia. She shall provide a copy of this Order to any prescribing physician, dentist, nurse practitioner or any other health care provider having legal authority to prescribe. She shall cause the prescribing health care provider to notify the Board in writing of any medications/drugs prescribed and the condition for which said drug(s) has been prescribed. Holley agrees that, if she accepts a prescription for a narcotic or psychotropic drug, the Board may impose additional terms.
10. Holley shall coordinate any health care services she requires with one physician or registered nurse practitioner, who shall be informed of any services or prescriptions sought or obtained by any physician, dentist, nurse practitioner or other health care provider. Holley shall provide the individual, who serves as her point of contact for health care needs, with a copy of this Order.
11. Holley shall execute a release to permit the Board to obtain medical or other health care records, which may be requested at any time while her license is on Probation, regarding her physical or mental health and any treatment rendered.
12. Holley shall annually submit to the Board a written personal statement. The statement shall be due at the end of the year and in each subsequent year during the month in which this Order is accepted by the Board.
13. Holley shall submit to an evaluation by a Psychiatrist certified in addictions and/or Certified Addictions Counselor (CAC) within thirty (30) days of this Order. Holley shall comply with the recommendations. If it is determined that Holley meets the requirements of West Virginia Restore (the Board's recovery and monitoring program), she shall enter into an agreement with West Virginia Restore and shall comply with the terms of the agreement.
14. Contingent upon the recommendations in the evaluation by the Psychiatrist and/or CAC, Holley shall participate in a structured aftercare program. The treating Psychiatrist and/or CAC shall make a monthly report to the Board about her progress and her compliance with the aftercare program.
15. Contingent upon the recommendations in the evaluation by the Psychiatrist and/or (CAC), Holley shall participate in 12-Step meetings. Written evidence of participation in meetings shall be submitted to the Board on or before the fifth day of each month.

Violation of Terms:

16. Any deviation from these requirements without prior written consent of the Board shall constitute a violation of this Order, and result in immediate suspension of Holley's probationary license.

17. The Board shall immediately notify Holley via certified mail of the specific nature of the charges, and the suspension of his license.

a. Holley may request reinstatement of his probationary license through renewal of this agreement, or execution of a new agreement, which may contain different or additional terms. The Board is not bound to comply with this request.

b. If the Board does not accept a renewed or new agreement, Holley shall be notified in writing. Holley may request a hearing to seek reinstatement of his probationary license. If Holley requests a hearing following suspension for violation of this agreement and does not prevail, the cost incurred in holding such hearing shall be borne by Holley. If Holley prevails, the cost of such hearing shall be borne by the Board. Cost shall refer only to the expense of employing a court reporter and hearing examiner for the purpose of the hearing, and shall not include any legal or other fees incurred by the Board or Holley in bringing the matter to hearing.

c. The Board may schedule a hearing on its own initiative for the purpose of allowing the Board opportunity for considering further suspension or revocation of Holley's license. Said hearing shall be scheduled in accordance with the provisions of West Virginia Code §30-1-8 and §30-1-7 et. seq. The Board shall bear the cost if it should seek a hearing following suspension of Holley's probationary license for violation of this agreement. Cost shall refer only to the expense of employing a court reporter and hearing examiner for the purpose of the hearing, and shall not include any legal or other fees incurred by Holley in bringing the matter to hearing.

Petition for Reinstatement:

18. Following the one (1) year probationary period, Holley may petition to appear before the Board and submit satisfactory evidence that she is presently able to safely engage in the practice of registered professional nursing. Evidence in support of this request shall include:

- a. Letter from Holley's Psychiatrist and/or Certified Addictions Counselor indicating her status in recovery (if applicable);
- b. Letter from Holley's employer, if employed;
- c. Letter from Holley outlining her future plans; and
- d. Payment of all fines and administrative costs.

However, the terms of this Order shall remain in effect and subject to yearly review and appropriate revision by the Board until such time as Holley's license is fully reinstated by the Board.

The second was offered by Libby Farmer. The motion carried.

**3. REVIEW AND
CONSIDERATION OF
MINUTES FEBRUARY 12,
2015.**

3. Teresa Ritchie made a motion to approve the meeting minutes as submitted. Joyce Egnor offered the second. The motion carried.

**4. REVIEW AND
CONSIDERATION OF
LEGISLATIVE ISSUES**

4. The Executive Director reviewed bills of interest to the Board. Discussion ensued. No action taken.

5. ADJOURN

5. Libby Farmer made a motion to adjourn the meeting. Teresa Ritchie offered the second. The motion carried.

Minutes prepared by
Laura Skidmore Rhodes
Executive Director

Respectfully submitted by
Mary Fanning, DNP, RN
Board Secretary