

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

March 21, 2013

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

MARY FRIEL FANNING, DNP, RN, SECRETARY

TERESA RITCHIE, MSN, RN, FNP-BC

JOYCE EGNOR, MSN, RN

L. ANN BOSTIC, RN, CRNA

JUDY NYSTROM, PUBLIC MEMBER

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

ROBIN A. LEWIS, EdD, RN, ASSOCIATE DIRECTOR

MARGARET "MARTY" ALSTON, EXECUTIVE ASSISTANT

MARCH 21, 2013

CALL TO ORDER

The meeting was called to order by Dr. Robin Walton, Board President at 9:06 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 amended. The second was offered by Joyce Egnor. The motion carried.

2. APPROVAL OF MEETING MINUTES

A. FEBRUARY 22, 2012 SPECIAL BOARD MEETING

- 2.A.. The February 22, 2013 Special Board Meeting minutes were reviewed. Mary Farmer made a motion to approve the meeting minutes as submitted. The second was offered by Mary Fanning. The motion carried.

3. OPEN FORUM

3. Beth Baldwin, with the West Virginia Nurses Association Advanced Practiced Registered Nurse Coalition spoke to the Board about Senate Bill 379 which removes the requirement of a collaborative agreement and expands some of the prescribing privileges for those APRNs with Limited Prescriptive Authority. She also spoke about Senate Bill 11 which changes hydrocodone to a scheduled drug. This bill has passed the Senate. She understood from Chairman Perdue that the purpose of this bill is to keep APRNs from prescribing hydrocodone. Dorothy Kaek, Certified Professional Midwife (CPMs) and requires Vital Statistics to collect certain data about them and the births they are overseeing. She asked that if the Board was not supportive of it would they not oppose it

4. EDUCATION

4.A. REVIEW AND CONSIDERATION OF NCLEX RN 2012 RESULTS

- 4.A. The Board reviewed the 2012 NCLEX-RN results acknowledging the increase in the overall pass rate for West Virginia Schools of Nursing. The Board President commended the schools of nursing for their continued diligence in meeting and exceeding the Board's pass rate standard.

**4.B. REVIEW AND
CONSIDERATION OF
COMMITTEE REPORT AND
RECOMMENDATIONS**

4.B. Mary Fanning, Education Committee Chairperson, presented the recommendations of the Education Committee, noting that West Virginia Eastern Community and Technical College is granted full approval having had the first class graduate and exceed the passing standard on he NCLEX-RN. The recommendations were as follows:

1. Recommend full accreditation status for the following Associate Degree Programs:
 - a. Bluefield State College Beckley Campus Traditional and LPN to RN programs;
 - b. Blue Ridge Community and Technical College Traditional;
 - c. *Davis and Elkins Traditional Program;*
 - d. Fairmont State University Traditional and LPN-RN programs;
 - e. Kanawha Valley Community and Technical College Traditional program;
 - f. St. Mary's at Marshall University Traditional program;
 - g. Southern West Virginia Community and Technical College Traditional program;
 - h. West Virginia Eastern Community and Technical College;
 - i. West Virginia Northern Community College Traditional programs at Wheeling, Weirton and New Martinsville and the LPN-RN program at Wheeling; and,
 - j. West Virginia University at Parkersburg Traditional program.
2. Recommend provisional accreditation status and require NCLEX-RN Test Plan Curriculum Mapping and monthly NCLEX-RN Program Reports submitted 30 days prior to each Education Committee meeting for the following Associate Degree Programs:
 - a. Bluefield State College, Bluefield campus Traditional and LPN; and,
 - b. Kanawha Valley Community and Technical College LPN-RN.
3. Recommend full accreditation for the following Baccalaureate programs:
 - a. Alderson-Broaddus College Traditional and LPN-BSN;
 - b. Marshall University Huntington Campus Traditional;
 - c. Shepherd University Traditional; and,
 - d. University of Charleston Traditional.
4. Recommend provisional accreditation status and require NCLEX-RN Test Plan Curriculum Mapping and monthly NCLEX-RN Program Reports submitted 30 days

prior to each Education Committee meeting for the following Baccalaureate programs:

- a. Marshall University Point Pleasant Traditional;
 - b. West Liberty State College Traditional; and,
 - c. West Virginia Wesleyan College Traditional.
5. **Breckenridge School of Nursing at ITT Technical Institute**
Accept the curriculum change report and request continued monthly progress reports submitted to the Board 30 days prior to each Education Committee meeting on the new curriculum implementation.
 6. **Eastern West Virginia Community and Technical College**
Accept the program report and request continued monthly progress reports.
 7. **Fairmont State University**
Accept the curriculum change report and request continued monthly progress reports.
 8. **Kanawha Valley Community and Technical College**
Accept the program report and request continued monthly program progress reports.
Accept the faculty update report and request continued reporting on the Annual Report.
 9. **University of Charleston Associate Degree in Nursing**
Accept the program report and request monthly progress reports on Program Closure, leadership and faculty transition. Accept the Annual Report.
 10. **West Virginia Junior College**
Accept the Annual Report. Continue provisional accreditation and request monthly program progress reports related to students, advisory board, faculty and curriculum.
 11. **Salem International University**
Accept the Annual Report. Continue provisional accreditation with monthly reports on faculty, curriculum, students, resources, and mission/governance for the Traditional Associate Degree program and LPN-RN programs.
 12. **Review of Staff Activity Related to Education Parameters**
Accept the faculty approvals and curriculum change approved by Board staff.

The recommendations were considered and unanimously approved by the Board.

**4.C. REVIEW AND
CONSIDERATION OF
SALEM INTERNATIONAL
UNIVERSITY
1. REVIEW OF
FOLLOW UP
REPORT**

- 4.C.1.** The Board reviewed the follow up report provided by Salem International University. The Associate Director provided an update on the additional information requested from the institution to further clarify the requests of the Board.

Teresa Ritchie recused herself from the meeting and left the room during the discussion related to West Virginia University.

**4.D. REVIEW AND
CONSIDERATION OF WEST
VIRGINIA UNIVERSITY
4.D.1. PROGRAM
APPROVAL**

- 4.D.1.** The Board reviewed all information related to the Annual Report and NCLEX-RN pass rates for West Virginia University (WVU). Mary Fanning made a motion to grant continued full approval to WVU School of Nursing. Mary Farmer offered the second. The motion carried.

**4.D.2. FINAL TRANSCRIPT
REQUIREMENTS**

- 4.D.2.** WVU transcripts for the BA/BS to BSN program do not include the required courses for this program. Final Transcripts for the WVU BA/BS to BSN program do not include details of pre-requisites or all of the courses required to obtain the BSN when the person obtained these courses from a school other than WVU. The Registrar made changes to the transcripts 2 years ago in response to questioning from the Board's Executive Director about the missing information. The Registrar has now shared with the WVU School of Nursing that such changes will no longer occur after May 2013. Discussion ensued with advice from legal counsel regarding the Board's requirements. Joyce Egnor made a motion to require the transcripts from WVU to include all courses required to obtain the curricular requirements to include all nursing courses, prerequisite courses and additional hours used to demonstrate the student has completed course work of at least 128 hours for a BSN degree. Ann Bostic offered the second. The motion carried.

Teresa Ritchie returned to the room after completion of the discussion and decisions related to West Virginia University.

**4.E. REVIEW AND
CONSIDERATION OF
BRECKENRIDGE SCHOOL
OF NURSING AT ITT
4.E.1. CURRICULUM
CHANGE**

- 4.E.** The Board heard from Director, LaShonda Bare regarding a proposed curriculum change submitted March 5, 2013 with more details provided on March 20, 2013. The Director withdrew the curriculum change request considered by the Education Committee. The Board President recommended this item be tabled until the June Board meeting as the Board has not had ample time to review and consider the information. The Board agreed by consensus.

After learning that the program has had three Registrars since it opened and there have been errors in sequencing of classes as well as transcript errors; the program has had four Director changes with one Director serving, leaving and then returning; the current program Director serving in a Director for the first time in her nursing career; and, upon further discussion, the Board President expressed concern about the instability of the program and asked the Board to consider stopping admissions to the program until such time as there is more stability in the processes. Teresa Ritchie made the motion to stop admissions at Breckenridge School of Nursing and require monthly reports regarding the progression and sequencing of students whose program is reported as being out of sequence, and the development of leadership. Ann Bostic offered the second. The motion carried. Joyce Egnor made the motion that the Director of Breckenridge School of Nursing have no teaching load for at least a year commencing this day. Mary Farmer offered the second. The motion carried.

**4.F. REVIEW AND CONSIDERATION
OF THE UNIVERSITY OF
CHARLESTON
4.F.1. CURRICULUM CHANGE
4.F.2. NLNAC POST SITE VISIT
UPDATE**

- 4.F.** The Board President deferred discussion of this item to see if a representative from the University of Charleston came to the meeting to respond to questions and discuss the curriculum change. This item was later deferred to the June Board meeting.

**4.G. REVIEW AND CONSIDERATION
OF WVU-PARKERSBURG**

- 4.G.** The Board reviewed all information related to the Annual Report and the NCLEX-RN results for calendar 2012. Mary Fanning made a motion to continue full approval of WVU-Parkersburg School of Nursing. Mary Farmer offered the second. The motion carried.

**4.H. REVIEW AND CONSIDERATION
OF WEST VIRGINIA JUNIOR
COLLEGE CURRICULUM
CHANGE**

- 4.H.** Mary Fanning made the motion to approve the curriculum change submitted by West Virginia Junior College and require monthly reports regarding the implementation of the new curriculum. The second was offered by Mary Farmer. The motion carried.

4.I. MISCELLANEOUS

- 4.I.** There were no items for discussion under this agenda item.

**5. REVIEW AND CONSIDERATION
OF 2013 LEGISLATIVE
ACTIVITIES**

- 5.** The Executive Director reviewed the 2013 Legislative Report. All Board rules are pending in the Judiciary Committee in both the Senate and the House. The Fees rule generated discussion and questions in the House Health Committee with several Nay votes, yet it did pass out of this committee and will next be heard by the Judiciary Committee. Other bills of note included:
- HB 2178 Authorizing licensing boards to require applicants to submit to criminal background checks.
- HB 2384 - Permitting unlicensed personnel to administer medication in certain circumstances.
- HB 2584 Relating to licensing board accounts . "sweeping funds".
- HB 2729 Allowing schools to voluntarily maintain and use epinephrine auto-injectors.
- HB 2738 Relating to the Center for Nursing amended to eliminate all responsibilities of the Center for Nursing except the granting of scholarships. Also requires that the Board of Nursing appoint Board members if a vacancy is not filled by the Governor within 30 days of the expiration of the person's term. The Board, by consensus, directed the Executive Director to relay the Board's support of the responsibilities and duties of the Center for Nursing;
- HB 2755 - Related to certified professional midwives. - The Board, by consensus, directed the Executive Director to relay the Board's opposition to this bill. The Board finds that the public's health and safety is best protected by having those practicing midwifery being certified nurse-midwives.
- HB 2905 - Establishing anesthesia patient safety standards for office-based surgery. The Board, by consensus, directed the Executive Director to relay the Board's desire to be included as an agency responsible for developing these standards and to assure the Board's role in the regulation of the practice of Certified Registered Nurse Anesthetists.
- SB 21 - Creating Health Care Provider Transparency Act - which requires health care providers to wear identification badges clearly showing who they are and what their title is.
- SB107 - Related to selection of Hearing Officers.
- SB 379 - Expanding prescriptive authority of advanced nurse practitioners and certified nurse-midwives.

Discussion ensued regarding a request from the West Virginia Nurses Association for the Board to take the lead in completing an application to the Performance Evaluation and

Review Divisions (PERD) for a scope of practice change for Advanced Practice Registered Nurses to remove the requirement for the collaborative agreement and to expand the authority regarding which medications may be prescribed. The application is due June 1, 2013. The Board directed the Executive Director to investigate the Performance Evaluation and Review Division process and report back to the Board at its next meeting.

Ann Bostic made a motion to schedule a special meeting for April 23, 2013 at 1:00 pm to discuss the PERD information and any other issues that might arise. The second was offered by Joyce Egnor. The motion carried.

**6. BUDGETARY
INFORMATION**

**A. REVIEW AND
CONSIDERATION OF
FY 2013 SECOND
QUARTER
EXPENDITURES**

- 6.A.** The Board reviewed the report. The Executive Director shared that the expenditures for WV Restore have been more than anticipated and additional money may be needed. Staff will know if this will be the case by the April 23, 2013 meeting. Mary Farmer made the motion to approve the report. The second was offered by Ann Bostic. The motion carried.

**B. REVIEW AND
CONSIDERATION OF
PURCHASE CARD
EXPENDITURE
REPORT**

- 6.B.** The Board reviewed the report. Teresa Ritchie made the motion to approve the report. The second was offered by Joyce Egnor. The motion carried.

**C. REVIEW AND
CONSIDERATION OF
EXPENDITURES TO
DATE**

- 6.C.** The Board reviewed the report. Judy Nystrom made the motion to approve the report. The second was offered by Joyce Egnor. The motion carried.

7. NCSBN UPDATE

- 7.** The Executive Director reported on the Job Analysis project participation and the license management system being developed by NCSBN. WVRN is exploring the NCSBN system for its potential future use at WVRN. The Assistant Director reported on the events of the Mid Year meeting sharing that there was discussion about the Nurse Licensure Compact and concerns about proposed bylaw changes that would limit the opportunity for Board members of member Boards from serving on the Board of Directors.

**8. REVIEW AND
CONSIDERATION OF
MEETINGS AND
CONFERENCES**

**8.A. FEDERATION OF
ASSOCIATIONS OF
REGULATORY
BOARDS (F.A.R.B.)**

- 8.A.** Board President, Robin Walton, presented an overview of the F.A.R.B. meeting. For information only.

**8.B. CENTER FOR
NURSING**

- 8.B.** Duane Napier, Executive Director for the Center provided an update about the Center's work. The Center sponsors the Healthy Nurse Conference scheduled for April 29-30, 2013. The Fall Nursing Gala fund raiser is scheduled for the Fall. This event is used as an opportunity for recognizing nursing excellence and as a fund raiser for scholarships. Mr. Napier also addressed the legislation that proposes a change to the Center such that it is a scholarship program and removes all other duties and responsibilities of the agency. Mr. Napier is not clear on the reason for the bill. For information only.

**8.C. NCSBN INSTITUTE OF
REGULATORY
EXCELLENCE**

- 8.C.** Mary Fanning and Ann Bostic are currently part of this program. Mary Fanning provided an update on the program. For information only.

**8.D. FUTURE OF NURSING
WV COALITION**

- 8.D.** Duane Napier, Executive Director for the Center for Nursing, provided an overview of the work in WV related to this work. For information only.

**9. DISCIPLINARY REVIEW
COMMITTEE**

**9.A. REVIEW AND
CONSIDERATION OF
REPORT AND
RECOMMENDATIONS**

- 9.A.** The Disciplinary Review Committee recommended the approval of the DRC report. The recommendation was approved unanimously by the Board.

**9.B. REVIEW AND
CONSIDERATION OF
DRC RECOMMENDED
PARAMETERS**

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 Joyce Egnor that the Board recess and reconvene in an Executive Session to seek advice from legal Counsel. The second was offered by Teresa Ritchie. The motion carried. The Board reconvened in Executive Session.

RECONVENE PUBLIC SESSION

A motion was made by Joyce Egnor to reconvene the regular meeting. The second was offered by Ann Bostic. The Board reconvened in Public Session.

- 9.B.** The recommendation from the Disciplinary Review Committee (DRC) to the Board is to adopt the following parameter:

Parameter: Board staff will review statements of allegations to determine whether probable cause exists to send a Notice of Complaint to a licensee. Probable cause exists if the Board has jurisdiction over the allegations and if there are sufficient facts to support a violation of the law.

The Board unanimously approved the parameter.

Board's Disciplinary Rule WV19CSR9 The recommendation from the DRC to the Board is to modify the Board's procedural disciplinary rule, Series 9, to update the complaint procedure and to change the title of the Board's complaint form to notice of allegations.

The Board unanimously approved the parameter.

9.C. MISCELLANEOUS

- 9.C.** There were no items for discussion under this agenda item.

**10. REVIEW AND
CONSIDERATION OF
MEDICATION AIDES IN THE
NURSING HOME PILOT
STUDY**

- 10.** The Executive Director reported to the Board communications with Patrick Kelly, CEO, WV

Health Care Association regarding the interests of WV nursing homes in the Pilot Study and in using Med Aides after the Pilot is completed should the results support the role. Mr. Kelly offered that evidence currently exists to support the safety of Medication Aides in the Nursing Home Setting and the nursing homes don't find that a Pilot is needed. He further offered that facilities are interested in the program but given the current litigation environment for nursing homes in this state, few want to pursue it at this time. They'd like to keep the option open. The Board directed the Executive Director to follow up with the Legislative Report as appropriate.

11. WV RESTORE UPDATE

11. The Board reviewed the monthly report provided by WV Restore. Teresa made a motion to remove the dedicated line call volume from the monthly statistical report. The second was offered by Ann Bostic. The motion carried.

12. MISCELLANEOUS

12. There were no items for discussion under this agenda item.

13. ADJOURN

13. The motion was made by Teresa Ritchie to adjourn. The second was offered by Judy Nystrom. The meeting adjourned at 2:00 PM.


Respectfully submitted by
Mary Fanning
Board Secretary


Minutes taken and prepared by
Laura Skidmore Rhodes
Executive Director