

**WEST VIRGINIA BOARD OF EXAMINERS FOR
REGISTERED PROFESSIONAL NURSES
June 15, 16 & 17, 2011**

A Board meeting was held at the office of the West Virginia Board of Examiners for Registered Professional Nurses at 101 Dee Drive, Charleston, WV 25311-1620.

BOARD MEMBERS PRESENT:

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

JUDY NYSTROM, SECRETARY

JOYCE EGNOR, MSN, RN

MARY FRIEL FANNING, MSN, RN

TERESA RITCHIE, MSN, RN, FNP-BC

L. ANN BOSTIC, RN, CRNA

DR. MARY (LIBBY) FARMER, PUBLIC MEMBER

BOARD STAFF PRESENT:

LAURA S. RHODES, MSN, RN, EXECUTIVE DIRECTOR

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

MARGARET "MARTY" ALSTON, SECRETARY II/ACCOUNTING ASSISTANT II

JUNE 15, 2011

CALL TO ORDER

The meeting was called to order by Dr. Robin Walton, Board President at 9:20 a.m.

QUORUM

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

INTRODUCTION OF GUESTS

The Board recognized the visitors present for the meeting.

1. ACCEPTANCE OF AGENDA

- 1.** Dr. Libby Farmer made a motion to accept the agenda as written. The second was offered by Ann Bostic. The motion carried.

2. APPROVAL OF MEETING MINUTES

A. MARCH 18, 2011 REGULAR BOARD MEETING

- 2.A.** The March 18, 2011 Board Meeting minutes were reviewed. Judy Nystrom made a motion to approve the meeting minutes as written. The second was offered by Dr. Farmer. The motion carried.

B. APRIL 13, 2011 SPECIAL BOARD MEETING

- 2.B.** The April 13, 2010 Special Board Meeting minutes were reviewed. Mary Fanning made a motion to approve the meeting minutes as written. The second was offered by Joyce Egnor. The motion carried.

C. MAY 9, 2011 SPECIAL BOARD MEETING

- 2.B.** The June 2, 2011 Special Board Meeting minutes were reviewed. Mary Fanning made a motion to approve the minutes as amended. The second was offered by Judy Nystrom. The motion carried.

3. OPEN FORUM

- 3.** There were no issues brought forward for the Open Forum. The Board moved forward with the agenda.

4. APRN DELEGATION TO MEDICAL ASSISTANTS

4. The Executive Director explained the discussion on this topic began last Fall when the Board received a letter from the Primary Care Association (PCA) asking for clarification regarding Advanced Practice Registered Nurse's (APRN) delegating medication administration to Medical Assistants. The PCA also informed the Board that their plan was to hire Physician's Assistants (PA) instead of APRN's as PA's could delegate to the unlicensed person. The Board directed staff to have a Task Force review the matter. The Task Force members include APRNs Alvita Nathaniel, Crystal Sheves, and Barbara Kosner. The Task Force recommended that the Board permit the APRN in the primary care setting to delegate the administration of certain medications to qualified Medical Assistants.. A discussion ensued. No action was taken on the first day of the meeting and the discussion was tabled until Day 2 of the meeting

BREAK 10:00 am

EXECUTIVE SESSION

Dr. 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 a discipline matter. 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.

A motion was made by Ann Bostic that the Board recess and reconvene in an Executive Session to discuss matters relating to Mountain State University. The motion was seconded by Mary Fanning. Motion carried.

The regular meeting recessed in order to begin the Executive Session.

Ann Bostic recused herself and left the room for the following discussion.

RECONVENE PUBLIC SESSION

A motion was made by Dr. Libby Farmer to reconvene the regular meeting and to make any motions related to Mountain State University regarding issue of concern. The second was offered by Teresa Ritchie. Motion carried. The Board reconvened in Public Session.

5. MOUNTAIN STATE UNIVERSITY

5. The Board reviewed information provided regarding Mountain State University. A discussion ensued. The Board decided to table this topic until Day Two of the meeting.

Ann Bostic returned and rejoined the meeting.

6. REVIEW AND DISCUSS JOINT MEETING AGENDA

6. The Board reviewed the agenda for the Joint RN/LPN Meeting which was scheduled for 1:00 pm. They also reviewed the meeting minutes from the meeting held June 2010.

LUNCH 12:00N

RN/LPN JOINT MEETING 1:00 PM

RECONVENE 2:00 PM

7. MEETINGS ATTENDED

Ann Bostic recused herself and left the room for the following discussion.

7.A. WV NURSE HEALTH PROGRAM TASK FORCE

- 7.A. Several visitors joined the meeting in support of establishing a program to support nurses with substance abuse disorders. Introductions were made and a discussion ensued. Board member Teresa Ritchie reported that she had attended two (2) meetings on the Board's behalf and provided input on the group's request for the Board to consider an alternative to discipline program. Further discussion ensued. A motion was made by Teresa Ritchie for the Board to modify the current Impaired Nurse Treatment Program with the option for the program to be within the Board or contracted to an outside agency, and for staff to prepare the language for a law change that will give the Board this authority, and also for the Board to continue the discussion regarding the requirements of such a program. The second was offered by Joyce Egnor. The motion carried.

Ann Bostic returned and rejoined the meeting.

**7.B. SENATOR FOSTER, WVNA,
BOARD OF MEDICINE AND
RN BOARD**

- 7.B.** The Executive Director attended this meeting and provided report to the Board. She expressed increased concern regarding the Board of Medicines (BOM) intention on introducing a rule that will change the guidelines regarding professional misconduct which will cause problems for Prescriptive Authority Nurses (RXA) and will question the legal authority of RXA Nurses since the BOM is completely opposed to their having Independent Practices. The Board intends to review the ION Consensus Model and plans to revisit this topic at its next meeting.

**7.C. ASSOCIATION OF LICENSING
BOARDS**

- 7.C.** There was no report for this agenda item.

7.D. WV CENTER FOR NURSING

- 7.D.** A report was provided during the Joint LPN/RN meeting.

**7.E. WEST VIRGINIA HEALTHCARE
ASSOCIATED INFECTION
REGULATORY BOARD MEETING**

- 7.E.** Alice Faucett-Carter, General Counsel and Director of Discipline attended this meeting and provided a report to the Board. She reported that the discussion at the meeting was related to all agencies sharing information regarding complaints related to the outbreak of infectious diseases. A discussion ensued. The Board directed staff to send a response that the Board regulates individuals not facilities, however, if something of this nature would occur, that the Board would share the information as requested.

**7.F. OTHER - NURSE LICENSURE
COMPACT AND CONSUMER
PROTECTION CONFERENCES**

- 7.F.** Board Members attending these conferences found the information helpful. Those attending concluded that Boards are still working on the Nurse Licensure Compact. Joining the Compact is not a priority.

8. BUDGET

8.A. FY2011 THIRD QUARTER EXPENDITURES

8.A. The Board reviewed the FY 2011 Third Quarter Expenditures Report. A motion was made by Joyce Egnor to approve the FY 2011 Third Quarter Expenditures Report. The second was offered by Judy Nystrom. Motion carried.

8.B. FY2011 4TH QTR EXPENDITURES TO DATE

8.B. The Board reviewed the FY 2011 Fourth Quarter Expenditures To Date Report. A motion was made by Ann Bostic to approve the FY 2010 Fourth Quarter Expenditures to Date Report. The second was offered by Dr. Farmer. Motion carried.

8.C. FY2012 APPROPRIATIONS

8.B. The Board reviewed and discussed the FY2012 Appropriations. A motion was made by Mary Fanning to approve the FY2012 Appropriations. The second was offered by Joyce Egnor. Motion carried.

8.D. PURCHASE CARD REPORT

8.D. The Board reviewed the Purchase Card Report provided on purchases from February 2011 through April 2011. A motion was made by Ann Bostic to approve the Purchase Card Report. The second was offered by Joyce Egnor. Motion carried.

BREAK

2:00 pm - 2:15pm

9. DIALYSIS TECHNICIAN REPORT

9.A. BUDGET

9.A. The Board reviewed the Third Quarter Expenditures report for Dialysis Technicians. A motion was made by Dr. Farmer to approve the Third Quarter Expenditures report for Dialysis Technicians. The second was offered by Joyce Egnor. Motion carried.

9.B. UPDATE

9.B. The Executive Director provided an update on the progress of the Dialysis Technicians. There are currently 173 active certified Dialysis Technicians in West Virginia and 24 approved programs.

10. NCSBN

10.A. DELEGATE ASSEMBLY

10.A.1. APPOINTMENT OF DELEGATES AND ATTENDEES FOR AUGUST 2-5, 2011 INDIANAPOLIS, IN

10.A.1. The Board was provided with information regarding the NCSBN Delegate Assembly Annual meeting scheduled to be held in Indianapolis, IN on August 2-5, 2011. The Executive Director explained that NCSBN will provide funding for two (2) attendees. Judy Nystrom made a motion to approve funds for three (3) additional representatives to attend the meeting. The second was offered by Dr. Farmer. Motion carried

10.A.2. SLATE OF CANDIDATES

10.A.2. The Board was provided with the 2011 Slate of Candidates for Delegate Assembly.

10.A.3. BOARD OF DIRECTOR RECOMMENDATIONS TO THE DELEGATE ASSEMBLY

10.A.3. The Board reviewed and supported the recommendations.

10.B. MID YEAR MEETING REPORT

10.B. The Executive Director provided the Board with a report on the highlights of the Mid-Year Meeting. She reported that during the meeting there was discussion on the Uniform Licensure Core and Just Culture.

11. SELECTION OF REPRESENTATIVES FOR MEETING

11.A. CLEAR (COUNSEL ON LICENSURE ENFORCEMENT AND REGULATION), ANNUAL MEETING, PITTSBURGH, PA

11.B.1 A motion was made by Joyce Egnor to approve a total of ten (10) representatives to attend the CLEAR Annual Conference to be held in Pittsburgh, PA on September 8-10, 2011. The NCIT Basic and Specialized Training is September 5-7, 2011. The second was offered by Dr. Farmer. Motion carried.

11.B. LONG-TERM CARE CONFERENCE, AUGUST 23-24, 2011, CHICAGO, IL

11.B. A motion was made by Mary Fanning to approve a total of one (1) representative(s) to attend the 2011 Long-Term Care Conference to be held in Chicago, IL on August 23-24, 2011. The second was offered by Teresa Ritchie.

11.C. LEADERSHIP AND POLICY CONFERENCE OCTOBER 4-6, 2011, ALEXANDRIA, VA

11.C. A motion was made by Ann Bostic to approve a total of six (6) representative(s) to attend the Leadership and Policy Conference to be held in Alexandria, VA on October 4-6, 2011. The second was offered by Joyce Egnor.

**RECESS MEETING
2:30 PM**

**RECONVENE DAY TWO
JUNE 16, 2011**

CALL TO ORDER

The meeting was called to order by Robin Walton at 9:00 a.m..

QUORUM

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

INTRODUCTION OF GUESTS

The Board recognized the visitors present for the meeting.

REVIEW OF AGENDA

The agenda was reviewed and no changes noted.

12. CONTINUATION OF DISCUSSION AS NEEDED RELATED TO:

12.A. APRN DELEGATION TO MEDICAL ASSISTANTS

- 12.A.** The Board continued the discussion regarding this agenda item which was tabled on Day One of the meeting. Teresa Ritchie made a motion to create a position statement at this time to reflect the Board's current position on Advanced Practice Registered Nurses delegation to medical assistants. Also, the Board directed staff to work with the LPN Board to create a delegation model and to proceed with the process to make the necessary changes in the law. The second was offered by Joyce Egnor. Motion carried. This issue shall be reviewed again during the October Board meeting.

Ann Bostic recused herself and left the room for the following discussion.

12.B. MOUNTAIN STATE UNIVERSITY

- 12.B.** The Board continued the discussion regarding this agenda item which was tabled on Day One of the meeting. Joyce Egnor made a motion to approve the curriculum change request submitted by MSU with concerns regarding course numbers and the vetting of LPN's. The approval is based upon the receipt of documentation that clearly clarifies the course numbers and documentation of the evaluation of the LPN's knowledge regarding general nursing education courses. The second was offered by Teresa Ritchie. Motion carried.

Ann Bostic returned and rejoined the meeting.

13. EDUCATION

13.A. COMMITTEE REPORT

13.A. The Board reviewed the items listed below on the Consent Agenda. Board Members were provided the opportunity to ask questions regarding items on the consent agenda presented. Items on the consent agenda are recommendations from the Education Committee:

1. The following recommendations from the Education Committee were presented to the Board by Mary Fanning, Chairperson for the Education Committee:

West Virginia Wesleyan School of Nursing - provide a Plan of Action regarding NCLEX-RN results.

West Virginia University Institute of Technology - provide a Plan of Action regarding NCLEX-RN results.

Wheeling Jesuit University - Full approval for the BA/BS/BSN Program. Provisional approval and request a Plan of Action for the Traditional Program.

Shepherd University - Full approval.

Fairmont Traditional Program - submit a Plan of Action regarding NCLEX-RN results. LPN-BSN Program- Full approval.

Bluefield State College - Accept the Plans of Action submitted for both campuses. Provisional approval of the Bluefield Campus.

Blue Ridge Community and Technical College - Full approval.

All of the recommendations from the Consent Agenda received unanimous approval.

Ann Bostic recused herself and left the room for the following discussion.

Kanawha Valley Community and Technical College - Mary Fanning made a motion to accept The second was offered by Dr. Libby Farmer.

Ann Bostic returned and rejoined the meeting.

13.B. NCLEX RN 2010 RESULTS

13.B. The Board reviewed the 2010 NCLEX RN results. A discussion ensued regarding the overall results and particularly the results of nursing programs not meeting the 80% standard.

Mary Fanning made a motion to require West Virginia Wesleyan College to submit an update on the implementation of the NCLEX-RN Plan of Action submitted in 2010 and to require

evidence of curriculum mapping and blueprinting by submitted by February 2, 2012. Also, to place the program on provisional accreditation. The second was offered by Teresa Ritchie. Motion carried.

Mary Fanning made a motion to require the following programs to submit a plan of action regarding their results of nursing programs not meeting the 80% standard:

West Virginia University Institute of Technology
Fairmont State University ADN; and
Bluefield State College.

The second was offered by Joyce Egnor. Motion carried.

Mary Fanning made a motion to approve the pass rates for the following programs:

Wheeling Jesuit BS-BS to BSN
Alderson Broaddus
Fairmont LPN-BSN
Blueridge Community and Technical College

The second was offered by Dr. Libby Farmer. Motion carried.

The Board directed staff to move in the direction of gathering information for review on ways of increasing the WV pass rate standard and have prepared for review at the October Board meeting.

13.C. MISCELLANEOUS

13.C. No information discussed for this agenda item.

14. EXECUTIVE SESSION FOR DISCIPLINE

Dr. 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 a discipline matter. 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.

A motion was made by Judy Nystrom that the Board recess and reconvene in an Executive Session by the request of the petitioner for reinstatement. The motion was seconded by Teresa Ritchie. Motion carried.

The regular meeting recessed in order to begin the Executive Session.

**PUBLIC SESSION FOR MOTIONS RELATED TO
EXECUTIVE SESSION**

A motion was made by Mary Fanning to recess Executive Session and reconvene the meeting in public session. The motion was seconded by Judy Nystrom. Motion carried.

**15. MOTIONS RELATED PETITIONER FOR
REINSTATEMENT**

A. DONALD STAGGERS

- 15.A.** Teresa Ritchie made a motion to table Mr. Staggers request at this time and to direct the staff to verify the questions that were raised related to Mr. Stagger's request for reinstatement. Once the information has been confirmed then staff can move forward with the approval process. The second was offered by Judy Nystrom. Motion carried.

**16. REPORT OF THE SAFETY
COMMITTEE**

- 17.** Marty Alston provided the Board an update of the activities of the Safety Committee.

17. DISCIPLINARY REVIEW REPORT

17.A. PRESENTATION OF CASES

- 17.** Leslie Morris, Discipline Assistant and Karen Blankenship, RN, BA, the Board's newly hired Nurse Investigator joined the meeting. Ms. Morris provided the Board with the Disciplinary Review Committee (DRC) report for March 19, 2011 through June 16, 2011. A total of (75) cases were reviewed. Ms. Blankenship was formally introduced to the Board.

17.B. APPROVAL OF DECISIONS

- 17.B.** The DRC recommended the Board approve the report as written. The recommendation received unanimous approval. A copy of the report is filed herewith.

RECESS MEETING

2:30 PM

RECONVENE DAY THREE

JUNE 17, 2011

CALL TO ORDER

The meeting was called to order by Robin Walton at 9:05 a.m..

QUORUM

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

INTRODUCTION OF GUESTS

The Board recognized the visitors present for the meeting.

REVIEW OF AGENDA

The agenda was reviewed. The Executive Director informed the Board of several issues that needed to be addressed. A motion was made by Teresa Ritchie to amend the agenda and add the following items: 1) Request from a Physician regarding Prescriptive Authority Collaborative Agreements; 2) West Liberty Letter; 3) Legislative Audit Survey; 4) Request from Kanawha Valley Community and Technical College; 5) Just Culture. A second was offered by Ann Bostic. Motion carried.

1) REQUEST FROM PHYSICIAN

The Board reviewed a letter from John P. MacCallum, M.D. requesting the Board to consider rescinding its decision regarding Ms. DeRuiter's collaborative agreement and to allow him to be the physician of record collaborating with her practice. The Board had made the decision to not allow Dr. MacCallum to have a collaborative agreement with Ms. DeRuiter since he had been reprimanded by the West Virginia Board of Medicine (WVBOM). The Board of Medicine had reprimanded Dr. MacCallum because he failed to report the departure of a Physician Assistant who had worked for him in a timely fashion with accordance to their rule. A discussion ensued. A motion was made by Teresa Ritchie to table a decision on this request until later when certain information could be clarified. A second was offered by Dr. Libby Farmer. Motion carried.

2) **WEST LIBERTY**

The Board reviewed a letter from West Liberty College announcing the appointment of Donna Lukich as the Director of the Program. A motion was made by Mary Fanning to approve the appointment. A second was offered by Ann Bostic. Motion carried.

3) **LEGISLATIVE AUDIT SURVEY**

The Executive Director reported to the Board that we had completed a survey on cash receipt procedures for the West Virginia Legislative Post Audit Division. She reported the outcomes of the survey. No action was taken.

Ann Bostic recused herself and left the room for the following discussion

4) **KANAWHA VALLEY COMMUNITY AND TECHNICAL COLLEGE**

The Board reviewed a request from Kanawha Valley Community and Technical College regarding a name change. A motion was made by Mary Fanning to approve the request. The second was offered by Teresa Ritchie. Motion carried.

Ann Bostic returned and rejoined the meeting.

5) **JUST CULTURE**

The Executive Director informed the Board about an upcoming conference regarding Just Culture. A motion was made by Teresa Ritchie to approve funding for one (1) person to attend this conference. A second was offered by Ann Bostic. Motion carried.

1) **REQUEST FROM PHYSICIAN**

Continued

This agenda item was revisited from earlier. A discussion ensued and clarification was made regarding the Board's questions related to the request. A motion was made by Teresa Ritchie to grant John P. MacCallum, M.D. permission to enter into collaborative agreement with Ms. DeRuiter and for staff to send a letter explaining the Board's rule in this area. Also, to revise the Education Committee Parameters so that in the future issues of this nature will be deferred to the Disciplinary Review Committee for consideration. The second was offered by Joyce Egnor. Motion carried.

**18. MISSION GOALS AND OBJECTIVES
REVIEW**

18. The Board reviewed the Mission, Goals and Objectives. A motion Dr. Farmer to approve the Mission, Goals and Objectives as revised. The second was offered by Mary Fanning. Motion carried.

**19. CONFLICT OF INTEREST
STATEMENT - REVIEW**

19. Mary Fanning made the motion to reaffirm the Conflict of Interest Statement as written. The second was offered by Judy Nystrom. Motion carried. The Board Conflict of Interest Statement was reviewed, reaffirmed, and signed by the Board members.

**20. BOARD CODE OF CONDUCT -
REVIEW**

20. Judy Nystrom made the motion to reaffirm the Code of Conduct as written. The second was offered by Dr. Farmer. Motion carried. The Code of Conduct was reviewed, reaffirmed, and signed by the Board members.

**21. BOARD MEMBER APPOINTMENT
UPDATE**

21. The Executive Director reported that letters have been mailed to the Governor and to the West Virginia Nurses Association (WVNA) regarding the expired terms/vacancies on the Board.

LUNCH

EXECUTIVE SESSION

Dr. 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 discuss certain 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.

A motion was made by Dr. Libby Farmer that the Board recess and reconvene in an Executive Session to discuss Executive Staff Evaluations and Compensation. The second was offered by Ann Bostic. Motion carried. The Board reconvened in Executive Session.

ADJOURN EXECUTIVE SESSION

A motion was made by Dr. Libby Farmer to reconvene the regular meeting to make motions related to Executive Session regarding evaluations and compensation for Executive Staff. The second was offered by Teresa Ritchie. Motion carried. The Board reconvened in Public Session.

RECONVENE PUBLIC SESSION (OPEN TO THE PUBLIC)

PUBLIC SESSION, MOTIONS RELATED TO EXECUTIVE SESSION

22. EXECUTIVE STAFF EVALUATIONS

22. A. EXECUTIVE STAFF EVALUATIONS

22.A. A motion was made by Judy Nystrom to approve the evaluation for Alice R. Faucett-Carter, J.D., General Counsel and Director of Discipline. The motion was seconded by Dr. Libby Farmer. Motion carried

22.B. EXECUTIVE STAFF COMPENSATION

22.B. A motion was made by Mary Fanning to approve a 4% salary increase for Alice R. Faucett-Carter, J.D., General Counsel and Director of Discipline. The motion was seconded by Dr. Libby Farmer. Motion carried.

23. APPOINTMENT OF EXECUTIVE DIRECTOR

23.A. APPOINTMENT OF EXECUTIVE DIRECTOR

23.A. A motion was made by Mary Fanning to continue the appointment of Laura Skidmore Rhodes, MSN, RN, as the Board's Executive Director. The second was offered by Dr. Libby Farmer. Motion carried.

**23.B. EXECUTIVE DIRECTOR
COMPENSATION**

- 23.B.** A motion was made by Mary Fanning to approve a 4% salary increase for the Executive Director, Laura Skidmore Rhodes, MSN, RN. The second was offered by Dr. Libby Farmer. Motion carried.

24. ELECTION OF OFFICERS

24.A. PRESIDENT

- 18.A.** The floor was open for nominations for Board President. Judy Nystrom made a motion to re-elect Dr. Robin Walton for Board President. The second was offered by Mary Fanning. Motion carried. Dr. Robin Walton was re-elected as Board President.

18.B. SECRETARY

- 18.B.** The floor was open for nominations for Board Secretary. Mary Fanning made a motion to re-elect Judy Nystrom for Board Secretary. The second was offered by Joyce Egnor. Motion carried. Judy Nystrom was re-elected as Board Secretary.

**19. APPOINTMENT OF COMMITTEE
MEMBERS**

- 19.** The Board President reviewed the following committee assignments:

Disciplinary Review Committee: Judy Nystrom, Teresa Ritchie and Dr. Libby Farmer


Education Committee: Joyce Egnor, Ann Bostic and Mary Fanning

Advisory Council-Dialysis Technicians: Teresa Ritchie

The assignments were approved the same by consensus.

ADJOURN

The motion to adjourn the meeting was made by Mary Fanning at 12:10 pm. The second was offered by Joyce Egnor. Motion carried.



Minutes taken and prepared by
Margaret "Marty" Alston
Secretary II/Accounting Assistant II



Respectfully submitted by
Judy Nystrom
Board Secretary