

**WEST VIRGINIA BOARD OF EXAMINERS FOR
REGISTERED PROFESSIONAL NURSES
March 18, 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

MARCH 18, 2011

CALL TO ORDER

The meeting was called to order by Dr. Robin Walton, Board President at 9:45 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. Judy Nystrom made a motion to accept the agenda as amended. The second was offered by Joyce Egnor. The motion carried.

2. APPROVAL OF MEETING MINUTES

A. FEBRUARY 18, 2011 SPECIAL BOARD MEETING

- 2.A. The February 18, 2011 Special Board Meeting minutes were reviewed. Teresa Ritchie made a motion to approve the meeting minutes as amended. The second was offered by Mary Fanning. The motion carried.

3. OPEN FORUM

3. There were no issues brought forward for the Open Forum. The agenda moved forward.

4. EDUCATION

4.A. COMMITTEE REPORT AND RECOMMENDATIONS

- 4.A. The Board reviewed the items listed below on the Consent Agenda related to recommendations from the Education Committee:

1. Approval of Progress Reports from:
 - a. Blue Ridge Community and Technical College regarding curriculum implementation
 - b. Davis and Elkins regarding NCLEX Plan
 - c. Eastern Community and Technical College regarding new program
 - d. Kanawha Valley Community and Technical College regarding LPN-RN program
 - e. ITT regarding new program
 - f. Salem International University regarding new program update
 - g. Wheeling Jesuit University regarding update on skills lab

2. Action on Requests from Programs:
 - a. Kanawha Valley Community and Technical College regarding approval of a new faculty member
 - b. Southern West Virginia Community and Technical College regarding approval of:
 - i. Curriculum change
 - ii. Closing of Kanawha Valley Site
 - c. West Virginia University at Parkersburg regarding approval of:
 - iii. LPN Advanced Placement change
 - iv. Change in length of time to complete the program
 - d. West Virginia University regarding approval of Potomac State Students transferring to WVU Morgantown after one year at Potomac State
 - e. West Virginia Wesleyan regarding denial of request to separate transfer students when determining NCLEX RN Exam results for calendar year 2010.
3. Approval of staff activity related to *Education Parameters* for faculty approval.
4. Decision regarding additional remedial action and evidence thereof from an Exam applicant before further processing of the application.
5. Approval of Blue Ridge Community and Technical College On Site Visit report requiring follow up on library resources, organizational chart, evaluation process, and other identified deficiencies.
6. Kanawha Valley Community and Technical College increase in enrollment for only the fall August 2011 class to 60.
7. University of Charleston acceptance of the resignation of Jennifer Hess as Chair of the ADN program and approval of appointment of Dr. Robin Lewis as the Interim Chair.
8. West Virginia Northern Community and Technical College approval of the follow up report regarding Board concerns.
9. Alderson Broaddus College approval of a mandatory 1 hour course related to NCLEX RN review.
10. West Virginia Wesleyan approval of mission and philosophy with recommended changes.

A motion was made by Joyce Egnor that the Board approve the Education Committee Consent Agenda. The second was offered by Mary Fanning. Motion carried.

EXECUTIVE SESSION

Robin Walton, Board Secretary, 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 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 Mary Fanning that the Board recess and reconvene in an Executive Session to discuss matters pertaining to Mountain State University. The motion was seconded by Joyce Egnor. Motion carried.

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

Diana Boyle, MSN, RN-CS, FNP, who the Board has contracted to serve as a consultant to assist with issues related to Mountain State University, joined the meeting by telephone for the discussion and to review the report submitted to the Board.

Dr. Nancy France and Matt Smith from Mountain State University were present during the discussion.

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

PUBLIC SESSION FOR MOTIONS RELATED TO EXECUTIVE SESSION

Joyce Egnor made a motion to recess Executive Session and reconvene the meeting in public session. The motion was seconded by Teresa Ritchie. Motion carried.

5. MOUNTAIN STATE UNIVERSITY

5. There were no motions made resulting from the discussion during Executive Session regarding Mountain State University.

Ann Bostic rejoined the meeting.

7. WV NURSE SUPPORT PROGRAM (ALTERNATIVE TO DISCIPLINE) CONTINUED DISCUSSION

7. The Board was presented with information regarding WV Nurse Health Program. Dr. Brad Hall, MD was in attendance and provided additional information to the Board. A motion was made by Teresa Ritchie to appoint a member of the Board to participate in a Task Force to study the program. The motion was seconded by Joyce Egnor. Motion carried. Teresa Ritchie will represent the Board at the Task Force meetings.

**6. MEDICATION ADMINISTRATION BY
UNLICENSED PERSONNEL AS
DELEGATED BY AN ADVANCED
PRACTICE NURSE IN THE PRIMARY
CARE SETTING**

6. The Board reviewed information regarding medication administration by unlicensed personnel as delegated by an advanced practice nurse in the primary care setting. A discussion ensued. A motion was made by Ann Bostic to form a task force to review the issues related to medication administration by unlicensed personnel as delegated by an advanced practice nurse in the primary care setting. The second was offered by Libby Farmer. Motion carried.

8. LEGISLATIVE UPDATE

8.A. OUTCOME OF 2011 SESSION

- 8.A. The Executive Director provided the Board with an overview of the legislative bills of interest and outcomes from the 2011 Legislative Session.

**8.B. 2012 PROPOSED RULE
CHANGES RELATED TO
LICENSURE**

- 8.B. The Board approved changes to 19CSR3 related to the following: 1) remove the requirement for a photo; 2) remove the requirement for a notarized signature; and 3) change the language related to criminal background checks to permit the Board to directly obtain the FBI reports. The motion was made by Ann Bostic. The second was offered by Joyce Egnor. The motion carried.

EXECUTIVE SESSION

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 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 Mary Fanning that the Board recess and reconvene in an Executive Session by the request of the petitioners for reinstatement. The motion was seconded by Mary Farmer. Motion carried.

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

**9. PETITIONER FOR REINSTATEMENT
(CLOSED TO PUBLIC UNLESS REQUESTED
OTHERWISE BY PETITIONER)**

Mary Fanning recused herself and left the room for the discussion.

9.A. JANNA EBBERT

- 9.A.** The Board reviewed of the case concerning Ms. Ebbert who was present to address the Board to petition for reinstatement of her nursing license.

Mary Fanning rejoined the meeting.

9.B. DENNIS GRATZMILLER

- 9.B.** The Board reviewed of the case concerning Mr. Gratzmiller who was present to address the Board to petition for reinstatement of his nursing license.

9.C. CARI DOTY

- 9.C.** The Board reviewed of the case concerning Ms. Doty who was present to address the Board to petition for reinstatement of her nursing license.

9.D. LORI FRANCIS

- 9.C.** The Board reviewed of the case concerning Ms. Francis who was present to address the Board to petition for reinstatement of her nursing license.

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

Teresa Ritchie made a motion to recess Executive Session and reconvene the meeting in public session. The motion was seconded by Joyce Egnor. Motion carried.

9.A. JANNA EBBERT

- 9.A.** A motion was made by Teresa Ritchie to reinstate Ms. Ebbert's license, and place the license on PROBATION for a period of one (1) year. The Board ORDERS Ms. Ebbert to pay the appropriate fines and administrative costs. The terms of probation are as follows:

1. Ms. Ebbert 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

2. She shall immediately inform her nursing employer, any 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)
3. She 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. She shall further cause her employer or supervisor to submit bi-monthly reports to the Board for the first six (6) months and monthly thereafter describing her job performance, attendance, attitude, and other work behaviors during the year of probation.
4. She shall submit documentation of fifteen (15) contact hours of continuing education in ethics awarded each year during the time her license is on probation in addition to those already required by law.
5. She shall report in person for appointment with the Board staff upon request.

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

9.B. DENNIS GRATZMILLER

9.B. A motion was made by Judy Nystrom to reinstate Mr. Gratzmiller's license, and place the license on PROBATION for a period of one (1) year. The Board ORDERS Mr. Gratzmiller to pay the appropriate fines and administrative costs. The terms of probation are as follows:

1. He shall not work in an autonomous or supervisory nursing position. He shall work only under the direct supervision of a registered professional nurse in a structured setting throughout the term of his probation. Such supervising registered professional nurse must, at the time of said supervision, hold an active, unencumbered West Virginia license.
2. He shall inform the Board in writing within ten (10) days of the date he resumes 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 his employer. He shall provide in writing the name of his immediate registered professional nurse supervisor. He shall inform the Board of any interruption in nursing practice or change in employment within ten (10) days of such interruption or change.

3. He shall immediately inform his nursing employer, any prospective nursing employer, and the director of any nursing education program in which he enrolls or teaches, that the Board has placed his license on probation, and shall provide a complete copy of this agreement to his employer(s). The Board may provide his employer(s) with a copy of this agreement and may communicate with his employer(s).
4. He shall submit documentation of fifteen (15) contact hours of continuing education in ethics awarded each year during the time his license is on probation in addition to those already required by law.
5. He shall report in person for an appointment with the Board staff upon request.
6. He shall if proceeding successfully in meeting the terms of his probation, may petition the Board after no less than six (6) months from the execution of this agreement for a modification of the terms of the agreement. In the event that the Board finds he has made significant progress, based upon all information available, the Board may, at its discretion, alter or amend certain provisions of the agreement.

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

9.C. CARI DOTY

9.C. A motion was made by Mary Farmer to reinstate Ms. Doty's license, and place the license on PROBATION for a period of two (2) years. The Board ORDERS Ms. Doty to pay the appropriate fines and administrative costs. The terms of probation are as follows:

1. Ms. Doty shall not work at Nursing Registry, Temporary Nursing Agency, Home Health Care Agency, Private Duty Nurse, or on a Psychiatric or Mental Health Unit.
2. She 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.
3. She 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. She shall immediately inform her nursing employer, any 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. She 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. She shall further cause her employer or supervisor to submit bi-monthly reports to the Board for the first six (6) months and monthly thereafter describing her job performance, attendance, attitude, and other work behaviors during the year of probation.
6. She shall submit documentation of fifteen (15) contact hours of continuing education in ethics and professional standards awarded each year during the time her license is on probation in addition to those already required by law.
7. She shall report in person for appointment with the Board staff upon request.
8. She shall annually submit to the Board a written personal statement regarding her progress. The statement shall be due at the end of the first year and in each subsequent year during the month in which this agreement is accepted by the Board.
9. She 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.
10. She shall continue treatment with her psychiatrist at the current schedule. The psychiatrist shall make a monthly report to the Board about her progress and her compliance with treatment. This requirement may be modified upon request to the Board by her psychiatrist.
11. She shall cause monthly reports to be submitted to the Board by her treating psychiatrist relating to medication management, dosage adjustments and medication response.

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

9.D. LORI FRANCIS

- 9.C.** A motion was made by Judy Nystrom to reinstate Ms. Francis's license, and place the license on PROBATION for a period of two (2) years. The Board ORDERS Ms. Francis to pay the appropriate fines and administrative costs. The terms of probation are as follows:

1. Ms. Francis shall not work at Nursing Registry, Temporary Nursing Agency, Home Health Care Agency, or Private Duty Nurse.
2. She 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.
3. She 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. She shall immediately inform her nursing employer, any 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. She 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. She shall further cause her employer or supervisor to submit bi-monthly reports to the Board for the first six (6) months and monthly thereafter describing her job performance, attendance, attitude, and other work behaviors during the year of probation.
6. She shall submit documentation of fifteen (15) contact hours of continuing education in ethics awarded each year during the time her license is on probation in addition to those already required by law.
7. She shall report in person for appointment with the Board staff upon request.
8. She 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.
9. She shall annually submit to the Board a written personal statement regarding her progress. The statement shall be due at the end of the first year and in each subsequent year during the month in which this agreement is accepted by the Board.

The second was offered by Joyce Egnor. Motion carried.

10. DISCIPLINARY REVIEW COMMITTEE

A. REPORT

- 10.A.** Alice Faucett, General Counsel and Director of Discipline provided the Board with the Disciplinary Review Committee (DRC) report.

B. APPROVAL OF DECISIONS

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

**C. DRC RECOMMENDED
PARAMETERS**

- 10.C.** The Board reviewed the parameters requested by the discipline staff. Libby Farmer made the motion to approve the parameters. Teresa Ritchie seconded the motion. The motion carried.

D. MISCELLANEOUS

- 10.D.** There were no items under this topic.

11. MEETING REPORTS

**11.A. FEDERATION OF
ASSOCIATIONS OF
REGULATORY BOARDS (FARB)**

- 11.A.** This meeting was attended by Board members Robin Walton, Judy Nystrom and Joyce Egnor. Dr. Walton provided a report outlining highlights of the meeting.

11.B. CENTER FOR NURSING

- 11.B.** Duane Napier, MSN, RN, BC, Executive Director for the Center For Nursing provided the Board with an update on the Center's activities. No action was taken.

11.C. NCSBN APRN SUMMIT

- 11.C.** The Executive Director provided a report regarding the NCSBN APRN Summit. She reported that the main focus of the Summit was the discussion of the Consensus Model for APRN Regulation and the requirements for Boards to adopt the model in their individual states. She informed the Board that it would require legislative changes to accomplish the implementation. The Honorable Senator Foster has requested a meeting with the WVRN Board, the Board of Medicine, and other interested parties to discuss scope of practice issues. NCSBN has numerous resources to assist boards of nursing and legislators in adopting the requirements of the Consensus Model for APRN Regulation.

**11.D. NCSBN INSTITUTE OF
REGULATORY EXCELLENCE**

- 11.D.** Board members Mary Fanning and Ann Bostic attended this meeting and provided a report to the Board. They reported that they both have an interest in becoming Fellows in the program.

12. DIALYSIS TECHNICIANS

12.A. UPDATE

- 12.A.** The Executive Director provided the Board with an update regarding Dialysis Technicians. There are currently 160 Dialysis Technicians certified in West Virginia and the renewal cycle was due to begin soon.

12.B. APPROVAL OF NEW CLINICAL SITES IN LEWISBURG AND DUNBAR, WEST VIRGINIA

- 12.B.** This item was removed from the agenda.

13. BUDGETARY INFORMATION

13.A. FY2011 2nd QUARTER EXPENDITURES

- 13.A.** FY2011 second quarter expenditures were reviewed by the Board. A motion was made by Mary Fanning to approve the second quarter report. The second was offered by Joyce Egnor. The motion carried.

13.B. PURCHASE CARD EXPENDITURE REPORT

- 13.B.** The Purchase Card Expenditure Report was provided to the Board for review. The report included P-Card purchases from September 2010 thru January 2011. A motion was made by Mary Fanning to approve the Purchase Card Expenditure Report. The second was offered by Judy Nystrom. The motion carried.

13.C. EXPENDITURES TO DATE

- 13.C.** A report of the Expenditures to Date was provided to the Board for review. A motion was made by Mary Fanning to approve the report on the Expenditures to Date. The second was offered by Judy Nystrom. The motion carried.

13.D. UPDATE ON STAFF POSITIONS

- 13.D.** The Executive Director provided the Board with an update regarding the progress of the additions to the staff. The new position of Nurse Investigator will be funded. The Director of Practice and IT were not moved forward for lack of sustained funding.

**13.E. ADJUSTMENT TO FY2011
BUDGET**

- 13.E.** The Executive Director provided the Board with information related to adjustments requested for Fiscal Year 2011 to accommodate the salary for the Nurse Investigator position which the Board had previously approved, and moving the Director of Discipline/General Counsel position from part-time back to full time.

**13.F. REQUEST FOR ADJUSTMENT
TO FY2012 BUDGET**

- 13.F.** The Executive Director provided the Board with information related to adjustments requested for Fiscal Year 2012 to accommodate the salary for the Nurse Investigator position and related costs such as computer, travel and expenses to attend conferences.

14. NCSBN

14.A. MID-YEAR MEETING

- 14.A.** This meeting was attended by The Executive Director who provided an overview of the issues discussed during the NCSBN Mid-Year meeting. No action taken.

**14.B. BOARD OF DIRECTORS AND
LEADERSHIP SUCCESSION
COMMITTEE POSITIONS**

- 14.B.** The Executive Director informed the Board that information regarding the upcoming vacant positions on the NCSBN Board of Directors and Leadership Succession Committee is provided on the NCSBN website.

14.C. ENVIRONMENTAL SCAN

- 14.C.** The Board continued discussion regarding Nurse Licensure Compact and the Advanced Practice Consensus Model. No action was taken.

**14.C.1. HRSA HEALTH
LICENSING BOARD
REPORT TO
CONGRESS**

- 14.C.1** The Board reviewed the information provided regarding the HRSA report which relates to the mobility of licensees, telehealth and e-Medicine and e-Health. A discussion ensued. There were no motions made regarding this issue.

**14.C.2. IOM/RWJ REPORT
ON THE FUTURE
OF NURSING**

- 14.C.2** The Board reviewed information provided regarding the IOM/RWJ report which relates to nursing's role in the changing health care environment. A discussion ensued. There were no motions made regarding this issue.

14.D. MISCELLANEOUS

- 14.D.** The Executive Director provided the Board with information regarding the following upcoming meeting and conferences:

NCSBN 2011 IT Conference, scheduled to be held May 10, 2011, in Denver, Colorado. The Board discussed approving funding for one(1) individuals to attend this conference.

NCSBN 2011 APRN Roundtable, scheduled to be held May 18, 2011, in Chicago, Illinois. The Board discussed approving funding for one(1) individuals to attend this conference.

NCSBN 2011 Attorney/Investigator Conference, scheduled to be held May 24-26, 2011, in Chicago, Illinois. The Board discussed approving funding for three(3) individuals to attend this conference.

NCSBN 2011 NLC/Consumer Meeting, scheduled to be held June 8-9, 2011, in Chicago Illinois. The Board discussed approving funding for two (2) individuals to attend this conference. Teresa Ritchie and Ann Bostic are interested in attending.

NCSBN 2011 Annual Meeting, scheduled to be held August 3-5, 2011 in Indianapolis, Indiana. The Board discussed approving funding for four (4) individuals to attend this conference.

2011 NLCEX Invitational, scheduled to be held September 26, 2011 in San Francisco, CA. The Board discussed approving funds for three (3) individuals to attend this conference. Libby Farmer and Joyce Egnor are interested in attending.

A motion was made by Libby Farmer to approve funding for individuals available to attend the above mentioned meetings and conferences as discussed. The second was offered by Judy Nystrom. The motion carried.

15. SAFETY COMMITTEE REPORT

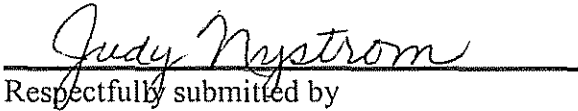
- 15.** This item was deferred to the next regular Board meeting

ADJOURN

With no further business, a motion to adjourn the meeting was made by Mary Fanning at 3:30pm.
The second was offered by Judy Nystrom. Motion carried.

A handwritten signature in cursive script, reading "Margaret E. Alston", written over a horizontal line.

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

A handwritten signature in cursive script, reading "Judy Nystrom", written over a horizontal line.

Respectfully submitted by
Judy Nystrom
Board Secretary