

**WEST VIRGINIA BOARD OF EXAMINERS FOR
REGISTERED PROFESSIONAL NURSES
October 17-18, 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 on October 17-18, 2013.

BOARD MEMBERS PRESENT:

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

MARY FRIEL FANNING, DNP, RN, SECRETARY

JOYCE EGNOR, MSN, RN

L. ANN BOSTIC, RN, APRN CRNA

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

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, APRN FNP-BC, ASSOCIATE DIRECTOR

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

OCTOBER 17, 2013

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

2. APPROVAL OF MEETING MINUTES

A. June 12-13, 2013 Board Meeting

- 2.a.** The June 12-13, 2013 Board Meeting minutes were reviewed. Judy Nystrom made a motion to approve the meeting minutes as written. The second was offered by Joyce Egnor. The motion carried.

B. June 28, 2013 Emergency Board Meeting

- 2.b.** The June 28, 2013 Emergency Board Meeting minutes were reviewed. Mary Farmer made a motion to approve the meeting minutes as written. The second was offered by Judy Nystrom. The motion carried.

3. OPEN FORUM

- 3.** A representative from the senior nursing class at Salem International University School of Nursing requested the Board consider removing the provisional accreditation and issue full approval to the program.

4. BOARD FINANCES

A. Review and Consideration of Proposed FY 2015 Budget

- 4.A.** The Board reviewed and considered the FY 2015 proposed budget. Libby Farmer made a motion to approve the proposed budget. The second was offered by Mary Fanning. The motion carried.

B. Review and Consideration of FY 2013 End of Year Report

- 4.B.** The Board reviewed and considered the FY2013 End of Year Report. Libby Farmer made a motion to approve the report. The second was offered by Mary Fanning. The motion carried.

**C. Review and Consideration of FY
2014 First Quarter Expenditures**

- 4.C.** The Board reviewed and considered the FY 2014 First Quarter Expenditures. Judy Nystrom made a motion to approve the expenditures. The second was offered by Ann Bostic. The motion carried.

**D. Review and Consideration of
Purchase Card Report**

1. Expenditure Report

- 4.D.1.** The Board reviewed and considered the Purchase Card Report. Teresa Ritchie made a motion to approve the report. The second was offered by Mary Farmer. The motion carried.

2. Policies and Procedures

- 4.D.2.** The Board reviewed and considered the Purchase Card Policies and Procedures. Ann Bostic made a motion to approve the report. The second was offered by Mary Fanning. The motion carried.

E. OASIS Update

- 4.E.** Marty Alston, Executive Assistant provided an update about the OASIS program and implementation plan. No action taken.

**5. Review and Consideration of Meeting
Reports**

**A. Council on Licensing
Enforcement and Regulation
(CLEAR)**

- 5.A.** A report of the meeting was provided. No action taken.

B. Center for Nursing

- 5.B.** Dr. Pamela Alderman, EdD, MSN, RN, President of the Board of Directors for the Center for Nursing provided a report to the Board. No action taken.

**C. Governor's Commission on
Military Spousal Licensure**

- 5.C.** The Executive Director provided a report regarding the purpose of this commission which is to determine ways licensing Boards can issue a license in a timely fashion, while continuing to assure public safety, so spouses of military personnel are able to begin working quickly when

they move to this state. The plan is to establish language for a bill that may be considered during the 2014 legislative session. The Board directed staff to provide updates to the Board regarding the work of this Commission.

**D. Performance Evaluation and
Research Division Activity
Related to the APRN Scope of
Practice Application Process**

- 5.D.** The Executive Director provided a report on staff's participation in this process. Representatives from the Auditor's office were in the Board office to review Limited Prescriptive Authority files and interview the Executive Director. They will be back to review additional records and gather information. No action taken.

**E. Unlicensed Assistive Personnel
HB2731**

- 5.E.** The Executive Director provided a report regarding activity related to HB2731 which expanded the tasks that an Approved Medication Assistive Personnel (AMAP) can perform in certain settings. The additional tasks are considered health maintenance tasks and includes administration of insulin in pre-filled syringes, for example. The Board is a non-voting member of this committee. The purpose of the committee is to review the law for any additional updates with particular focus on ventilator and tracheostomy related tasks that may be delegated to the AMAP by the Registered Professional Nurse. No action taken.

**F. AANP Leadership and Specialty
Conference**

- 5.F.** The Associate Director provided a report regarding this conference. No action taken.

**6. Review and Consideration of Meetings
to Attend and Selection of
Representatives**

**A. F.A.R.B. Annual Meeting,
January 24-26, 2014, Austin, TX**

- 6.A.** The motion was made by Mary Farmer to approve seven (7) Board members or staff to attend this conference. The second was offered by Joyce Egnor. The motion carried.

**B. Institute of Regulatory
Excellence, January 28-30, 2014,
San Diego, CA.**

- 6.B.** The motion was made by Teresa Ritchie to approve two (2) Board members or staff to attend this event. The second was offered by Ann Bostic. The motion carried. NCSBN will pay the expenses for the two Board members participating in the program to attend.

**C. NCSBN Midyear Meeting,
March 10-12, 2014, Kansas City,
Missouri.**

- 6.C.** The motion was made by Mary Fanning to approve three (3) Board members or staff to attend this meeting. The second was offered by Ann Bostic. The motion carried. NCSBN pays the expenses for the Board President and Executive Director to attend this meeting.

**D. 2014 Scientific Symposium, April
20, 2014, Chicago, IL**

- 6.D.** The motion was made by Ann Bostic to approve three (3) Board members or staff to attend this meeting. The second was offered by Joyce Egnor. The motion carried.

**E. APRN Round Table, April 24,
2014, Chicago, IL**

- 6.E.** The motion was made by Mary Farmer to approve three (3) Board members or staff to attend this meeting. The second was offered by Judy Nystrom. The motion carried.

Joyce Egnor left the room to attend to a business item at the Licensed Practical Nurses Board Meeting.

7. Dialysis Technician Report

- 7.** The Executive Director provided a report regarding dialysis technician renewal and current certifications. No action taken.

8. RN Renewal Update

- 8.** The Executive Director provided a report regarding the RN license renewal season. No action taken.

Joyce Egnor returned to the meeting.

**13. EXECUTIVE SESSION FOR
DISCIPLINARY MATTERS
A. Review of Transcript for Frances
Sigmon**

A motion was made by Mary Farmer to enter into an Executive Session for review of disciplinary

matters. The second was offered by Judy Nystrom. The motion carried.

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 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.

The Board entered into an Executive Session.

A motion was made by Joyce Egnor to adjourn the Executive Session and enter a Public Session. The second was offered by Ann Bostic. The motion carried.

The Board recessed the meeting at 12:30 P.M.

DAY 2

CALL TO ORDER 9:10 a.m.

Quorum Established with all Board Members present.

9. Education Committee **A. Review and Consideration of** **Education Committee Report**

9.A. The following report of Education Committee actions was presented to the Board for review and consideration:

Bluefield State College

Recommend to the full Board to accept the Program NCLEX-RN Progress Report and to provide NCLEX Progress Reports 30 days prior to each Education Committee Meeting and that the Annual Report be accepted.

Blue Ridge Community Technical College

Recommend to the full Board to accept the program Annual Report.

Breckenridge School of Nursing at ITT Technical Institute

Recommend to the full Board to accept the Program NCLEX-RN progress report; require continued NCLEX-RN Progress Reports and Program Reports on licensure pass rates, curriculum, test review, attrition, faculty attrition and graduation rates 30 days prior to each Education Committee Meeting; to accept the program Annual Report; and, for the full Board to review and consider the Breckenridge remediation and standardized testing policy.

Davis & Elkins

Recommend to the full Board to accept the Annual Report.

Eastern West Virginia Community and Technical College

Recommend to the full Board to accept the program Accreditation Commission for Education in Nursing (ACEN) Report and request continued ACEN Program reports 30 days prior to each Education Committee Meeting; to accept the program Annual Report; to approve the curriculum change request; and, requests program reports on implementation of the new curriculum 30 days before each Education Committee Meeting.

Fairmont State University

Recommend to the full Board to accept the Annual Report.

Kanawha Valley Community and Technical College

Recommend to the full Board to accept the Program Services Report and request continued Program Services Reports 30 days prior to each Education Committee Meeting through March 2014; to accept the Faculty Update Report and request faculty update reports 30 days prior to each Education Committee Meeting; to accept the program Annual Report; to approve the curriculum change request; and, requests program reports on implementation of the new curriculum 30 days before each Education Committee Meeting.

New River Community and Technical College

Recommend to the full Board to approve Shirley Misslewitz as the Chair of the New River Community and Technical College and request a program report on the nursing education program leadership development of Ms. Misslewitz 30 days prior to each Education Committee Meeting.

Saint Mary's Hospital/Marshall University Cooperative Associate of Science in Nursing Program

Recommend to the full Board to accept the Annual Report.

Salem International University

Recommended to defer approval of the annual report to the full Board pending an amended report by October 17, 2013 providing the nursing and organizational charts, program outcomes reporting by level, calculation of student percentage in faculty meetings, listing of all of the standardized exams used in the program, the total nursing lab clock hours in the program, completed information on the NCLEX-RN Action Plan for the interventions and

actions by the faculty including the 2013 NCLEX- RN Test Plan Associate Degree Nursing Curriculum Mapping, and program outcomes for curriculum, test review, licensure exam pass rate, employment patterns, graduation rates and attrition.

Southern West Virginia Community and Technical College

Recommend to the full Board to accept the program Annual Report; to approve the curriculum change request and admission policy; request program reports on implementation of the new curriculum 30 days before each Education Committee Meeting; and, to approve Regina Bias as Nursing Coordinator for the program.

University of Charleston Associate Degree Nursing

Recommend to the full Board to accept the program reports; to accept the program Annual Report; and, to accept the Associate Degree Nursing Program Closing Report and as a result withdraw accreditation of the program.

West Virginia Junior College

Recommend to the full Board to approve the curriculum change request; request program reports on implementation of the new curriculum 30 days before each Education Committee Meeting; and, to accept the program Annual Report.

West Virginia Northern Community College

Recommend to the full Board to accept the program Annual Report; to approve the curriculum change request; and, request program reports on implementation of the new curriculum 30 days before each Education Committee Meeting.

West Virginia University at Parkersburg

Recommend to the full Board to accept the Annual Report; to approve the curriculum change request; and, request program reports on implementation of the new curriculum 30 days before each Education Committee Meeting.

Alderson Broaddus University

Recommend to the full Board to accept the program Annual Report; to accept the Interim Chair Report for Marilyn Zrust, Chairperson; to request program reports on the Leadership Development of the Chair 30 days prior to each Education Committee Meeting.

Marshall University

Recommend to the full Board to accept the program Annual Report.

Shepherd University

Recommend to the full Board to accept the program Annual Report.

University of Charleston Baccalaureate of Science in Nursing Program

Recommend to the full Board to accept the program Annual Report; to accept the ACEN compliance progress, curriculum and test review reports and to require these to continue to be submitted 30 days prior to each Education Committee Meeting.

West Liberty University

Recommend to the full Board to accept the program Annual Report; to accept the the Program NCLEX-RN progress report; to approve the curriculum change request; and, to provide NCLEX-RN Progress Reports and reports on the implementation of the new curriculum 30 days prior to each Education Committee Meeting.

West Virginia University

Recommend to the full Board to accept the Annual Report; to accept the Program NCLEX-RN progress report for WVUIT; and, to require WVUIT to provide NCLEX-RN Program Reports 30 days prior to each Education Committee Meeting.

West Virginia Wesleyan College

Recommend to the full Board to accept the program Annual Report; to accept the program NCLEX-RN Report; and, to continue to provide NCLEX-RN Progress Reports 30 days prior to each Education Committee Meeting.

Wheeling Jesuit University

Recommend to the full Board to accept the Annual Report.

REVIEW OF STAFF ACTIVITY RELATED TO EDUCATION PARAMETERS

Recommend to the full Board the acceptance of faculty approvals made by Board staff and request official copies of transcripts be obtained for faculty listed to graduate in 2013.

MISCELLANEOUS

Recommend to the full Board plans for a scheduled Board On-site visit during 2014 to the following programs: West Virginia University & West Virginia University Institute of Technology (WVU & WVUIT), Marshall University, Bluefield State College, St. Mary's Hospital Cooperative Marshall University Associate Degree in Nursing Program, and Southern West Virginia University Community and Technical College (SWVCTC).

**B. Review and Consideration
of Breckenridge School of
Nursing**

- 9.B.** The Board reviewed and considered all information related to Breckenridge School of Nursing. Discussion ensued regarding the policy for the HESI testing, the length of time the student has to be successful on this test, how this effects financial aide, how students who are no longer enrolled because they are beyond the three time test opportunity are granted a degree upon passing the exam, how competencies are evaluated for a person who has been out of school for more than a year, and a general overview of the program. A motion was made by Mary Fanning for the Board to accept the program Annual report and require reports to be filed with the Board 30 days in advance of the Education Committee meeting that addresses the number of HESI attempts of students and the financial aid impact on students failing to meet the HESI requirement within the 3 month time period. The second was offered by Joyce Egnor. The motion carried.

**C. Salem International
University School of
Nursing**

- 9.C.** J.B. Williams, Chancellor, addressed the Board providing an update on improvements implemented at Salem to address Board concerns. Dr. Pamela Alderman, EdD, MSN, RN has been retained as a consultant to the program. The Annual Report was submitted on time, however was incomplete. Discussion ensued regarding the pediatric course which began in August and had to be stopped due to lack of clinical sites. Dr. Wilson, EdD, MSN, RN, Program Director, as asked about verification of student skills prior to going to pediatric clinical. Dr. Wilson initially answered that this did not occur and later stated she mis-spoke and they were completed. The Board requested copies of the skills check off sheets showing verification of skills prior to going to the pediatric clinicals. After a period of time, it was determined that the pediatric clinical faculty person had these documents. This faculty person could not be contacted. The Board unanimously determined to defer any decisions related to Salem until the checklist verifying that competencies were evaluated prior to the pediatric clinical and for Board staff to visit the school to review and evaluated issues related to the pediatric course and program outcomes.

**9.D. University of Charleston Intent to
Plan an Associate Degree Nursing
Program in Beckley West Virginia**

- 9.D.** Jerry Forster, Regional President, University of Charleston addressed the Board regarding the University of Charleston's notice of an intent to plan a school of nursing in Beckley, West Virginia. Board President, Dr. Robin Walton advised Mr. Forster that the Needs Assessment would need to be very thorough to show that another nursing program in the area is needed and viable. Mr. Forster expressed understanding.

9.E. Miscellaneous

- 9.E.** Aila Accad, President, West Virginia Nurses Association, addressed the Board regarding a concern about the Board's practice related to action against nurses violating a contract with the Board by failing to comply with the drug screening requirements. Specifically, when the nurse failed to call in the required time frame on a daily basis to learn if a drug screen is required. According to Accad, participants are human and make mistakes for which the license should not be suspended. Accad also requested that there be a mechanism for interested persons to meet with the Board and staff regarding policies implemented by the Board.

10. WV Restore

- 10.** The Associate Director provided a report regarding WV Restore. Discussion ensued regarding evaluation of the program. No action taken.

11. National Council of State boards of Nursing (NCSBN)

A. Review and Consideration of Database Development and Potential Use by WVRN

- 11.A.** A motion was made by Teresa Ritchie to continue to pursue the implementation of the NCSBN database ROMS provided it at minimum includes the elements of the current system, has adequate support available that provides a timely response to concerns, and is at no cost to the Board. The second was offered by Mary Fanning. The motion carried.

B. Review and consideration of the Delegate Assembly Report

- 11.B.** The Executive Director provided a report about Delegate Assembly. The presentations from the meeting are available on the NCSBN web site.

C. Review and Consideration of the NCSBN NCLEX Conference Report

- 11.C.** The Board President provided a report on this meeting.

12. Legislative Issues

A. Rule Making

12.A. The Executive Director reviewed the rule making process. No action taken.

B. Legislative Consultants

12.B. The Executive Director provided a report regarding the previous need for a legislative consultant as well as not anticipating a need for one in 2014. The Board directed the Executive Director to evaluate the need as the session approaches and if needed, contact a legislative consultant.

C. Other

12.C. The Executive Director presented information regarding the movement toward the potential development of a Tele-Health License. No Action taken.

EXECUTIVE SESSION

A motion was made by Mary Farmer to enter into an Executive Session for review of disciplinary matters. The second was offered by Judy Nystrom. The motion carried.

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 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.

The Board entered into an Executive Session.

13. Petitioners for Reinstatement

A. Basil Carver

A motion was made by Joyce Egnor to adjourn the Executive Session and enter a Public Session. The second was offered by Judy Nystrom. The motion carried.

The Board reconvened in Public Session.

A. Decision Regarding Basil Carver

13.A. A motion was made to refer the case of Basil Carver to the Disciplinary Review Committee. The second was offered by Ann Bostic. The motion carried.

11:30 A.M. Recessed for the Disciplinary Review Committee.

12:30 P.M. The Board reconvened in Public Session.

EXECUTIVE SESSION

A motion was made by Mary Farmer to enter into an Executive Session for review of disciplinary matter related to Kenneth Tyler. The second was offered by Joyce Egnor. The motion carried.

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 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.

The Board entered into an Executive Session.

13. Petitioners for Reinstatement

B. Kenneth Tyler

A motion was made by Mary Farmer to adjourn the Executive Session and enter a Public Session. The second was offered by Joyce Egnor. The motion carried.

13. Petitioner for Reinstatement

B. Decision Regarding Kenneth Tyler

13.B. A motion was made by Joyce Egnor to place Mr. Tyler's license on probation and refer Mr. Tyler's case to WV Restore; and, his license will remain on probation until successful completion of the WV Restore program. The second was offered by Teresa Ritchie. The motion carried.

12. Review of Hearing Transcript

A. Frances Sigmon

12.A. The Board reviewed and discussed the hearing transcript and the Hearing Officer's Findings of Fact, Conclusions of Law and recommendation.

The Board reconvened in Public Session.

**C. Decision regarding
Frances Sigmon Hearing
Transcript**

- 13.C.** A motion was made by Mary Farmer to adopt the Findings of Fact and Conclusions of Law determined by the Hearing Officer and to take the following action against the license of Frances Sigmon: Suspend the license for a period of three (3) years, require the completion of an Ethics class. The second was offered by Joyce Egnor. The motion carried. The motion was amended to include the completion of a three hours credit course in Ethics approved by the Board prior to attending a three (3) hour course in Geriatrics. Sigmon must receive a grade of C or higher on an A-F grading scale.

**15. Disciplinary Review Committee
A. Report**

- 15.A.** The Disciplinary Review Committee (DRC) Report was presented by Leslie Morris, Discipline Assistant. The DRC recommended to the full Board to approve the report. The report was approved. The DRC also recommended the approval of a Board Staff parameter to deny requests for early release from a contract. The recommendation was adopted by the Board.

B. Procedural Rules Change

- 15.B.** The Board's Legal Counsel explained the proposed changes to the Boards rule, WV19CSR9 related to Discipline. The DRC recommended to the full Board to approve these changes. The changes were approved.

16. Miscellaneous

- 16.** Board President asked members if there were other issues to bring before the Board. Ann Bostic shared a desire to answer the question posed by the West Virginia Nurses Association regarding an Advisory Committee to the Board for the purposes of discussing and offering input regarding the regulation of nurses under a disciplinary contract with the Board. Board President shared that this item was not on the agenda and therefore not for discussion and decision making at this meeting, and, she had referred the review of the phone in policy to the Disciplinary Review Committee. Discussion ensued regarding notifying the public that matters brought up in Open Forum would not be discussed by the Board during the current meeting and could potentially be taken up at a subsequent meeting. The Board currently has a guide for speakers. The Executive Director will share this document with Board Members.

ADJOURN

The motion was made by Mary Fanning to adjourn the meeting. The second was offered by Joyce Egnor. The motion carried. The meeting adjourned at 3:00 PM.

Laura Skidmore Rhodes

Minutes prepared by
Laura Skidmore Rhodes
Executive Director

Mary Fanning, DNP, RN

Respectfully submitted by
Mary Fanning, DNP, RN
Board Secretary