

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

**March 12, 2009**

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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:**

PAMELA ALDERMAN, MSN, RN, PRESIDENT

CYNTHIA PERSILY, Ph.D., RN, SECRETARY

DIANA BOYLE, MSN, RN-CS, FNP

LINDA WILLIAMS, CRNA, J.D.

ROBIN WALTON, EdD, RN, APRN-BC

JUDY NYSTROM, PUBLIC MEMBER

**BOARD STAFF PRESENT:**

LAURA S. RHODES, MSN, RN, EXECUTIVE DIRECTOR

CYNDY R. HAYNES, MSN, RN, DIRECTOR OF EDUCATION & PRACTICE

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

**MARCH 12, 2009**

**CALL TO ORDER**

The meeting was called to order by Pamela Alderman, Board President at 9:40 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. Linda Williams made a motion to accept the agenda as written. The second was offered by Robin Walton. The motion carried.

**2. APPROVAL OF MEETING MINUTES**

**A. OCTOBER 23 - 24, 2008**

- 2.A. The October Board Meeting minutes were reviewed. Cynthia Persily made a motion to approve the meeting minutes as amended. The second was offered by Diana Boyle. The motion carried.

**B. DECEMBER 18, 2008**

- 2.B. The December Emergency Board Meeting minutes were reviewed. Linda Williams made a motion to approve the minutes as amended. The second was offered by Cynthia Persily. The motion carried.

**3. OPEN FORUM**

3. There were no issues brought forward for the Open Forum. The agenda moved forward.

**4. EDUCATION**

**4.A. EDUCATION COMMITTEE RECOMMENDATIONS**

- 4.A.1. The Committee recommended to the full Board that the following programs have met the NCLEX-RN Board Standards and to continue accreditation:

- A. Alderson-Broaddus College LPN-RN program;
- B. Bluefield State College Beckley Campus associate program;
- C. Mountain State University LPN-BSN Beckley, Charleston, Martinsburg and Parkersburg cohorts;
- D. University of Charleston associate program;
- E. West Liberty State College baccalaureate;
- F. West Virginia Northern Community College associate programs at Wheeling, New Martinsville and Weirton campuses;
- G. West Virginia State Community and Technical College associate traditional program;

- H. West Virginia Wesleyan College baccalaureate program and
- I. Wheeling Jesuit University baccalaureate program.

- 4.A.2. The Committee recommended that Blue Ridge Community and Technical College associate program continue provisional accreditation.
- 4.A.3. The Committee recommended to the full Board that Mountain State University Beckley traditional, Beckley BABS-BSN, Cabell LPN-BSN and Mercer LPN-BSN continue provisional accreditation with the request for monthly updates on the plan of action addressing the Mercer cohort.
- 4.A.4. The Committee recommended to the full Board to remove provisional accreditation and to fully accredit the Shepherd University baccalaureate nursing program.
- 4.A.5. The Committee recommended to the full Board to place the traditional program at Alderson-Broaddus College on provisional accreditation.
- 4.A.6. The Committee recommended to the full Board to continue accreditation and request a plan of action be submitted to the Board prior to the June Board meeting for the Bluefield Campus of Bluefield State College.
- 4.A.7. The Committee recommended to the full Board to place the LPN-BSN cohort at Summersville on provisional accreditation with monthly updates on the plan of action addressing this cohort.
- 4.A.8. The Committee recommended to the full Board to continue accreditation of the LPN-BSN cohort at Roane/Jackson and request a plan of action addressing this cohort.
- 4.A.9. The Committee recommended to the full Board to place the associate nursing program at Davis and Elkins College on provisional accreditation with monthly update on the plan of action.
- 4.A.10. The Committee recommended to the full Board to continue provisional accreditation of the LPN-BSN cohort at Keyser and request a plan of action addressing this cohort.
- 4.A.11. The Committee recommended to the full Board to approve the attrition plan for the associate nursing program for Bluefield State College.
- 4.A.12. The Committee recommended to the full Board to approve Elizabeth Viens Rini, MSN, RN as Director of the associate nursing program at Blue Ridge Community and Technical College.

- 4.A.13. The Committee recommended to the full Board to acknowledge the updates on faculty hires at Blue Ridge Community and Technical College.
- 4.A.14. The Committee recommend to the full Board to approve the curriculum request from Davis and Elkins College.
- 4.A.15. The Committee recommended to the full Board to acknowledge the updated information regarding Mountain State University's response to the NLNAC recommendations and requirements. The Board's concerns have been acknowledged and recognized by NLNAC. The Board requests monthly updates on the University's progress towards meeting the NLNAC requirements demonstrating change in the addressed issues and concerns.
- 4.A.16. The Committee recommended to the full Board to accept the report of the Clarksburg LPN-BSN cohort visit and submit updates to the Board prior to each Board meeting.
- 4.A.17. The Committee recommended to the full Board to accept the report of the Morgantown LPN-BSN cohort visit and submit updates to the Board prior to each Board meeting.
- 4.A.18. The Committee recommended to the full Board to approve moving the Maternal Child faculty (Linda Kelsh) to the baccalaureate nursing program at University of Charleston.
- 4.A.19. The Committee did not present any motion regarding the request to allow faculty to teach in two different programs in the same semester at University of Charleston for the spring 2009 semester.
- 4.A.20. The Committee did not present any motion to change the workload of the Chairs of the nursing programs at University of Charleston.
- 4.A.21. The Committee recommended to the full Board to acknowledge the update on faculty hires and their plans to begin a second degree track at Wheeling Jesuit University. They may advertise as long as they are aware their approval is pending.
- 4.A.22. The Committee recommended to the full Board to ratify the Board Staff Activity related to Curriculum Changes.
- 4.A.23. The Committee recommended to the full Board to ratify the Board Staff Activity related to continuing education exemptions.
- 4.A.24. The Committee recommended to the full Board to allow Board Staff to approve the application for licensure by examination reviewed once documentation has been

received showing evidence of assessment testing and remediation based on the testing results is complete.

**Pamela Alderman recused herself from the meeting and left the room during discussion of Southern West Virginia Community and Technical College. Cynthia Persily, Board Secretary took over as presiding Chair.**

**4.A.25.** The Committee recommended to the full Board that the following programs have met the NCLEX-RN Board Standards and to continue accreditation:

A. Southern West Virginia Community & Technical College Logan, Institute & Moorefield campuses. The recommendation received unanimous approval.

**Pamela Alderman returned to the meeting and resumed her role as Chair. Cynthia Persily recused herself and left the room during the following discussion.**

B. West Virginia University traditional and BSBA-BS programs; Potomac State cohort; and,

C. West Virginia University at Parkersburg associate program.

**4.A.26.** The Committee recommended to the full Board to continue provisional accreditation of the baccalaureate program at West Virginia University Institute of Technology and Glenville Campus and to include in the letter the Board's concern regarding the NCLEX results continuing to be below the Board's standard; the acknowledgement of the implementation of changes in their update report and that the continuation of the program's pass rate being below the standard may result in further action by the Board.

**4.A.27.** The Committee recommended to the full Board to approve the enrollment increase request for West Virginia University.

**4.A.28.** The Committee recommended to the full Board to acknowledge the update from West Virginia University Institute of Technology and to submit updates on progress to the Board prior to each Board meeting.

**4.A.29.** The Committee recommended to the full Board to approve the addition of 8 students only be admitted to the West Virginia University Institute of Technology campus.

**4.A.29.** The Committee recommended to the full board to approve the requested curriculum change for WVUIT.

**4.A.30.** The Committee recommended to the full Board to approve the admission innovation for high school students at West Virginia University at Parkersburg with a report on the

progress of the change be submitted to the Board prior to Board meetings; to approve the continued expansion plan of the program at West Virginia University at Parkersburg as long as resources are in place prior to student enrollment increase; and to acknowledge the continuous admission change to the associate program at West Virginia University at Parkersburg.

**Cynthia Persily returned to the meeting and Robin Walton recused herself and left the room for the following discussion.**

- 4.A.31. The Committee recommended to the full Board that the following programs have met the NCLEX-RN Board Standards and to continue accreditation:
  - A. Marshall University and MOVC campus
  - b. St. Mary's Hospital/ Marshall Cooperative
- 4.A.32. The Committee recommended to the full Board to continue accreditation of the St. Mary's Hospital/Marshall Cooperative Bridge Program and request a plan of action be submitted to the Board prior to the June Board meeting.
- 4.A.33. The Committee recommended to the full Board to approve Jennifer Hess, MSN, RN as Chair of the associate nursing program at the University of Charleston.

**Robin Walton returned to the meeting and Diana Boyle recused herself and left the room for the following discussion.**

- 4.A.34. The Committee recommended to the full Board that the following programs have met the NCLEX-RN Board Standards and to continue accreditation of Fairmont State University.
- 4.A.35. The Committee recommended to the full Board to acknowledge Fairmont State University's plans for LPN-ASN program.
- 4.A.36. The Committee recommended to the full Board to ratify the Board Staff Activity related to Faculty Approvals

All of the above recommendations from the Education Committee to the Board received unanimous approval.

**4.B. EDUCATION COMMITTEE  
ITEMS DEFERRED TO THE FULL  
BOARD FOR CONSIDERATION**

**4.B.1. REQUEST FROM ALDERSON-BROADDUS COLLEGE**

The Board reviewed the request from Alderson-Broaddus College for an enrollment increase in order to accommodate students coming from the Phillippines campus this summer to begin their senior year. The program is also requesting the addition of a summer 6 credit hour transition course for the students from the Phillippines in order to acclimate to AB and the US healthcare delivery system. A motion was made by Cynthia Persily approve the enrollment increase of sixteen (16) students (increasing the total enrollment from 25 to 41) in the senior year for 2009-2010 for senior nursing students coming from Arellano University to Alderson-Broaddus College for their senior nursing year in the United States. The approval is contingent upon adequate faculty, clinical sites and resources be in place to support the expansion of the program prior to the addition of senior students from Arellano University beginning their senior nursing year at Alderson Broaddus College. The motion included approving a six (6) credit hour transition course for summer session 2009. The second was offered by Linda Williams. Motion carried.

**4.B.2. REQUEST FROM BLUE RIDGE COMMUNITY AND TECHNICAL COLLEGE**

The Board reviewed several requests from Blue Ridge Community and Technical College including requests for:

1. Changes to the mission, philosophy and goals in order to continue developing revisions to their curriculum;
2. Reallocation of clinical credit hours with no net change in course credits;
3. The Board revisit the limited enrollment of 16 first year students; and
4. Request the Board consider approval of fall and spring admission, with every nursing course offered every semester.

The Board acknowledged Ms. Rini's removal of the request for approval of the mission, philosophy and goals from the Board agenda. There was no action taken.

A motion was made by Cynthia Persily that the Board approve the reallocation of clinical credit hours with no net change in course credits and the request for fall and spring admission with every nursing course offered every semester. Also, that the Board approve allowing the admission of twenty-four (24) first year students and twenty-four (24) second year students. The Board requests the program submit a progress report thirty (30) days prior to each Board meeting regarding the above changes and progress of the program with their curriculum

revisions. The second was offered by Judy Nystrom. Motion carried.

#### **4.B.3. UNIVERSITY OF CHARLESTON ASSOCIATE PROGRAM: REVISIT REPORT**

The Committee recommended approval of the report and requested monthly reports on the progress of the associate nursing program at University of Charleston. Concern for the program complying with the requirement for adequate secretarial support and inconsistencies seen in student records was discussed. The program has had some faculty attrition since the initial visit and have hired faculty. The board reviewed the information. A motion was made by Robin Walton to continue accreditation of the associate nursing program at the University of Charleston; to approve the revisit report and progress reports for the University of Charleston associate nursing program with concern regarding adequate secretarial support and inconsistencies reported in the review of student records; to request the program submit monthly updates by the end of business on the 15<sup>th</sup> of each month on the progress of auditing of student records and adequacy of secretarial support. It was further moved to approve Jennifer Hess, MSN, RN as Chair of the associate nursing program and to approve moving the maternal-child faculty, Linda Kelsh, MSN, RN to the baccalaureate nursing program. The second was offered by Cynthia Persily. Motion carried.

The Board took no action regarding the request to permit faculty to teach in two different programs in the same semester and the request to change the workload of the Chairpersons of the nursing programs at the University of Charleston. The Board's decision related to these issues remains as previously determined. Therefore, faculty are not permitted to teach in two different programs in the same semester and the workload of the Chairpersons will remain as previously determined by the Board.

#### **4.B.4. UNIVERSITY OF CHARLESTON BACCALAUREATE PROGRAM: PROGRESS REPORT**

The Board reviewed the 2008 NCLEX-RN pass rates. A motion was made by Robin Walton to continue provisional accreditation of the baccalaureate nursing program at the University of Charleston; to accept the progress report received; and to request monthly updates on the program's progress toward meeting demonstrated change in the addressed issues and concerns related to secretarial support for the program, student record keeping, program evaluation and uniformity in the organization of the program. The second was offered by Cynthia Persily. The motion carried.

#### **4.B.5. WEST VIRGINIA NORTHERN COMMUNITY COLLEGE**

The Committee deferred this item regarding faculty issues with the enrollment increase



at West Virginia Northern Community College to full the Board . The Board reviewed the information provided regarding the program faculty vacancy in relation to the approved enrollment increase for this semester and that current faculty are in overload to accommodate the faculty vacancy. Ms. Shelek provided the Board with information regarding faculty issues with the expansion plans and reported to the Board that the vacant position is currently being advertised. A discussion ensued. Concern was expressed that the program does not comply with the requirements placed by the Board to have adequate resources prior to the enrollment increase. The Committee reminded the Board that the expansion plans were approved contingent upon adequate supports being in place. The program received monies from HEPC to expand and are having difficulty meeting the number of faculty required.

A motion was made by Cynthia Persily requesting the program report to the Board when the faculty position is filled and update the Board on how the program is adhering to the requirements for the enrollment increase. This information is to be submitted to the Board fifteen (15) days prior to the beginning of the 2009 fall semester. The second was offered by Linda Williams. Motion carried.

**Cynthia Persily recused herself from the vote however remained in the room during the discussion of West Virginia University Institute of Technology for information purposes only.**

#### **4.B.6. WEST VIRGINIA UNIVERSITY INSTITUTE OF TECHNOLOGY**

The Committee deferred the curriculum change request by West Virginia University Institute of Technology to the full Board for further discussion. The program requested a curriculum change regarding general education requirements so they will match WVU general education requirements. This is an institution wide change. A discussion ensued regarding the number of hour's first year students have and that it does not match with the curriculum of WVU. Follow up information was provided by Dr. Klocke correcting the information regarding the number of hours per semester.

A motion was made by Diana Boyle to approve the revised curriculum change for general education requirements so the program will match West Virginia University's general education requirements. The Board recognizes this is an institution wide change. The second was offered by Robin Walton. Motion carried.

#### **4.B.7. FAIRMONT STATE UNIVERSITY**

The Committee recommended to defer the request for Ms. Brigitte Sapp, BSN, RN as clinical faculty for Fairmont State University's associate nursing program to the full board. A motion was made by Cynthia Persily to approve Ms. Sapp as part-time clinical faculty for the six (6) weeks experience of one (1) clinical group of students with Constance Moore, MSN, RN, nursing faculty as her mentor with the

understanding and agreement that Ms. Moore will work closely with Ms. Sapp during this clinical rotation. The second was offered by Linda Williams. Motion carried.

#### **4.B.8. GLENVILLE STATE COLLEGE/ WEST VIRGINIA UNIVERSITY JOINT NURSING PROGRAM**

- A. Discussion resumed regarding the admission request from WVU/Glenville Campus. Robin Walton made a motion that because of the continued concerns since 2004 related to NCLEX-RN pass rate being below the standard, that the Board not allow admissions of baccalaureate nursing students at the Glenville Campus for fall 2009. The Board requires the Glenville Campus to submit a report of the results of the study related to the review of student records to evaluate characteristics of the Glenville nursing students. The report is to be submitted to the Board thirty (30) days prior to the October 2009 Board meeting. The second was offered by Linda Williams. Motion carried.
  
- B. The Board reviewed information regarding Theresa D. Cowan, MSN, ACNS-BS, leaving her position as Coordinator for the Glenville State College/West Virginia University Joint Nursing Program and a facsimile with Dr. Alison Witte's qualifications as interim for the administrative role. Linda Williams made a motion to approve Alison Witte, BSN, MS, D Litt et Phil as Interim Coordinator for the current semester for the Glenville State College/ West Virginia University Joint Nursing Program. The second was offered by Robin Walton. Motion carried.

A motion was made by Robin Walton that the Board approve the addition of eight (8) students to be admitted to the WVUIT Campus for a total of 32 students for the sophomore year beginning fall 2009. The second was offered by Linda Williams. Motion carried.

### **5. LEGISLATIVE UPDATE**

#### **5.A. OVERVIEW**

- 5.A. The Executive Director provided the Board with an overview of the legislative bills of interest. A discussion ensued regarding Medication Aides in the nursing home setting. Dee Adkins was present and provided information during the discussion. The Board directed the Executive Director to follow up on the requirements to study this matter and determine the related fiscal note.

**5.B. LETTER OF SUPPORT FROM  
WEST VIRGINIA LEAGUE  
FOR NURSING (WVNLN)**

- 5.B.** The Board reviewed a letter from the West Virginia League for Nursing expressing their support of the issues being brought before the legislature for review and approval during the legislative session related to Title 19.

**6. REVIEW OF FUTURE BOARD  
MEETING DATES**

- 6.** The Board reviewed the meeting dates for 2010 and 2011. The motion was made by Cynthia Persily set the 2010 meeting dates for February 18; March 18 - 19; June 16, 17 and 18; and October 20-21, 2010 and to set the 2011 meeting dates for February 17; March 17 - 18; June 15, 16, 17; October 20 - 21, 2011. The second was offered by Diana Boyle. The motion carried.

**7. BUDGETARY INFORMATION**

**7.A. FY 2009 2<sup>ND</sup> QUARTER  
EXPENDITURES**

- 7.A.** FY2009 second quarter expenditures were reviewed by the Board. A motion was made by Cynthia Persily to approve the second quarter report. The second was offered by Diana Boyle. The motion carried.

**7.B. PURCHASE CARD  
EXPENDITURES**

- 7.B.** The Purchase Card Expenditure Report was provided to the Board for review. The report included P-Card purchases from September 2008 thru January 2009. A motion was made by Cynthia Persily to approve the Purchase Card Expenditure Report. The second was offered by Diana Boyle. The motion carried.

**7.C. EXPENDITURES TO DATE**

- 7.C.** A report of the Expenditures to Date was provided to the Board for review. A motion was made by Cynthia Persily to approve the Expenditures to Date report. The second was offered by Diana Boyle. The motion carried.

**Pamela Alderman and Cynthia Persily recused themselves from the meeting and left the room during discussion of 7.D. since they are both members of the organization. Diana Boyle, Board**

**Member took over as presiding Chair.**

**7.D. REQUEST FOR MEETING  
SUPPORT**

**7.D.** The Board reviewed a letter from the Association of Deans and Directors of Nursing Education (ADDNE) requesting financial support for an articulation project organized by the Nursing Education Foundation of West Virginia. The project will facilitate the transfer of associate degree graduates into a baccalaureate nursing program in the state. With the Board's contribution agency representatives will be able to attend the conference without any further expense. Robin Walton made a motion to approve support of the project in the amount of one thousand dollars (\$1000.00) and implemented in accordance with any related state laws or rules. The second was offered by Linda Williams. Motion carried.

**Pamela Alderman and Cynthia Persily returned to the meeting and Ms. Alderman resumed her role as Chair.**

**8. NCSBN UPDATE**

**8.A. MID-YEAR MEETING**

**8.A.** The Executive Director provided an overview of the issues discussed during the NCSBN Mid-Year meeting. No action taken.

**8.B. MISCELLANEOUS**

**8.B. 1. NURSYS**

The Executive Director provided an update to the Board regarding NCSBN NURSYS reporting. A discussion ensued. No action was taken.

**2. WORKFORCE DATA**

The Executive Director provided an update to the Board regarding Work Force Data Sharing. A discussion ensued. The Board approved the sharing of this information within the constraints of the law and further directed the Executive Director to include a memorandum of understanding related to the interpretation of the data.

**9. PRACTICE**

**9.A. MEDICAL SCREENING**

- 9.A.** The Board reviewed information regarding Medical Screening. A discussion ensued. The Executive Director informed the Board that she is currently conducting additional research on the matter and would provide the information as she gathers it.

**10. LICENSING**

**10.A. PAPERLESS LICENSING**

- 10.A.** The Executive Director provided the Board with information regarding paperless licensing. She informed the Board that several boards across the country are going paperless including the West Virginia Board of Examiners for Licensed Practical Nurses. At the same time, there are boards moving toward having an identification picture on each license similar to a Driver's License. Discussion ensued regarding the relationship between a paperless system and use of the national data base NURSYS. The Board directed staff to provide more information at the next Board meeting concerning the subject.

**10.B. VETERAN'S  
ADMINISTRATION  
VERIFICATION PROCESS**

- 10.B.** The Board reviewed a letter from the Department of Veteran Affairs regarding fees for verification of nursing licenses. The Executive Director explained to the Board that some states waive the fee for verification for government agencies. The Board discussed the issue and determined that since verification is provided at no cost on the RN website no other adjustments need to be made to the current verification process or fee requirement.

**10.C. REQUEST FOR RELEASE OF  
WVRN DATA FROM NCSBN**

- 10.C.** The Board reviewed a letter from Winston Salem State University Center of Excellence For The Elimination of Health Disparities requesting permission to release our NCLEX data from NCSBN. A discussion ensued. Cynthia Persily made a motion granting approval to release the data pending IRB approval and assuring that the data shared is considered public. The second was offered by Robin Walton. Motion carried.

## **11. MEETING REPORTS**

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

**11.A.** Board Member, Judy Nystrom provided a report on this conference which was also attended by Board Staff members Marty Alston and Leslie Morris. She reported that the major highlights of the conference consisted of a Mock Board Meeting (which included Board member responsibilities), and other topics such as Board and Board Member Liability, Conflict of Interest and a Review of New Legislation Impacting Regulatory Boards.

### **11.B. CENTER FOR NURSING**

**11.B.** Cynthia Persily, Board Secretary and Board representative to the West Virginia Center for Nursing Board of Directors provided an update on the Center's activities. No action was taken.

### **11.C. QSEN CONFERENCE**

**11.C.** Cyndy Haynes, Director of Education and Practice provided a report on this meeting.

### **11.D. DELEGATION AND SCOPE OF PRACTICE MEETING**

**11.C.** Cyndy Haynes, Director of Education and Practice provided a report on this meeting.

### **11.E. MEETING WITH LONG TERM CARE COMMITTEE REPRESENTATIVES - NANCY TYLER**

**11.E.** Laura Rhodes, Executive Director and Cyndy Haynes, Director of Education and Practice provided a report on this meeting. The topic relates to medication administration for those in community based settings. The group is seeking ways to broaden the agencies in which unlicensed personnel may administer medication. The group plans to meet again to further identify the specific concerns and to determine a plan for resolving the concerns.

**12. MEETINGS TO ATTEND AND  
SELECTION OF  
REPRESENTATIVES**

**12.A. NCSBN APRN ROUNDTABLE**

- 12.A.** A motion was made by Cynthia Persily to approval a total of two (2) board members or staff to attend this conference. The second was offered by Linda Williams. Motion carried.

**13. DIALYSIS TECHNICIAN UPDATE**

- 13.** An update on the Dialysis Technician activities was provided by Laura Rhodes, Executive Director. She reported that there are currently 153 Certified Dialysis Technicians. No action required.

**EXECUTIVE SESSION**

Pamela Alderman, 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 a discipline matter. 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 Cynthia Persily that the Board recess and reconvene in an Executive Session by the request of the petitioner for reinstatement. The motion was seconded by Robin Walton. Motion carried.

The regular meeting recessed in order to begin the Executive Session.

**14. PETITIONER FOR  
REINSTATEMENT (CLOSED TO  
PUBLIC UNLESS REQUESTED  
OTHERWISE BY PETITIONER)**

**14.A. WILLIAM EVERLY**

- 14.A.** The Board reviewed of the case concerning Mr Everly who was present to address the Board to petition for reinstatement of his nursing license.

**PUBLIC SESSION FOR MOTIONS  
RELATED TO EXECUTIVE SESSION**

Cynthia Persily made a motion to recess Executive Session and reconvene the meeting in public session. The motion was seconded by Diana Boyle. Motion carried.

**14.B. WILLIAM EVERLY**

**14.B.** A motion was made by Cynthia Persily to suspend Mr. Everly's license for one (1) year to STAY the suspension and place the license on PROBATION for a period of three (3) years. The Board ORDERS Mr. Everly to pay the appropriate fines and administrative costs. The terms of probation are as follows:

1. Mr. Everly shall not work at a Nursing Registry, Temporary Nursing Agency, Home Health Care Agency, or as a Private Duty Nurse.
2. He 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.
3. He shall inform the Board in writing within ten (10) days of the date he resumes 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. He shall immediately inform his nursing employer, any 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 agreement and may communicate with his employer(s).
5. He 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 agreement. He 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. He shall submit documentation of fifteen (15) contact hours of continuing education awarded each year during the time his license is on probation in addition to those already required by law.
7. He shall report in person for an appointment with the Board staff upon request.
8. He shall not handle nor administer narcotic or psychotropic medications, nor have access to locked or other storage areas in which such medications are kept. He shall notify his employer of this restriction on his practice.
9. He shall submit to unannounced, witnessed drug-screening tests. Said tests shall be on demand and to the specifications of the Board and at his expense. Receipt of a positive drug screen is deemed to be a violation of this Consent Agreement, and shall result in immediate suspension of the probationary license. Eating products containing poppy seeds will not constitute as an accepted reason for having a positive screen for opioids.
10. He shall abstain from the use of alcohol and limit his use of drugs to those prescribed for a legitimate purpose by a physician, dentist or nurse practitioner duly licensed in the State of West Virginia. He shall provide a copy of this Agreement to any prescribing physician, dentist or nurse practitioner. He shall cause his physician, dentist or nurse practitioner to notify the Board in writing of any medications/drugs prescribed and the condition for which said drug(s) has been prescribed. He agrees that, if he accepts a prescription for narcotic or psychotropic drugs, the Board may impose additional probationary terms.
11. He shall coordinate any health care services he requires with one physician or registered nurse practitioner, who shall be informed of any services or prescriptions sought or obtained by any physician, dentist or nurse practitioner. He shall provide this individual, who serves as his point of contact for health care needs, with a copy of this agreement.
12. He shall execute a release to permit the Board to obtain medical or other health care records, which may be requested at any time while his license is on probation, regarding his physical or mental health and any treatment rendered.
13. He shall annually submit to the Board a written personal statement regarding his progress. The statement shall be due at the end of the first year and in each subsequent year during the month in which this agreement is accepted by the

Board.

14. He shall continue to see a certified addictions counselor approved by the Board. The treating certified addictions counselor shall make a monthly report to the Board about their progress and his compliance with the aftercare program. He shall visit their approved treatment provider at least two (2) times per month during the term of this agreement. This requirement may be modified upon request to the Board by the certified addictions counselor.
15. He shall submit or have submitted to the Board evidence of participation in 12-Step meetings. He shall attend at least three (3) 12-Step meetings per week. Written evidence of participation in meetings shall be submitted to the Board on or before the fifth day of each month.

The second was offered by Diana Boyle. Motion carried.

#### **15. DISCIPLINARY REVIEW COMMITTEE (DRC)**

##### **15.A. REPORT**

- 15.A. Leslie Morris, Discipline Assistant provided the Board with copies of the Disciplinary Review Committee Report. Discussion ensued. The recommendation from the Committee is to approve the report. The recommendation received unanimous approval. A copy of the report is filed herewith.

##### **15.B. DRC RECOMMENDED PARAMETERS**

- 15.B. There were no items under this topic.

##### **15.C. MISCELLANEOUS**

- 15.C. There were no items under this topic.

#### **EXECUTIVE SESSION**

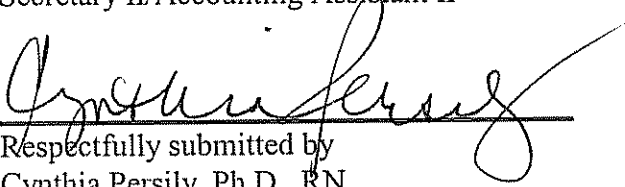
Pamela Alderman, Board President, announced that in accordance with Chapter 6, Section 4(2)(A), of the Code of West Virginia, Executive Sessions may be held by governmental agencies to discuss certain matters. All motions arising from the discussion during the Executive Session shall be made and voted on in an open meeting immediately following an

**ADJOURN**

With no further business, a motion to adjourn the meeting was made by Linda Williams at pm.  
The second was offered by Robin Walton. Motion carried.



Minutes taken and prepared by  
Margaret "Marty" Alston  
Secretary II/Accounting Assistant II



Respectfully submitted by  
Cynthia Persily, Ph.D., RN  
Board Secretary

**VISITORS:**

**MARCH 12, 2009**

Evelyn Klocke, MSN, RN	West Virginia University & Technical College
Karen Daniels, MSN, RN	Mountain State University
LaShonda Bare, RN, MSN	Mountain State University
Dr. Judith Holle	Mountain State University
Elizabeth Rini, RN, MSN	Blue Ridge Community & Technical College
George Perry	Blue Ridge Community & Technical College
Pete Checkovich, President	Blue Ridge Community & Technical College
Rose Morton, DON	Mountain State University
Laura M. Festa	University of Charleston
Linda Shelek, RNC,MSN,NP-BC	West Virginia Northern Community College
Theresia Witt, EdD,MSN,BSN,RN	Alderson-Broadus College
Deatra Adkins, RN	West Virginia Health Care Authority (WVHCA)
Jennifer Hess	University of Charleston
Martha Rader	University of Charleston
Sue Forsbrey, RN, Ed.D	West Virginia State Community & Technical College (WVSCTC)
Sharon Boni	Fairmont State University
Elizabeth Baldwin	West Virginia Nurses Association
Steve McElroy	West Virginia Nurses Association
Sandra Wynn, MSN,RN,APRN-BC	Bluefield State College
Bonnie Selman, Student	University of Charleston
Joana Adamoko, Student	University of Charleston
Fatimat Amoo, Student	University of Charleston
Jennifer Mohan, Student	University of Charleston
Danielle Crouch, Student	University of Charleston