

**WEST VIRGINIA BOARD OF EXAMINERS FOR
REGISTERED PROFESSIONAL NURSES
June 13, 14 & 15, 2012**

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 on June 13 & 14, 2012 on June 15, 2012 the meeting was held as the Summit Center, 129 Summers Street, Charleston, WV 25311.

BOARD MEMBERS PRESENT:

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

JUDY NYSTROM, SECRETARY

JOYCE EGNOR, MSN, RN

MARY FRIEL FANNING, MSN, RN

L. ANN BOSTIC, RN, CRNA

DR. MARY (LIBBY) FARMER, PUBLIC MEMBER

BOARD MEMBERS PRESENT:

TERESA RITCHIE, MSN, RN, FNP-BC, DNP

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 13, 2012

CALL TO ORDER

The meeting was called to order by Dr. Robin Walton, Board President 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.

1. ACCEPTANCE OF AGENDA

1. Ann Bostic made a motion to accept the agenda as proposed. The second was offered by Joyce Egnor. The motion carried.

2. APPROVAL OF MEETING MINUTES

MARCH 17 - 18, 2012 REGULAR BOARD MEETING

- 2.A. The March 17-18, 2012 Board Meeting minutes were reviewed. Mary Fanning made a motion to approve the meeting minutes as written. The second was offered by Ann Bostic. 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. WV §19CSR7 ADVANCED PRACTICE REGISTERED NURSE REVIEW AND CONSIDERATION OF PROPOSED RULE CHANGES

4. The Board reviewed the Advanced Practice Registered Nurse Proposed Rule changes. A discussion ensued. Mary Fanning made a motion to accept the Advanced Practice Registered Nurse Proposed Rule. The second was offered by Ann Bostic. The motion carried.

5. WV §19CSR8 LIMITED PRESCRIPTIVE AUTHORITY REVIEW AND CONSIDERATION OF PROPOSED RULE CHANGES

5. The Board reviewed the proposed rule changes for WV§19CSR8 Limited Prescriptive Authority. Dr. Robin Walton, Board President explained that the proposed changes and

additional language were a result of changes from the Board of Medicine. She also informed the Board that she and the Executive Director plan to meet with representatives from the Board of Medicine later to further discuss this issue. Joyce Egnor made a motion approve the changes to the proposed rule. The second was offered Dr. Libby Farmer. The motion carried. The rule will go out for public comment.

6. NCSBN - REVIEW AND CONSIDER RELATED ISSUES

6.A. DELEGATE ASSEMBLY

- 6.A.** The Board was provided with information regarding the NCSBN Delegate Assembly Annual meeting scheduled to be held in Dallas, TX on August 8-10, 2012.

6.A.1. SLATE OF CANDIDATES

- 6.A.1** The Board was provided with the 2012 Slate of Candidates for Delegate Assembly.

6.A.2. BOARD OF DIRECTOR RECOMMENDATION TO THE DELEGATE ASSEMBLY

- 6.A.2.** The Board reviewed and supported the recommendations.

6.A.3. APPOINTMENT OF DELEGATES AND ATTENDEES

- 6.A.3.** The Executive Director explained that NCSBN will provide funding for two (2) attendees. Joyce Egnor made a motion to approve funds for six (6) additional representatives to attend the meeting. The second was offered by Dr. Farmer. The motion carried.

7. SCOPE OF PRACTICE QUESTION REGARDING PRACTICE OF NURSING IN CASE MANAGEMENT ROLE - REVIEW AND CONSIDERATION

- 7.** The Board reviewed the request from Kristin Hicks, from Arnold & Porter LLP, asking the Board's opinion whether a client's Electronic Medical Record and patient follow-up case management service currently being developed would be considered the practice of nursing in West Virginia. A discussion ensued. The Board directed the staff to prepare a response

informing Ms. Hicks that in the opinion of the Board, that would be the practice of nursing and a license would be required.

8. BUDGET

8.A. FY2012 THIRD QUARTER EXPENDITURES

- 8.A.** The Board reviewed the FY 201 Third Quarter Expenditures Report. A motion was made by Mary Fanning to approve the FY 2012 Third Quarter Expenditures Report. The second was offered by Ann Bostic. The motion carried.

8.B. FY2012 4TH QTR EXPENDITURES TO DATE

- 8.B.** The Board reviewed the FY 2012 Fourth Quarter Expenditures To Date Report. A motion was made by Ann Bostic to approve the FY 2012 Fourth Quarter Expenditures to Date Report. The second was offered by Judy Nystrom. The motion carried.

8.C. FY2013 EXPENDITURE SCHEDULE

- 8.C.** The Board reviewed and discussed the Expenditure Schedule for FY2013. A motion was made by Mary Fanning to approve the FY2013 Expenditure Schedule. The second was offered by Ann Bositc. Motion carried.

8.D. PURCHASE CARD REPORT

- 8.D.** The Board reviewed the Purchase Card Report provided on purchases from February 2012 through April 2012. A motion was made by Mary Fanning to approve the Purchase Card Report. The second was offered by Ann Bostic. Motion carried.

8.E. NEW TREASURER'S OFFICE CHARGES

- 8.E.** The Board was provided with a notice received from the West Virginia Treasurer's Office regarding their plan to start billing state agencies for services that had been performed in the past for no charge. A copy of the services were provided. The Executive Director informed the Board that this would not be a major expenditure for the agency. This information was for informational purposes and required no action from the Board.

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 Ann Bostic 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.

14. MISSION/GOALS - REVIEW, UPDATE AND APPROVE

- 14.** The Board reviewed the Mission, Goals and Objectives. A motion Judy Nystrom to approve the Mission, Goals and Objectives as revised. The second was offered by Dr. Libby Farmer. Motion carried.

15. CONFLICT OF INTEREST STATEMENT REVIEW, UPDATE AND APPROVE

- 15.** Dr. Libby Farmer made the motion to reaffirm the Conflict of Interest Statement as written. The second was offered by Joyce Egnor. Motion carried. The Board Conflict of Interest Statement was reviewed, reaffirmed, and signed by the Board members.

16. BOARD CODE OF CONDUCT - REVIEW, UPDATE AND APPROVE

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

BREAK

10:30 am - 10:50 am

17. REVIEW AND SIGN CONFIDENTIALITY STATEMENT

- 17.** The Board was provided with the Confidentiality Statement to review, sign and return the following day of the meeting.

**18. BOARD MEMBER APPOINTMENT
UPDATE**

- 18.** 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.

13. EDUCATION COMMITTEE

**BRECKINRIDGE SCHOOL OF NURSING
AND HEALTH SCIENCES AT ITT**

The Board reviewed the curriculum change request submitted by the Breckinridge School of Nursing at ITT/ETS. The curriculum change included multiple course hour changes which are being made to provide students with courses that are more transferrable to a traditional college course hour structure; changing in sequence of several courses, discontinuing the Ethics Course and incorporating ethics in all other nursing courses. Ann Bostic made a motion to approve the change related to the Ethics course pending receipt of written validation that the changes have been fully implemented in the Breckenridge ITT/ETS curriculum and to approve all other changes to the curriculum as presented. The program shall continue to submit updates on the implementation of the new curriculum. The updates are to be submitted 30 days in advance of the Board's Education Committee meetings. The second was offered by Dr. Libby Farmer. The motion carried

**13.C. MOUNTAIN STATE UNIVERSITY
UPDATE - REVIEW AND CONSIDER**

- 13.C.** The Board reviewed the report submitted by Mountain State University. The Executive Director provided an update to the report. A motion was made by Mary Fanning to accept the report. The second was offered by Joyce Egnor. The motion carried.

**10. REVIEW AND DISCUSS JOINT RN/LPN
MEETING AGENDA**

- 10.** 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 2011.

11. SELECTION OF REPRESENTATIVES FOR MEETING

11.A. CLEAR (COUNSEL ON LICENSURE ENFORCEMENT AND REGULATION), ANNUAL MEETING, SAN FRANCISCO, CA SEPTEMBER 6-8, 2012

- 11.A.** A motion was made by to approve a total of six (6) representatives to attend the CLEAR Annual Conference to be held in San Francisco, CA on September 6-8, 2012. The NCIT Basic and Specialized Training is September 3-5, 2012. The second was offered by . Motion carried.

12. REPORTS ON OUTSIDE MEETINGS AND CONFERENCES

12.A. CENTER FOR NURSING

- 12.A.** The report from the Center for Nursing was provided during the RN/LPN Joint meeting.

12.B. ADDNE

- 12.B.** The ADDNE President, Pamela Alderman was present at the meeting and provided a report to the Board.

12.C. PATIENT SAFETY CONFERENCE

- 12.C.** Alice Faucett-Carter, General Counsel and Director of Discipline attended this meeting and provided a report to the Board.

12.D. NCSBN IT CONFERENCE

- 12.D.** Dean Henson, Office Assistant II attended this meeting and provided a report to the Board.

12.E. NCSBN ATTORNEY/INVESTIGATOR CONFERENCE

- 12.E.** Alice Faucett-Carter, General Counsel and Director of Discipline attended this meeting and provided a report to the Board.

**20. REVIEW OF CONSIDERATION OF
RECOMMENDATIONS OF WORK GROUP
REGARDING THE IMPLEMENTATION OF
SB379 NURSE HEALTH PROGRAM**

20. The Executive Director provided the Board with a report of the recommendations of the Work Group in the absence of the Work Group Chairperson Teresa Ritchie. The Board reviewed documents provided regarding the work requirements and fees associated with the operation of the program. A discussion ensued. The Board decided that one of the initial steps would be the naming of the program. After the review and discussion of several options, Dr. Libby Farmer made a motion to name the program WV Restore - Safety in Healing, with the subtitle "a monitoring and recovery program for nurses". The second was offered by Ann Bostic. The motion carried.

The Board decided to table further action regarding this topic until later in the meeting.

LUNCH 12:00N

RN/LPN JOINT MEETING 1:00 PM

RECONVENE 1:30 PM

AGENDA

The Board President informed the Board of the need to amend the agenda regarding the necessity to review an Emergency Rule. A motion was made by Dr. Libby Farmer to amend the agenda. The second was offered by Ann Bostic. The motion carried.

**EMERGENCY RULE 11CSR TITLE 19
SERIES 14 PRACTITIONER
REQUIREMENTS FOR ACCESSING THE
WV CONTROLLED SUBSTANCES
MONITORING PROGRAM DATABASE**

The Board reviewed the drafted Emergency Rule provided to them regarding the use of the Controlled Substances Database. A motion was made by Mary Fanning to approve the Emergency Rule. The second was offered by Dr. Libby Farmer. The motion carried.

23. ELECTION OF OFFICERS

23.A. PRESIDENT

- 23.A. The floor was open for nominations for Board President. Mary Fanning made a motion to re-

elect Dr. Robin Walton for Board President. The second was offered by Joyce Egnor. Motion carried. Dr. Robin Walton was re-elected as Board President.

23.B. SECRETARY

23.B. The floor was open for nominations for Board Secretary. Judy Nystrom made a motion to elect Mary Fanning for Board Secretary. The second was offered by Ann Bostic. Motion carried. May Fanning was elected as Board Secretary.

RECESS MEETING

The Board discussed the progression of the Agenda. A motion was made by Joyce Egnor to reschedule Day Two of the meeting June 14, 2012 to start at 10:30 a.m. instead of 9:00 a.m. as originally scheduled.

A motion was made by Joyce Egnor to recess the meeting at 2:40 p.m.. The second was offered by Judy Nystrom. The motion carried.

RECONVENE DAY TWO JUNE 14, 2012

CALL TO ORDER

The meeting was called to order by Robin Walton at 10:35 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.

13. EDUCATION COMMITTEE CONTINUED

13.A. REPORT - REVIEW AND CONSIDER

- 13.A. The Board reviewed the items listed below on the Education Committee Recommendations 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:

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

Alderson-Broaddus College - Accept the update provided related to actions regarding the NLNAC site visit report and approve the curriculum change request related to an elective Pharmacology course and NCLEX-RN Review Course as revised.

Shepherd University - Maintain the approval of 60 students for enrollment in the Fall 2012 Semester and deny an increase for the Spring 2013 Semester pending review of the results of the 2012 calendar year NCLEX-RN results.

West Liberty University - Accept the NCLEX-RN Plan of Action update.

West Virginia Wesleyan School of Nursing - Accept the Plan of Action regarding NCLEX-RN results improvement.

West Virginia University Institute of Technology - Approve the NCLEX-RN Plan of Action.

Wheeling Jesuit University - Accept the update regarding the integration of simulation scenarios throughout the BSN curriculum.

Bluefield State College - Approve the NCLEX-RN Plan of Action update, the proposed curriculum change, the proposed changes in the admission criteria and require continued progress reports on the implementation of all.

Breckinridge School of Nursing and Health Sciences at ITT - Note the update regarding the appointment of a new Interim Director.

Eastern West Virginia Community and Technical College - Approve the update regarding the program.

Kanawha Valley Community and Technical College - Approve the update regarding the National League for Nursing Accrediting Council (NLNAC) report findings and the transition to the new building after separation from West Virginia State University.

University of Charleston Associate Degree Program - Approve the On-Site Visit Report and request updates from UC prior to each regular Board meeting addressing the issues of concern; Approve Dr. Deborah Mullins as the Director of the Associate Degree Program; Acknowledged the appointment of Dr. Jo Kahler, EdD, MSN, RN as the Dean for the School of Health; Acknowledge the plan to close the program.

West Virginia Junior College - Approve the LPN-RN Transition Course and the change in total hours from 126.4 to 109.9 quarter hours. This change is a recommendation from NLNAC to assist with meeting the accreditation standards.

West Virginia Northern Community and Technical College - Accept the NCLEX-

RN Action Plan update.

Curriculum Changes by Staff According to Board Parameters - Approve curriculum changes approved by staff by following Board Parameters.

Education Committee Purpose - Approve the Education Committee Purpose with a modification that the three voting members are Board members.

All recommendations within the Consent Agenda for the Education Committee received unanimous approval with the exception of West Virginia Wesleyan School of Nursing which required review by the full Board.

WEST VIRGINIA WESLEYAN SCHOOL OF NURSING

The Board reviewed information from WV Wesleyan that had not been provided at the meeting of the Education Committee. The Executive Director noted concerns regarding the criminal background checks and students. A motion was made by Mary Fanning to accept the report from WV Wesleyan and for the program to continue to submit reports. The second was offered by Ann Bostic. The motion carried.

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 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 issues regarding Salem International University. The second was offered by Joyce Egnor. The motion carried.

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

RECONVENE PUBLIC SESSION

A motion was made by Joyce Egnor to reconvene the regular meeting and to make any motions related to the discussion of issues regarding Salem International University. The second was offered by Dr. Libby Farmer. Motion carried. The Board reconvened in Public Session.

13.B. SALEM INTERNATIONAL UNIVERSITY UPDATE - REVIEW AND CONSIDER

- 13.B.** The Board reviewed information from Salem International University. Ann Bostic made a motion accept the plan of action from Salem International University, to request follow up

reports be submitted and to remove the restriction for student enrollment. The second was offered by Joyce Egnor. The motion carried.

**WV §19CSR8 LIMITED PRESCRIPTIVE
AUTHORITY REVIEW AND
CONSIDERATION OF PROPOSED RULE
CHANGES**

The Board President informed the Board that this agenda topic needed to be revisited as a result of the meeting with the WV Board of Medicine. The Boards want to collaborate on the language of the rule if possible. The new language was provided to the Board. Discussion ensued with guidance from the Board's legal counsel. Dr. Libby Farmer made a motion to amend language of the proposed Limited Prescriptive Authority Rule with the language developed after collaboration with the Board of Medicine. The second was offered by Ann Bostic. The motion carried.

LUNCH 11:45 - 1:00 P.M.

19. DISCIPLINARY REVIEW REPORT

19.A. PRESENTATION

- 19.A.** Leslie Morris, Discipline Assistant joined the meeting. Ms. Morris provided the Board with the Disciplinary Review Committee (DRC) report for March 26, 2012 through June 14, 2012. Action was taken on (62) cases.

**19.B. REVIEW AND APPROVAL OF
DECISIONS**

- 19.B.** The DRC recommended the Board approve the report as written. A motion was made by Dr. Libby Farmer to approve the report. The second was offered by Ann Bostic. The motion carried. A copy of the report is filed herewith.

19.C. MISCELLANEOUS

- 19.C.** The Board reviewed a recommendation from the DRC regarding parameters for staff to approve individuals participating in the Driver Interlock Program (DIP). A motion was made by Dr. Libby Farmer to approve the parameters as presented. The second was offered by Joyce Egnor. The motion carried.

Ruth Blevins joined the meeting and requested the opportunity to address the Board regarding information from the West Virginia Nurses Association conference call related to the Nurse Health Program and her concerns related to the amount of missed calls allowed for individuals

under an impaired or discipline contract with the Board. The Board addressed her concerns.

RECESS MEETING

1:30 PM

A motion was made by Dr. Libby Farmer to recess the meeting at 1:30 PM. The second was offered by Mary Fanning. The motion carried.

RECONVENE DAY THREE

SUMMIT CENTER

JUNE 15, 2012

2:20 PM

CALL TO ORDER

The meeting was called to order by Robin Walton at 2:20 p.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.

- 21. REVIEW OF RECOMMENDATIONS FROM
THE WORK GROUP REGARDING THE
IMPLEMENTATION OF SB379 NURSE
HEALTH PROGRAM CONTINUED**

21. The Board continued the review of the recommendations of the Work Group related to the newly named nurse health program, WV Restore. The Board reviewed the guidelines in Appendix A of the National Council of State Boards of Nursing Substance Use Disorder in Nursing Manual: A Resource Manual and Guidelines for Alternative and Disciplinary Monitoring. The motion to approve the Work Group Recommendations as modified was made by Ann Bostic. The modifications include the following:
The full Board will review individual cases, with the identity protected, that involve circumstances that vary from the usual case as well as individuals in a non-abstinence program (such as the use of Suboxone). Participants must attend 90 12 Step meetings in 90 days. After the program has been in place, the Survey needs and requirements will be determined. The second was offered by Joyce Egnor. The motion carried.

**22. WV §19CSR11 FEES REVIEW AND
CONSIDERATION OF PROPOSED
CHANGES**

22. The Board reviewed the proposed Fees Rule Changes. A motion was made by Joyce Egnor to approve the proposed changes allowing Board staff to negotiate fee increase amounts as needed. The second was offered by Ann Bostic.

ADJOURN

The motion to adjourn the meeting was made by Dr. Libby Farmer at 2:45 p.m. The second was offered by Judy Nystrom. The motion carried.



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



Respectfully submitted by
Mary Friel Fanning, MSN, RN
Board Secretary