

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

August 26, 2015

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 August 26, 2015.

BOARD MEMBERS PRESENT BY CONFERENCE CALL:

TARA F. HULSEY, PhD, RN, CNE, FAAN
President

TERESA RITCHIE, DNP, APRN FNP-BC
Secretary

NANCY V. ATKINS, MSN, APRN WHNP-BC

L. ANN BOSTIC, DNP, APRN CRNA

JUDY NYSTROM, PUBLIC MEMBER

BOARD MEMBER PRESENT IN PERSON:

THERESA L. DENNISON, PUBLIC MEMBER

BOARD MEMBER ABSENT:

DORIS F. BURKEY, DNP, MSN, APRN FNP-BC

BOARD STAFF PRESENT:

LAURA S. RHODES, MSN, RN, EXECUTIVE DIRECTOR

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

ROBIN A. LEWIS, EdD, MSN, APRN FNP-BC, ASSOCIATE DIRECTOR

AUGUST 26, 2015

CALL TO ORDER

The meeting was called to order at 3:35 P.M. by Tara Hulsey, President.

QUORUM

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

1. ACCEPTANCE OF AGENDA

1. Teresa Ritchie made a motion to amend the agenda to include an Open Forum. Ann Bostic offered the second. The motion carried.
Teresa Ritchie made a motions to approve the agenda. Ann Bostic offered the second. The motion carried.

2. REVIEW AND CONSIDERATION OF MEETING MINUTES FROM JULY 27, 2015.

2. Ann Bostic made a motion to approve the meeting minutes. Teresa Ritchie offered the second. The motion carried. The Chairperson reviewed the responsibilities of the role of the Board President.

OPEN FORUM

Karen Wigal from New River Community and Technical College was recognized by the Board President as she had indicated a desire to speak to agenda item 3. Ms. Wigal requested the Board consider additional information regarding faculty candidates reviewed by the Board during its June 2015 meeting. During the June meeting the review of these candidates was moved to the October 2015 agenda by the Board during the June 2015 meeting. Board President noted that as this item is not on this agenda and is on the October agenda, it will be addressed at that time.

3. REVIEW AND CONSIDERATION OF WV19CSR1.11 FACULTY OF THE NURSING EDUCATION UNIT.

3. Board staff is seeking guidance as it relates to the interpretation of exceptions related to practice, as well as ratio of faculty meeting legal requirements to faculty approved by exception. Discussion ensued. The Board directed staff to collect additional information regarding the national trend and standards are. Board President, assigned the review of information to the Education Committee for review and consideration and to provide a report to the full Board at the October Board meeting.

**4. REVIEW AND CONSIDERATION OF
WEST VIRGINIA BOARD OF EXAMINERS
FOR REGISTERED PROFESSIONAL
NURSES vs TODD GILLETTE, RN**

4. The Board President requested a motion to go into Executive Session for the purposes of review and consideration of the matter related to the license of Todd Gillette. Ann Bostic made a motion to go into Executive Session. Nancy Atkins offered the second. The motion carried.

EXECUTIVE SESSION

Tara Hulsey, 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.

All guests took their belongings and left the room.

PUBLIC SESSION

Nancy Atkins made a motion to reconvene in Public Session to make motions related to discussion during the Executive Session. The second was offered by Ann Bostic. The motion carried.

A motion was made by Ann Bostic to approve the Findings of Fact, Conclusions of Law, and the Recommendations of the Hearing Examiner. And, to issue a Final Order suspending Gillette's license for a period of one year and said suspension is STAYED and the license number 78147 issued to Todd Gillette is placed on PROBATION for a period of three (3) years. On the basis of the foregoing, the Board hereby suspends license number 78147, issued to Gillette for a period of one (1) year, with such suspension hereby stayed and contingent upon Gillette complying with the terms set forth below, license number 78147 is placed on PROBATION for a period of three (3) years of employment as a registered professional nurse. The computation of such period is to begin on the date on which notice is received in the office of the Board that Gillette is employed as a registered professional nurse and shall run only during such time that he is employed as a registered professional nurse on at least a permanent part-time basis (forty hours every two weeks) or full time basis in the State of West Virginia. The Board also ORDERS Gillette to pay a fine and administrative cost of three thousand dollars (\$3000.00).

Violation of any of the following terms shall constitute grounds for denial of the leave granted to Gillette to petition for reinstatement. To receive and maintain a probationary license, regardless of employment status, Gillette shall meet the following conditions:

1. Gillette shall not work at a Nursing Registry, Temporary Nursing Agency, Home Health Care Agency, Private Duty Nurse or an Extended Care Facility.
2. Gillette 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 until evaluation is completed and a determination regarding any requirements.
3. Gillette shall inform the Board in writing within ten (10) days of the date he 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 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.
4. Gillette shall immediately inform his nursing employer, and 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 Final Order and may communicate with his employer(s).
5. Gillette shall, within ten (10) days of employment or continuation of practice, cause his 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 Final Order. Gillette shall further cause his employer or supervisor to submit monthly reports to the Board describing his job performance, attendance, attitude, and other work behaviors during the first year of probation and if his progress is satisfactory to the Board, quarterly thereafter.
6. Gillette shall submit documentation of fifteen (15) contact hours of continuing education in Ethics and Decision Making and fifteen (15) hours of continuing education in Professional Boundaries during the first year of Probation in addition to those required by law. The courses shall include those offered by the National Council of State Boards of Nursing at <http://learningext.com/nurses/default.aspx> entitled: Righting a Wrong: Ethics and Professionalism in Nursing; Ethics of Nursing; Professional Accountability; Disciplinary Actions; Professional Boundaries; and, Critical Thinking.
7. Gillette shall report in person for an appointment with the Board staff upon request.

8. Gillette 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. Gillette shall annually submit to the Board a written personal statement. The statement shall be due at the end of the year and in each subsequent year during the month in which this Order is accepted by the Board.
10. Gillette shall participate in a structured counseling program with a Board approved counselor with expertise in evaluating and assisting in developing judgement and decision making. Gillette shall visit his approved treatment provider monthly and provide the counselor with a complete copy of the Hearing Officer's Findings of Fact, Conclusions of Law, and Recommendations; and, the Board's Final Order. Gillette shall cause the treating counselor to make a monthly report to the Board about his progress and his compliance with counseling. This requirement may be modified upon request to the Board by the approved counselor.

Violation of Terms:

11. Any deviation from these requirements without prior written consent of the Board shall constitute a violation of this Order, and result in immediate suspension of Gillette's probationary license.
12. The Board shall immediately notify Gillette via certified mail of the specific nature of the charges, and the suspension of his license.
 - a. Gillette may request reinstatement of his probationary license through execution of an agreement, which may contain different or additional terms. The Board is not bound to comply with this request.
 - b. If the Board does not accept a new agreement, Gillette shall be notified in writing. Gillette may request a hearing to seek reinstatement of his probationary license. If Gillette requests a hearing following suspension for violation of this agreement and does not prevail, the cost incurred in holding such hearing shall be borne by Gillette. If Gillette prevails, the cost of such hearing shall be borne by the Board. Cost shall refer only to the expense of employing a court reporter and hearing examiner for the purpose of the hearing, and shall not include any legal or other fees incurred by the Board or Gillette in bringing the matter to hearing.
 - c. The Board may schedule a hearing on its own initiative for the purpose of allowing the Board opportunity for considering further suspension or revocation of Gillette's license. Said hearing shall be scheduled in accordance with the provisions of West Virginia Code §30-1-8 and §30-1-7 et. seq. The Board shall bear the cost if it

should seek a hearing following suspension of Gillette's probationary license for violation of this agreement. Cost shall refer only to the expense of employing a court reporter and hearing examiner for the purpose of the hearing, and shall not include any legal or other fees incurred by Gillette in bringing the matter to hearing.

Petition for Reinstatement:

13. Following the three (3) year probationary period, Gillette may petition to appear before the Board and submit satisfactory evidence that he is presently able to safely engage in the practice of registered professional nursing. Evidence in support of this request shall include:

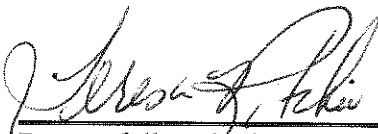
- a. Letter from Gillette's approved Counselor indicating his status in recovery (if applicable);
- b. Letter from Gillette's employer, if employed;
- c. Letter from Gillette outlining his future plans; and
- d. Payment of all fines and administrative costs.

However, the terms of this Order shall remain in effect and subject to yearly review and appropriate revision by the Board until such time as Gillette's license is fully reinstated by the Board.

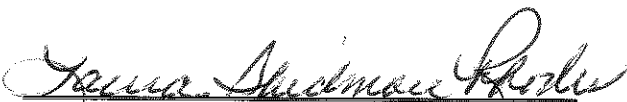
The second was offered by Teresa Ritchie. The motion carried.

5. ADJOURN

5. Ann Bostic made a motion to adjourn the meeting. Nancy Atkins offered the second. The motion carried. The meeting adjourned at 4:45 P.M.



Respectfully submitted by
Teresa Ritchie, DNP, APRN FNP-BC
Board Secretary



Minutes prepared by
Laura Skidmore Rhodes
Executive Director