

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

February 23, 2016

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 February 23, 2016.

BOARD MEMBERS PRESENT BY CONFERENCE CALL:

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

TERESA RITCHIE, DNP, APRN FNP-BC, SECRETARY

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

JUDY NYSTROM, PUBLIC MEMBER

THERESA L. DENNISON, PUBLIC MEMBER

BOARD MEMBER ABSENT

NANCY V. ATKINS, MSN, APRN WHNP-BC

L. ANN BOSTIC, DNP, APRN CRNA

BOARD STAFF PRESENT:

LAURA S. RHODES, MSN, RN, EXECUTIVE DIRECTOR

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

FEBRUARY 23, 2016

CALL TO ORDER

The meeting was called to order by Dr. Tara Hulsey, Board President at 3:30 P.M

QUORUM

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

1. ACCEPTANCE OF AGENDA

1. The Board accepted the agenda by consensus.

**2. WEST VIRGINIA BOARD OF EXAMINERS
FOR REGISTERED PROFESSIONAL
NURSES vs REBECCA FOTOS**

**A. EXECUTIVE SESSION TO REVIEW
AND CONSIDERATION OF
HEARING DOCUMENTS**

- 2.A. Judy Nystrom made a motion for the Board to go in to Executive Session for the purposes of review and consideration of the hearing documents. The second was offered by Teresa Ritchie. The motion carried.

**B. PUBLIC SESSION FOR MOTIONS
RELATED TO EXECUTIVE SESSION
RELATED TO REVIEW AND
CONSIDERATION OF HEARING
DOCUMENTS DISCUSSED DURING
EXECUTIVE SESSION.**

- 2.B. Teresa Ritchie made a motion for the Board to adopt the Findings of Fact, Conclusions of Law and Recommendation of the Hearing Officer and to additionally modify the Recommendation by including the following as the Final Order Addition outlining the disciplinary action: On the basis of the foregoing, the Board hereby ORDERS that license number 80212, issued to REBECCA FOTOS, be suspended for the period of one (1) year. Such suspension is hereby stayed and license number 80212 is placed on probation for period of not less than three (3) years and contingent upon Fotos entering West Virginia Restore (the Boards monitoring and recovery program for nurses) and complying with any and all terms and conditions imposed by West Virginia Restore (WV Restore) and the terms of this Order. If Fotos's WV Restore contract is longer than three years, then her license shall continue on probation until she has successfully completed the terms of her WV Restore contract. The computation of the probation period is to begin on the date on which notice is received in the office of the Board that Fotos is employed as a registered professional nurse and shall run only during such time that she 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 and it shall be at

least for a three (3) year time period or if her WV Restore Contract is longer than three (3) years, until she has successfully completed the terms of that contract., whichever is longer.

Regardless of employment status Fotos shall comply with the following:

TERMS

1. Fotos shall contact WV Restore within five (5) days of this Order being signed into effect and Fotos shall sign a WV Restore Contract within five days of it being offered to her by the WV Restore program.
2. Fotos shall not practice as registered nurse until Fotos is permitted to practice by WV Restore.
3. Violation of the WV Restore contract will result in the immediate suspension of Fotos's license.
4. Fotos shall not commit any act which would be a crime under West Virginia or federal law. If Fotos is charged by any law enforcement agency with committing any such criminal act, she shall notify the Board in writing of the formal charge(s) against her, and resolution of the same.
5. Fotos shall maintain a current and active license in the State of West Virginia. She shall not allow her license to lapse or be placed on an inactive status.

Violation of Terms:

6. The Board shall immediately notify Fotos via certified mail of the specific nature of the charges, and the suspension of her license.
 - a. If Fotos requests a hearing following suspension for violation of this Order and does not prevail, the cost incurred in holding such hearing shall be borne by Fotos. If Fotos 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 Fotos in bringing the matter to hearing.
 - b. 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 Fotos' 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 Fotos's license

for violation of this Order. 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 Fotos in bringing the matter to hearing.

Petition for Reinstatement:

7. Following completion of the WV Restore contract, Fotos may petition to appear before the Board and submit satisfactory evidence that she is presently able to safely engage in the practice of registered professional nursing. Evidence in support of this request shall include:

- a. Evidence of completion of WV Restore;
- b. Letter from Fotos outlining her future plans; and,

The second was offered by Doris Burkey. The motion carried.

**3. REVIEW AND CONSIDERATION OF
A REQUEST FROM BLUE RIDGE
COMMUNITY AND TECHNICAL
COLLEGE REGARDING AN
EXCEPTION TO THE LEGAL
REQUIREMENTS RELATED TO THE
NURSING ADMINISTRATOR'S
TEACHING LOAD**

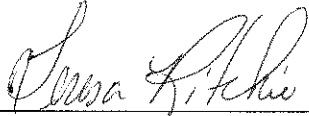
3. Dr. Elizabeth Rini, PhD, RN, Director of the Nursing Program at BLUE RIDGE Community and Technical College joined the meeting by phone. Discussion ensued regarding the reason for the limitation, and the general work load of a nursing program administrator. Teresa Ritchie made a motion to deny the request. Judy Nystrom offered the second. The motion carried.

**4. REVIEW AND
CONSIDERATION OF
LEGISLATIVE ISSUES**

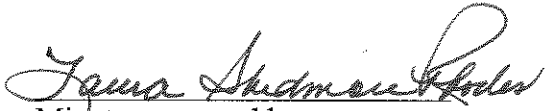
4. The Board reviewed the bills of interest including HB4334 related to APRNs which will be on the first reading on the House Floor tomorrow, February 24, 2016; and HB4650 related to changing the legal requirements for the Executive Secretary position and

providing for the Board to determine the qualifications of its staff.

ADJOURN Having no further business Teresa Ritchie made a motion to adjourn. Theresa Dennison offered the second. The meeting adjourned at 4:10 P.M.



Respectfully submitted by
Teresa Ritchie, DNP, APRNFNP-BC
Board Secretary



Minutes prepared by
Laura Skidmore Rhodes
Executive Director