

**WEST VIRGINIA BOARD OF EXAMINERS FOR
REGISTERED PROFESSIONAL NURSES
APRIL 23, 2021**

**AN EMERGENCY BOARD MEETING WAS HELD BY WEBEX & PUBLIC CALL IN AT THE OFFICE OF
THE WEST VIRGINIA BOARD OF EXAMINERS FOR REGISTERED PROFESSIONAL NURSES AT 90
MACCORKLE AVENUE, SW, SUITE 203, SOUTH CHARLESTON WV 25303, ON APRIL 23, 2021.**

BOARD MEMBERS PRESENT:

TARA HULSEY, PHD, RN, CNE, FAAN, PRESIDENT

NANCY V. ATKINS, MSN, APRN, WHNP-BC

DORIS BURKEY, DNP, APRN FNP-BC

L. ANN BOSTIC, DNP, MSN APRN FNP-BC

JOHN MARTIN, PUBLIC MEMBER

THERESA L. DENNISON, PUBLIC MEMBER

BOARD MEMBERS ABSENT:

TERESA RITCHIE, DNP, APRN FNP-BC,

BOARD STAFF PRESENT:

DR. SUE PAINTER, DNP, RN, EXECUTIVE DIRECTOR

ROBIN A. LEWIS, ED D, MSN, APRN, FNP-BC, DIRECTOR OF PRACTICE AND EDUCATION

1. CALL TO ORDER

The meeting was called to order by the Board President at 9:00 a.m.

2. QUORUM

A quorum was established.

3. REVIEW AND CONSIDERATION OF AGENDA

The Board reviewed the proposed agenda. A motion was made by John Martin to approve the agenda. Nancy Atkins offered the second. The motion carried.

4. REVIEW AND CONSIDERATION OF RN, APRN AND DIALYSIS TECHNICIAN PRACTICE IN RESPONSE TO THE GOVERNOR'S EXECUTIVE ORDER 12-21 PUBLISHED ON APRIL 19, 2021

March 23, 2020 Executive Order 10-20 suspended the following:

- **§30-7-2 License required to practice. *Board voted May 18, 2020 lift the suspension. No action needed.***
- **§30-7-8 Renewal of licenses; reinstatement; fees; penalties; inactive list. *Board voted May 18, 2020 lift the suspension. No action needed.***
- **§30-1-7a Continuing education.**

Nancy Atkins made a motion that pursuant to the Governor's Executive Order 12-21 permitting the West Virginia Board of Examiners for Registered Professional Nurses, in their discretion, to suspend or modify the requirements for Continuing education, the Board reinstates the requirements contained in W. Va. Code 30-1-7a for registered nurses and advance practice registered nurses. This will be effective for RN renewal period beginning November 1, 2021 through Oct 31, 2022 and for the APRN and prescriptive authority renewal period beginning July 1, 2021 through June 30, 2023. The second was offered by John Martin. The motion carried.

The remaining sections of EO 10-20 will be considered later in the agenda:

- §30-7-15 Administration of anesthetics.
- §30-7-15 a, b, c Prescriptive authority for prescription drugs; coordination with Board of Pharmacy; rule-making authority; Eligibility for prescriptive authority; application; fee; collaborative relationships and agreements; Form of prescriptions; termination of authority; renewal; notification of termination of authority.

March 16, 2020 Board Meeting suspended and/or modified the following:

§19-3-3. Application for Examination

- **19 CSR 3-3.1.a.4.**

The applicant shall submit to a state and a national electronic criminal history records check for the purpose of determining whether the applicant has been charged with, indicted for, or convicted of a crime that may have bearing upon the applicant's fitness to hold a license. Provided that, if the facility where the applicant is to submit finger prints for the purposes set forth in this rule is closed due to the emergency caused by the COVID-19 crisis and the applicant cannot report to a different facility within a 50 mile radius of the applicant's home, the applicant

shall submit to the requirements of this rule as soon as the emergency state is lifted by the Governor in West Virginia or as soon as other fingerprinting resources have become made available to the applicant, which ever comes first. In no such case shall applicants submit to criminal history records checks later than thirty (30) days after the state of emergency has been lifted by the Governor.

Nancy Atkins made a motion that pursuant to the Governor's Executive Order 12-21 permitting the West Virginia Board of Examiners for Registered Professional Nurses, in their discretion, to suspend or modify the requirements for Application of Examination and Criminal History Records, the Board reinstates the requirements contained in W. Va. Code 19-3-3. Application for Examination by deleting the language "Provided that, if the facility where the applicant is to submit finger prints for the purposes set forth in this rule is closed due to the emergency caused by the COVID-19 crisis and the applicant cannot report to a different facility within a 50 mile radius of the applicant's home, the applicant shall submit to the requirements of this rule as soon as the emergency state is lifted by the Governor in West Virginia or as soon as other fingerprinting resources have become made available to the applicant, which ever comes first. In no such case shall applicants submit to criminal history records checks later than thirty (30) days after the state of emergency has been lifted by the Governor." The second was offered by Doris Burley. The motion carried.

§19-3-4. Temporary Permit to Practice as a Registered Professional Nurse.

- **19 CSR 3-4.2**

The board may issue a temporary permit to an applicant for examination following graduation from a state approved nursing education program. The temporary permit expires ~~ninety (90) days following graduation, or~~ at the time licensure examination results are announced, whichever comes first. A temporary permit is not renewable.

Ann Bostic made a motion that pursuant to the Governor's Executive Order 12-21 permitting the West Virginia Board of Examiners for Registered Professional Nurses, in their discretion, to suspend or modify the requirements for temporary permits, the Board reinstates the requirements contained in W. Va. Code of Legislative Rules 19 CSR 3-4.2 temporary permits by reinstating the language "temporary permit expires ninety (90) days following graduation, or". Any temporary permit issued during this period will be determined by the Executive Director for the date of expiration. The second was offered by Nancy Atkins. The motion carried.

§19-3-7. Licensure by Endorsement.

- **19 CSR 3-7.1.d.**

7.1.d. the board will obtain a verification of licensure from the state in which he or she was originally licensed and the state in which he or she is currently employed if it is different than the original state of licensure. ~~If these boards participate in the licensure verification system maintained by the National Council of State Boards of Nursing, the applicant shall follow the~~

~~process of verification to another state in accordance with the procedures set in place for that system.~~

Ann Bostic made a motion that pursuant to the Governor's Executive Order 12-21 permitting the West Virginia Board of Examiners for Registered Professional Nurses, in their discretion, to suspend or modify the requirements for temporary permits, the Board reinstates the requirements contained in W. Va. Code of Legislative Rules 19 CSR 3-7.1.d licensure by endorsement by reinstating the language "have submitted a verification of licensure from the state in which he or she was originally licensed and the state in which he or she is currently employed if it is different than the original state of licensure. If these boards participate in the licensure verification system maintained by the National Council of State Boards of Nursing, the applicant shall follow the process of verification to another state in accordance with the procedures set in place for that system." The second was offered by Nancy Atkins. The motion carried.

- **19 CSR 3-7.1.e.**

7.1.e The applicant shall submit to a state and a national electronic criminal history records check for the purpose of determining whether the applicant has been charged with, indicted for, or convicted of a crime that may have bearing upon the applicant's fitness to hold a license. Provided that, if the facility where the applicant is to submit finger prints for the purposes set forth in this rule is closed due to the emergency caused by the COVID-19 crisis and the applicant cannot report to a different facility within a 50 mile radius of the applicant's home, the applicant shall submit to the requirements of this rule as soon as the emergency state is lifted by the Governor in West Virginia or as soon as other fingerprinting resources have become made available to the applicant, whichever comes first. In no such case shall applicants submit to criminal history records checks later than thirty (30) days after the state of emergency has been lifted by the Governor.

Doris Burkey made a motion that pursuant to the Governor's Executive Order 12-21 permitting the West Virginia Board of Examiners for Registered Professional Nurses, in their discretion, to suspend or modify the requirements for temporary permits, the Board reinstates the requirements contained in W. Va. Code of Legislative Rules 19 CSR 3-7.1.e. by deleting the language "Provided that, if the facility where the applicant is to submit finger prints for the purposes set forth in this rule is closed due to the emergency caused by the COVID-19 crisis and the applicant cannot report to a different facility within a 50 mile radius of the applicant's home, the applicant shall submit to the requirements of this rule as soon as the emergency state is lifted by the Governor in West Virginia or as soon as other fingerprinting resources have become made available to the applicant, whichever comes first. In no such case shall applicants submit to criminal history records checks later than thirty (30) days after the state of emergency has been lifted by the Governor." The second was offered by Theresa Dennison. The motion carried.

§19-3-7.2. Temporary permit for endorsement applicant.

- **19 CSR 3-7.2.c.** ~~The temporary permit expires ninety (90) days from the date of issuance and the expiration date shall be printed on the temporary permit.~~

Nancy Atkins made a motion that pursuant to the Governor's Executive Order 12-21 permitting the West Virginia Board of Examiners for Registered Professional Nurses, in their discretion, to suspend or modify the requirements for temporary permits, the Board reinstates the requirements contained in W. Va. Code of Legislative Rules 19 CSR 3-7.2c by reinstating the following language "The temporary permit expires ninety (90) days from the date of issuance and the expiration date shall be printed on the temporary permit." The second was offered by John Martin. The motion carried.

§19-3-11. Verification of Licensure to Another State Board of Nursing.

- **19 CSR 3-11.1**

The board shall provide a verification of West Virginia licensure upon submission of a written request by the licensee for the verification and payment of a fee set forth in the board's rule, §19 CSR 12, Fees. ~~Should the board participate in the licensure verification system as maintained by the National Council of State Boards of Nursing, the licensee shall follow the process of endorsement to another state in accordance with the procedures set in place for that system.~~ If the licensee is a graduate of a school which has closed and his or her records are on file in the board office, the board shall provide a copy of school records upon written request and payment of the fees set forth in the board's rule, Fees, 19 CSR 12.

Theresa Dennison made a motion that pursuant to the Governor's Executive Order 12-21 permitting the West Virginia Board of Examiners for Registered Professional Nurses, in their discretion, to suspend or modify the requirements for verification of licensure, the Board reinstates the requirements contained in W. Va. Code of Legislative Rules 19 CSR 3-11.1 by reinstating the following language: The board shall provide a verification of West Virginia licensure upon submission of a written request by the licensee for the verification and payment of a fee set forth in the board's rule, §19 CSR 12, Fees. Should the board participate in the licensure verification system as maintained by the National Council of State Boards of Nursing, the licensee shall follow the process of endorsement to another state in accordance with the procedures set in place for that system. If the licensee is a graduate of a school which has closed and his or her records are on file in the board office, the board shall provide a copy of school records upon written request and payment of the fees set forth in the board's rule, Fees, 19 CSR 12. The second was offered by Doris Burkey. The motion carried.

§30-7-6. Qualifications; licensure; fees; temporary permits.

- (d) The board may, upon application and proper identification determined by the board, issue a temporary permit to practice registered professional nursing by endorsement to an applicant who has been duly licensed as a registered professional nurse under the laws of another state, territory or foreign country. Such temporary permit authorizes the holder to practice registered professional nursing in this state while the temporary permit is effective. A temporary permit shall **remain** be effective ~~for ninety days~~, unless the board revokes such permit prior to its expiration, and such permit may not be renewed. Any person applying for a temporary license under the provisions of this paragraph shall, with his or her application, pay to the board a nonrefundable fee of \$10.

Doris Burkey made a motion that pursuant to the Governor's Executive Order 12-21 permitting the West Virginia Board of Examiners for Registered Professional Nurses, in their discretion, to suspend or modify the requirements for temporary permits, the Board reinstates the requirements contained in W. Va. Code 30-7-6 Qualifications; licensure; fees; temporary permits by reinstating the language "A temporary permit shall be effective for ninety days,". The second was offered by Ann Bostic. The motion carried.

§30-7F-3. General Provisions and Jurisdiction.

- ~~(b) A state must implement procedures for considering the criminal history records of applicants for initial multistate license or licensure by endorsement. Such procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records.~~

Ann Bostic made a motion that pursuant to the Governor's Executive Order 12-21 permitting the West Virginia Board of Examiners for Registered Professional Nurses, in their discretion, to suspend or modify the requirements for temporary permits, the Board reinstates the requirements contained in W. Va. Code 30-7F-3 by reinserting "(b) A state must implement procedures for considering the criminal history records of applicants for initial multistate license or licensure by endorsement. Such procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records." Any temporary permit issued during this period will be determined by the Executive Director for the date of expiration. The second was offered by Nancy Atkins. The motion carried.

On March 26, 2020 Executive Order 12-20 reinstated the following:

- §30-7-15 Administration of anesthetics.
- §30-7-15 a, b, c Prescriptive authority for prescription drugs; coordination with Board of Pharmacy; rule-making authority; Eligibility for prescriptive authority; application; fee; collaborative relationships and agreements; Form of prescriptions; termination of authority; renewal; notification of termination of authority. *Informational as no action is needed.*

On March 31, 2020 Executive Order 17-20 suspended the following:

- §30-7-15 Administration of anesthetics.
- §30-7-15 a, b, c Prescriptive authority for prescription drugs; coordination with Board of Pharmacy; rule-making authority; Eligibility for prescriptive authority; application; fee; collaborative relationships and agreements; Form of prescriptions; termination of authority; renewal; notification of termination of authority.

Informational: This EO is to remain in effect until terminated by a subsequent executive order. No action needed at this time. Therefore, the actions listed below which were voted on April 3, 2020, Board Meeting remain in effect until a subsequent executive order is published:

- 1) *The advanced practice registered nurse shall practice in conformity with the advanced practice registered nurse's education, training, and certification and in accord with the delineation of privileges*

granted to the advanced practice registered nurse by the hospital/facility to use the advanced practice registered nurse to the fullest extent possible.

2) *For West Virginia APRNs, who have been approved to practice in West Virginia during the State of Emergency, the requirement for collaborative agreements with physicians is suspended and all collaborative agreements in place at the time of the declaration of the emergency shall be immediately and automatically reinstated upon the lifting of the state of emergency.*

3. *For West Virginia APRNs with prescriptive authority, who have been approved to practice in West Virginia during the State of Emergency: Pertaining to Schedule II drugs of the Uniform Controlled Substances Act and antineoplastics, - If the patient has been on these medications, are permitted to be refilled if the refill is required during the declared emergency. The physician's name and the date of the last refill must appear on the prescription and the physician must be notified in writing of the refill.*

4. *For West Virginia APRNs with prescriptive authority, who have been approved to practice in West Virginia during the State of Emergency, the Drugs listed under Schedule III shall not be limited to a thirty-day supply and are permitted to be refilled if the refill is required during the declared emergency.*

5. *The fee for initial prescriptive authority shall be waived until 30 days after the state of emergency is lifted by the Governor.*

6. *Certifications for APRNs shall be extended based on the certifying body policy.*

§19-1-8. Curriculum.

- **8.3. Simulation.** A prelicensure nursing education program ("program") may use simulation as a substitute for traditional clinical experiences, ~~not to exceed fifty percent (50%) of its clinical hours.~~ A program that uses simulation shall adhere to the standards set in this section. Clinical requirements can be met utilizing any available mechanism including, simulation, telecommunications or by any other acceptable form as determined by the school. Board approved schools shall file a report with the Board at least thirty days prior to its October Board meeting outlining how the clinical requirements were met during the declared state of emergency.

Theresa Dennison made a motion that pursuant to the Governor's Executive Order 12-21 permitting the West Virginia Board of Examiners for Registered Professional Nurses, in their discretion, to suspend or modify the requirements for temporary permits, the Board reinstates the requirements contained in W. Va. Code of Legislative Rules 19-1-8 Curriculum by re-inserting ", not to exceed fifty percent (50%) of its clinical hours" and deleting "Clinical requirements can be met utilizing any available mechanism including, simulation, telecommunications or by any other acceptable form as determined by the school. Board approved schools shall file a report with the Board at least thirty days prior to its October Board meeting outlining how the clinical requirements were met during the declared state of emergency." The second was offered by Nancy Atkins. The motion carried.

On April 9, 2020 Board Meeting suspended and/or modified the following:

§19-13-6. Minimum Standards of a Dialysis Technician Training Programs.

- **6.1.f.1. Classroom instruction,** ~~which may be supported by audio-visuals, shall include~~ can be met utilizing any available mechanism including, simulation, telecommunications or by any other acceptable form as determined by the school. Board approved programs shall file a

report with the Board at least thirty days prior to its October Board meeting outlining how the clinical requirements were met during the declared state of emergency.

John Martin made a motion that pursuant to the Governor's Executive Order 12-21 permitting the West Virginia Board of Examiners for Registered Professional Nurses, in their discretion, to suspend or modify the requirements for temporary permits, the Board reinstates the requirements contained in W. Va. Code of Legislative Rules 19-13-6 Minimum Standards of a Dialysis Technician Training Programs by re-inserting the language "which may be supported by audio visuals, shall include" and deleting "can be met utilizing any available mechanism including, simulation, telecommunications or by any other acceptable form as determined by the school. Board approved programs shall file a report with the Board at least thirty days prior to its October Board meeting outlining how the clinical requirements were met during the declared state of emergency." The second was offered by Doris Burkey. The motion carried.

§19-13-14. Application for Certification; Temporary Permit and Endorsement of Certification.

- **14.1.c. The applicant shall submit to a state and a national electronic criminal history records check for the purpose of determining whether the applicant has been charged with, indicted for, or convicted of a crime that may have bearing upon the applicant's fitness to hold a license. Provided that, if the facility where the applicant is to submit finger prints for the purposes set forth in this rule is closed due to the emergency caused by the COVID-19 crisis and the applicant cannot report to a different facility within a 50 mile radius of the applicant's home, the applicant shall submit to the requirements of this rule as soon as the state of emergency is lifted by the Governor in West Virginia or as soon as other fingerprinting resources have become made available to the applicant, whichever comes first. In no such case shall applicants submit to criminal history records checks later than thirty (30) days after the state of emergency has been lifted by the Governor.**

Ann Bostic made a motion that pursuant to the Governor's Executive Order 12-21 permitting the West Virginia Board of Examiners for Registered Professional Nurses, in their discretion, to suspend or modify the requirements for temporary permits, the Board reinstates the requirements contained in W. Va. Code of Legislative Rules 19-13-14.1.c by deleting the language "Provided that, if the facility where the applicant is to submit finger prints for the purposes set forth in this rule is closed due to the emergency_ caused by_ the COVID-19 crisis and the applicant cannot report to a different facility within a 50 mile radius of the applicant's home, the applicant shall submit to the requirements of this rule as soon as the state of emergency is lifted by the Governor in West Virginia or as soon as other fingerprinting resources have become made available to the applicant, whichever comes first. In no such case shall applicants submit to criminal history records checks later than thirty (30) days after the state of emergency has been lifted by the Governor." The second was offered by John Martin. The motion carried.

- **14.2. The board may issue a temporary permit to an applicant who files a completed "Application for Credential" following completion of a board approved training program. The temporary permit is effective from the date of issuance until ~~three (3) days following receipt by the applicant and the board of the results of the first written certification examination or~~**

after 18 months whichever is sooner the declared state of emergency is lifted and testing is available. In no such case shall applicants submit to testing later than thirty (30) days after the state of emergency has been lifted by the Governor and testing is available.

Doris Burkey made a motion that pursuant to the Governor's Executive Order 12-21 permitting the West Virginia Board of Examiners for Registered Professional Nurses, in their discretion, to suspend or modify the requirements for temporary permits, the Board reinstates the requirements contained in W. Va. Code of Legislative Rules 19-13-14.2 by reinserting the language "three (3) days following receipt by the applicant and the board of the results of the first written certification examination or after 18 months whichever is sooner" and deleting "the declared state of emergency is lifted and testing is available. In no such case shall applicants submit to testing later than thirty (30) days after the state of emergency has been lifted by the Governor and testing is available." The second was offered by Ann Bostic. The motion carried.

- **14.8.e. The results of a local and Federal criminal background check completed with the previous six (6) months, Provided that, if the facility where the applicant is to submit finger prints for the purposes set forth in this rule is closed due to the emergency caused by the COVID-19 crisis and the applicant cannot report to a different facility within a 50 mile radius of the applicant's home, the applicant shall submit to the requirements of this rule as soon as the state of emergency is lifted by the Governor in West Virginia or as soon as other fingerprinting resources have become made available to the applicant, whichever comes first. In no such case shall applicants submit to criminal history records checks later than thirty (30) days after the state of emergency has been lifted by the Governor.**

Nancy Atkins made a motion that pursuant to the Governor's Executive Order 12-21 permitting the West Virginia Board of Examiners for Registered Professional Nurses, in their discretion, to suspend or modify the requirements for temporary permits, the Board reinstates the requirements contained in W. Va. Code of Legislative Rules 19-13-14.8.e by deleting the language ", Provided that, if the facility where the applicant is to submit finger prints for the purposes set forth in this rule is closed due to the emergency_ caused by_ the COVID-19 crisis and the applicant cannot report to a different facility within a 50 mile radius of the applicant's home, the applicant shall submit to the requirements of this rule as soon as the state of emergency is lifted by the Governor in West Virginia or as soon as other fingerprinting resources have become made available to the applicant, whichever comes first. In no such case shall applicants submit to criminal history records checks later than thirty (30) days after the state of emergency has been lifted by the Governor." The second was offered by Theresa Dennison. The motion carried.

On April 17, 2020 Board Meeting suspended and/or modified the following:

§19-13-6. Minimum Standards of a Dialysis Technician Training Programs.

- **6.1.f. The curriculum offered by the training program shall include both classroom and clinical instruction of at least three hundred twenty (320) clock hours in length and content which ensures sufficient preparation for safe and effective practice as a dialysis technician. Of the**

three hundred twenty (320) clock hours, at least one hundred sixty (160) clock hours shall be theoretical instruction with at least one hundred (100) hours face to face instruction in a classroom setting and a minimum of one hundred sixty (160) hours of supervised clinical experience. Supervised clinical experience shall provide opportunities for the student to apply theory and to achieve stated objectives in a patient care setting and shall include clinical learning experiences to develop the skills required by dialysis technicians to provide safe patient care. The registered professional nurse ~~educator~~ or clinical preceptor shall be physically present and accessible to the student when the student is in the patient care area. Board approved programs shall file a report with the Board at least thirty days prior to its October Board meeting outlining how the clinical requirements were met during the declared state of emergency.

Ann Bostic made a motion that pursuant to the Governor's Executive Order 12-21 permitting the West Virginia Board of Examiners for Registered Professional Nurses, in their discretion, to suspend or modify the requirements for Minimum Standards of a Dialysis Technician Training Programs, the Board reinstates the requirements contained in W. Va. Code of Legislative Rules 19-13-6 Minimum Standards of a Dialysis Technician Training Programs by deleting the language "Board approved programs shall file a report with the Board at least thirty days prior to its October Board meeting outlining how the clinical requirements were met during the declared state of emergency." (suggest retaining the educator strikethrough-no action required.) The second was offered by Doris Burkey. The motion carried.

ADJOURN

With no further business before the Board, a motion to adjourn the meeting was made Doris Burkey. The motion was seconded by Ann Bostic. The motion carried. Meeting adjourned



Minutes taken and prepared by
Margaret E. Alston
Director of Finance and Operations



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