

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

September 9, 2009

A Special 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 September 9, 2009.

BOARD MEMBERS PRESENT:

PAMELA ALDERMAN, MSN, RN, PRESIDENT

CYNTHIA PERSILY, Ph.D., RN, SECRETARY

DIANA BOYLE, MSN, RN-CS, FNP
(by conference call)

LINDA WILLIAMS, CRNA, J.D.
(by conference call)

ROBIN WALTON, EdD, RN

JUDY NYSTROM, PUBLIC MEMBER
(by conference call)

BOARD STAFF PRESENT:

LAURA S. RHODES, MSN, RN, EXECUTIVE DIRECTOR

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

CYNDY R. HAYNES, MSN, RN, DIRECTOR OF EDUCATION & PRACTICE

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

SEPTEMBER 9, 2009

CALL TO ORDER

The meeting was called to order by Pamela Alderman, Board President at 10:15 a.m..

QUORUM

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

3. ACCEPTANCE OF AGENDA

3. A motion was made by Robin Walton to accept the proposed agenda as written. The second was offered by Linda Williams. Motion carried.

EXECUTIVE SESSION

4. Pamela Alderman, 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.

A motion was made by Diana Boyle that the Board recess and reconvene in an Executive Session to discuss the hearing transcript for Gregory Hoffman. The seconded was offered by Judy Nystrom. Motion carried. The Board, having received the transcript at least ten (10) days in advance of the meeting discussed the transcript and Hearing Officer Findings of Fact, Conclusions of Law and Recommendation regarding the matter of Gregory Hoffman.

PUBLIC SESSION

A motion was made by Diana Boyle to reconvene the regular meeting to make motions related to discussion during the Executive Session regarding the hearing of the West Virginia Board of Examiners for Registered Professional Nurses vs. Gregory Hoffman. The motion was seconded by Robin Walton. Motion Carried.

5. MOTIONS RELATED TO EXECUTIVE SESSION REGARDING REVIEW OF HEARING TRANSCRIPT

5. Cynthia Persily made a motion to accept Hearing Officer's Findings of Fact and the Conclusions of Law with the following modifications:
 - #28. Remove the "s" from the word "assessments" to read "assessment".
 - #30. In the third sentence change the word "administer" to read "administering" and the word "perform" to read "performing".

#33. Change to read as follows:

On October 11 or 12, 2008, Patient 214W was in the shower and needed a dressing change. Respondent made him wait in the shower from 11:10 until approximately 12:00 noon until his nurse came back, exposing this patient and others to a risk of infection.

The second was offered by Judy Nystrom. Motion carried.

Cynthia Persily made a motion to accept The Hearing Officer's Recommended Decision with the following modifications:

On the basis of the transcript, the Board hereby ORDERS that license number 60019, issued to Gregory Hoffman be REVOKED. After five (5) years of revocation, Hoffman may apply to be licensed in the State of West Virginia as a registered professional nurse by:

1. Submitting an application to sit for the NCLEX examination and successful completion of the NCLEX examination;
2. Submitting to a full psychological evaluation performed by a Board approved, licensed provider, within three (3) months of submitting an application for examination to be a registered nurse, and have the results of such evaluation provided to the Board directly from the provider with the application for examination for review by the Board. Hoffman shall provide this complete Final Order to the approved treatment provider for review at the time of the evaluation.

Hoffman shall be subject to additional requirements of monitoring if Hoffman's application for examination is approved by the Board and Hoffman is successful on the NCLEX examination.

The second was offered by Linda Williams. Motion carried.

6. DISCIPLINE

6. The Board reviewed the Discipline Parameters. Cynthia Persily made a motion to approved the parameters with the recommended revisions. The second was offered by Linda Williams. Motion carried.

7. 2010 LEGISLATIVE SESSION

- 7.** The Executive Director shared information with Board members regarding the Board of Medicine's proposed bill related to the definition of surgery and collaborative agreements. A discussion ensued related to the impact of this proposed bill on advanced practice nursing. Pamela Alderman plans attending the Board of Medicine meeting on Sunday. The Board will continue discussion on this matter at the October 2009 board meeting.

8. PRACTICE ISSUES

- 8.** The Executive Director provided the Board members with information in related to the question of what level of nursing practice may perform discharge summaries. A discussion ensued. The Center's for Medicare and Medicaid Services (CMS) requirements were provided for the Board to review. Based on CMS requirement, it was determined that the minimum requirements are that of an advanced practice nurse.

9. EDUCATION

9.1. PARAMETERS FOR BOARD STAFF APPROVAL OF FACULTY QUALIFICATIONS

- 9.1.** The Board reviewed the Parameters for Board Staff Approval of Faculty Qualifications. Cynthia Persily made a motion to approve the parameters with the recommended modifications. The second was offered by Robin Walton. Motion carried.

9.2. DAVIS & ELKINS COLLEGE

- 9.2.** The Board reviewed Faculty Approval Request from Davis & Elkins College. Cynthia Persily made a motion to approved the request for Leslie C. Maley, RN, BSN as part-time clinical instructor for the associate nursing program at Davis & Elkins College. The second was offered by Robin Walton. Motion carried.

Cynthia Persily made a motion to deny the request for Debra L. Spray, RN, BSN as part-time clinical instructor. Ms. Spray has less than one (1) year experience as a registered professional nurse and does not meet the requirements of the Board. The second was offered by Robin Walton. Motion carried.

9.3. WEST VIRGINIA NORTHERN COMMUNITY COLLEGE

- 9.3.** The Board reviewed Faculty Approval Request from West Virginia Northern Community College. Cynthia Persily made a motion to approve the request for Marla Ryan, RN, BSN as part-time clinical instructor for the associate nursing program. The second was offered by Robin Walton. Motion carried.

**9.4. WEST VIRGINIA WESLEYAN
COLLEGE**

- 9.4.** The Director of Education and Practice provided the Board with and update since the March 2009 Board meeting regarding West Virginia Wesleyan College. She reported that there was only a small class this year with less than ten (10) students graduating from the program. This was provided for informational purposes only. There was no action taken.

Diana Boyle recused herself and ended the call during discussion and decisions related to Fairmont State University. She did not rejoin the meeting.

9.5. FAIRMONT STATE UNIVERSITY

- 9.5.** The Board reviewed Faculty Approval Request from Fairmont State University. Cynthia Persily made a motion to approve Amy Summers, RN, BSN as part-time clinical instructor for the associate nursing program at Fairmont State University (FSU) with the following requirements:
1. Ms. Summers be present at all mental health lecture of the FSU associate nursing program;
 2. Ms. Summers be supervised by a FSU experienced mental health faculty member for the first six (6) weeks of her clinical responsibilities with students; and
 3. Provide the Board with the evaluation of Ms. Summers performance as a part-time clinical instructor. Submit the evaluation to this Board for review during the Education Committee Meeting and October 2009 Board meeting.

The second was offered by Linda Williams. Motion carried.

ADJOURN

A motion was made to adjourn the meeting by Cynthia Persily. The second was offered by Robin

Walton. Motion carried. Meeting adjourned at 12:40 p.m.

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

Respectfully submitted by
Cynthia Persily, Ph.D., RN
Board Secretary