

R.N. Newsletter

West Virginia Board of Examiners for Registered Professional Nurses
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(NURS)

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Summer, 2004

Number 44

Legislative Issues

RULES AVAILABLE FOR COMMENT

The Board has submitted three (3) rules for Public Comment. A full copy of these rules are available from the Secretary of State's Office and on the Board's web site. Written comments may be mailed to the Board office at the address above.

Emergency Rule: Series 12 Fees for Services Rendered by the Board and Supplemental Fee for the Center for Nursing. This rule increases certain licensing fees and provides for the supplemental fee for the Center for Nursing.

Center for Nursing Bill: House Bill 4143 creates the West Virginia Center for Nursing. The center will assume the duties of the Nursing Shortage Study Commission. The Center will continue to review and gather information related to the causes of the nursing shortage in West Virginia, and implement strategies to recruit persons to nursing and retain those already employed. The law establishes the Center on July 1, 2004. The Center is to be partially funded by a ten dollar (\$10.00) supplemental fee added to the license renewal fee for both RN's and LPN's. An emergency rule has been filed to implement the collection of the supplemental fee. Written comments are being accepted on this rule until 4:00 P.M. on August 5, 2004.

This rule includes the following fee changes:

- §19-12-2.4. Endorsement into West Virginia ~~\$30~~ 100.00 (Money order or Cashier's Check)
- 2.7. Supplemental Renewal Fee for the Center for Nursing \$ 10.00
- 2.9. Reinstatement of Lapsed License ~~\$75~~90.00
- 2.18. Copy of Code and Rule and copy of Criteria for Determining Scope of

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Practice for Licensed Nurses and Guidelines for Determining Acts That May Be Delegated Or Assigned By License Nurses, ("Purple Book") ~~\$5.00~~ 7.50

These documents are combined into one book therefore the fees are being combined. The portions of the rule pertaining to the cost of the "Purple Book" will be removed.

- 2.24. Midwife License ~~\$20~~ 35.00
- 2.25. Midwife Renewal ~~\$10~~ 25.00

Emergency Rule: Series 13 Dialysis Technicians is an emergency rule. This rule provides the guidelines for: 1) the registered professional nurse (RN) to delegate dialysis activities to the dialysis technician; 2) approving and disapproving dialysis training programs and the related fees;

Legislative Issues Continued

and, 3) general standards as they relate to dialysis technicians. Written comments on this rule will be accepted until 4:00 P.M. August 5, 2004

Procedural Rule: Series 9 Discipline is a procedural rule. This rule puts forth the procedures followed by the Board related to complaints filed against the license of a registered professional nurse. Written comments will be accepted until 4:00 P.M. ??? . Complete rule available on the Board web site.

The 2004 Legislative Session included the passage of several bills that effect registered

professional nurses. An overview of some of the bills and how they may effect the individual RN is provided below.

Nurse Overtime and Patient Safety Act: Senate Bill 251 provides requirements and limitations for mandatory nurse overtime in certain hospitals. A copy of this bill can be downloaded from the following web site: www.legis.state.wv.us/legishp.html . Once there look in the box titled "Major Bills Passed-2004" and click on "Nurse

Overtime Bill (SB251)". Questions about the implementation of this bill should be placed in writing and sent to the following address:

West Virginia Division of Labor
Wage and Hour Section
Attn: Larry Walker, Director
Capitol Complex
Building 6, Room B-749
Charleston, WV 25305
Fax: 304-558-3797

End of Life Continuing Education Bill: House Bill 4291 provides new requirements for the mandatory End of Life Including Pain Management continuing education. After July 1, 2005 this course is a one time requirement and licensees who have not completed the coursework requirement shall complete the coursework requirement prior to his or her first license renewal. **ALL RN'S will need to have completed a continuing education course in End of Life Care Including Pain Management for the current reporting period January 1, 2004 through December 31, 2005.** This program can count as that one time requirement.

After January 1, 2005 only those persons who receive a license for the first time and who reinstate and have not previously met the requirement will be required to obtain the two (2) hours of continuing education in End of Life Care Including Pain Management prior to the first time the license is renewed.

END OF LIFE INCLUDING PAIN MANAGEMENT CONTINUING EDUCATION COURSE ON THE WEB

Check the RN Board web site after July 15, 2004 for the "End of Life Including Pain Management" continuing education course. The RN and LPN Boards voted to provide a web based course for nurses to meet the "End of Life Including Pain Management" continuing education requirement. To take this course visit www.wvrnboard.com and follow the link to the course. It is free!

Highlights of March '04 Board Meeting

Discussed the Department of Education, Office of Student Services and Health Promotions **school nurse medication administration policy. See the related article in this newsletter.**

Reviewed information from National Council of State Board's of Nursing (NCSBN) which relayed that NCSBN staff will pursue a contract with Pearson-Vue to increase

the amount of time for the NCLEX-RN by one additional hour. The new time limit is due to be in effect by October 2004.

Reviewed the decision by NCSBN Board of Directors to raise the NCLEX-RN passing standard. This increase in the pass rate standard is in response to changes in U.S. health care delivery and nursing practice that have resulted in the increased acuity of clients seen by entry-level RN's. After considering all available information, the Board of Directors determined that safe and effective entry-level RN practice requires a greater level of knowledge, skills and abilities than was required in 1998 when NCSBN established the current standard.

Reviewed the on-site visit report for the Mountain State University (MSU) satellite site in McDowell County. Directed staff to complete the on-site visits for the Martinsburg and Kanawha County MSU satellite sites. Approved the Mountain State University cohort at Cabell County after receiving requested information and MSU's response and changes in their practice in relation to Board concerns.

Directed staff to investigate the practice of graduate school nursing students teaching in the undergraduate program as part of their course requirements with graduate nursing faculty supervision and report their findings.

Heard the petition of Robert Alan Robson, Jr and voted to reinstate his license to a PROBATION status through a consent agreement.

Reviewed the 2003 NCLEX-RN report. The national average for 2003 was 87.01%. The average for West Virginia was 86.87%. West Virginia was 30th of the 56 jurisdictions. Of the nineteen (19) programs, eleven (11) were at or above the national average; eight (8) schools were at or above 90% and fourteen (14) schools met the Board's pass rate standard. As a result of this review West Virginia Wesleyan College BSN Program received continued provisional approval. The University of Charleston Associate Degree Program received continued provisional approval. West Virginia University Institute of Technology BSN Program received a letter of concern regarding the pass rate. The University of Charleston BSN Program is requested to provide a plan of action related to the NCLEX-RN pass rate. Shepherd College Associate Degree Program was granted full approval from a provisional status.

Reviewed and approved the University of Charleston Associate Degree Program progress report.

Directed Executive Staff to prepare parameters for on-site visits for accreditation of satellites and student cohorts for review during the June 2004 meeting.

Directed Executive Staff to prepare parameters for Exam Applicants, particularly reviewing information to share with individuals considering nursing school and who have a previous criminal conviction.

Directed Executive Staff to prepare parameters for Continuing Education Waiver requests.

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BOARD MEMBERS

President:

Pamela Alderman, MSN, RN
Logan County

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Cynthia Persily, PhD, RN
Kanawha County

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Diana Boyle, MSN, RN, C-FNP
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Judy Nystrom
McDowell County

Vacancy

RENEWALS

The renewals for the 2005 licenses will be mailed in September. The renewals will be mailed in a Newsletter format as they were last year. If you have not received a renewal by October 15, 2004 contact the office immediately. The renewal will be on the web site again this year and can be downloaded, completed and mailed with the appropriate fee. We must have an original signature on the form. We cannot accept the renewal over the Internet or by facsimile. The Board is reviewing the possibility of on-line renewal, however, at this time that is not an option.

ADDRESS CHANGES

To assure your renewal is delivered to you please make sure you have a current address on file with the Board. Mail from the Board is **not forwarded**. Each licensee is required by law to maintain a current address with the Board office. Failing to maintain a current address with the Board office is professional misconduct. Renewals are mailed to the current address on file with the Board. The address change must be provided to this office in writing. If you know a person who did not receive this newsletter please encourage them to send in a notice of their address change.

TEMPORARY PERMITS FROM BORDER STATES

Persons holding a temporary permit to practice as a registered professional nurse from a border state are **not permitted to work in West Virginia**. In order to work in West Virginia, a person must hold a Temporary Permit or Permanent License issued by the West Virginia Board of Examiners for Registered Professional Nurses. Registered professional nurses allowing individuals to practice nursing without the appropriate license or temporary permit issued by the Board are subject to disciplinary action.

BOARD MEETING DATES

Meetings begin at 9:00 A.M.

The Board moves through the agenda as time permits. So items may be discussed at a different time than listed on the agenda.

2004	2005
August 13, 2004	February 25, 2005
October 24 -26	March
	June
	Joint RN/LPN meeting June 14, 2005
	October

All Board meetings are held in a conference room at 101 Dee Drive, Charleston, WV. Meetings are open to the public except for Executive Session. Each Board meeting begins with a time set aside for an Open Forum. During this time individuals may discuss a specific topic or address questions to Board members. Please contact the Board office at (304) 558-3596 so we may assure adequate seating.

Board Staff

Laura Skidmore Rhodes, MSN, RN
Executive Director

Cyndy R. Haynes, MSN, RN
Director of Education and Practice

Alice R. Faucett-Carter, JD
General Counsel and Director of Discipline

Marty Alston, Secretary II/ Accounting Assistant II
Leslie Morris, Discipline Assistant/Investigator
Aprile Rasnake, Office Assistant II
Lauranna Ware, Secretary I
Margaret Weinberger, Data Entry Coordinator

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WORKING WITHOUT A VALID LICENSE

FEES FOR PRACTICING WITHOUT A VALID LICENSE were implemented August 1, 1996 and have been published in each RN Newsletter since then as well as on each application for licensure. In an effort to handle disciplinary cases related to practicing while the license is lapsed, the Board implemented the assessment of fines and administrative costs pursuant to West Virginia Code §30-1-8 and §30-7-8. The

fines and costs have been revised and are as follows:

FINES FOR PRACTICING WITHOUT A VALID LICENSE

\$500.00 fine and administrative costs for practicing without a valid license from the date the license lapsed up to thirty (30) days or any portion thereof. One hundred dollars (\$100.00) for each additional thirty (30) days or

any portion thereof.

ALWAYS MAINTAIN A VALID LICENSE!!!!!!!!!!

SCHOOL NURSE ISSUES

The Board reviewed the Diastat Policy during the June meeting. Diastat is a rectal Valium gel which is administered for certain seizures in emergency situations. This policy permits the physician to delegate the administration of the emergency use of Diastat (rectal Valium gel) to unlicensed assistive personnel in the school setting. The policy was acceptable with a recommended change in the language to include that the nurse has the authority to determine if the unlicensed person is NOT qualified to administer Diastat.

During the March meeting the Board reviewed the Medication Administration Policy 2422.8. Several groups worked on this policy, however consensus was not achieved. Policy 2422.8 gives county boards of education authority to develop medication procedures according to the county's individual needs, but policies must meet the minimum requirements provided in Policy 2422.8. Specifically, the policy gives the building administrator the responsibility of administering over-the-counter medications as long as certain requirements are met, including parental or guardian permission. The building administrator can designate an unlicensed person who has received required training to administer over-the-counter medication. The RN Board continues to maintain that the best interests of children are served when over-the-counter medication is administered based upon a written order written by a qualified prescriber. The RN cannot delegate over-the-counter medication administration to an unlicensed individual in the absence of a physician

order. A complete copy of the Medication Policy 2422.8 can be found on the Internet at:

http://wvde.state.wv.us/policies/p2422.8_ne.html

Any questions regarding the policy may be directed to Rebecca King, Coordinator for the Office of Student Services and Health Promotion at (304) 558-8830

DISCIPLINARY ACTION AGAINST LPN'S

Disciplinary action for licensed practical nurses can be found on the LPN Board web site lpnboard@state.wv.us. You can find this information several ways. First, you can look up the individual nurse through the verification system. The information provided will tell you if there is any disciplinary action. Second, you may review newsletters on the web site. The discipline information is also in the newsletter.

End-of Life CE

No charge

Available July 15, 2004
on the RN web site.

A joint effort between
the RN and LPN Boards.

DISCIPLINARY ACTION AGAINST RN'S

Disciplinary action for registered professional nurses is on the web site. Please access the web site for this information. As always, before taking any action as a result of discipline information, make a request in writing for a copy of the actual discipline documents or talk with the Board's Discipline Assistant Leslie Morris.

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WEST VIRGINIA BOARD OF
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