

**WEST VIRGINIA BOARD OF EXAMINERS FOR
REGISTERED PROFESSIONAL NURSES
March 25, 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.

BOARD MEMBERS PRESENT:

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

MARY FRIEL FANNING, DNP, RN, SECRETARY

JOYCE EGNOR, MSN, RN

L. ANN BOSTIC, DNP, APRN, CRNA

JUDY NYSTROM, PUBLIC MEMBER

MARY (LIBBY) FARMER, Ph.D., PUBLIC MEMBER

BOARD MEMBERS ABSENT:

TERESA RITCHIE, 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, Ed.D, MSN, APRN, FNP-BC, ASSOCIATE DIRECTOR

MARGARET "MARTY" ALSTON, EXECUTIVE ASSISTANT

MARCH 25, 2015

CALL TO ORDER

The meeting was called to order by Robin Walton, Board President at 9:10 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

A. AGENDA

- 1.A. Libby Farmer made a motion to accept the agenda. Ann Bostic offered the second. The motion carried.

B. CONSENT AGENDA

- 1.B. Mary Fanning made a motion to accept the Consent Agenda with removing item 6. Review and Consideration of 2015 Legislative matters for consideration during the meeting. Joyce Egnor offered the second. The motion carried.

2. APPROVAL OF MEETING MINUTES

A. MARCH 6, 2015 SPECIAL BOARD MEETING

- 2.A.. The March 6, 2015 Special Board Meeting minutes were approved as submitted as part of the Consent Agenda.

EDUCATION

3. REVIEW AND CONSIDERATION OF COMMITTEE REPORT AND RECOMMENDATIONS

3. The Education Committee Recommendations were approved as part of the Consent Agenda. The recommendations to the full Board were as follows:

Alderson Broaddus University

To accept the program report and require a program report on chair leadership development, licensure passage rate, curriculum content review, test review, NCLEX-RN Test Plan curriculum mapping and a NCLEX-RN Action plan 30 days prior to each Education Committee meeting.

To continue the approval of the Alderson Broaddus University Baccalaureate of Science in Nursing Degree program with provisional accreditation and the Licensed Practical Nurse to Baccalaureate of Science in Nursing Degree program with provisional accreditation.

Bluefield State College

To accept the program report and to approve the curriculum change request and require a program report on curriculum implementation and licensure passage rate 30 days prior to each Education Committee Meeting.

To continue the approval of the Bluefield State College Associate Degree Nursing (AND) program at Bluefield with provisional accreditation, Licensed Practical Nursing to Associate Degree Nursing (LPN-AND) program at Bluefield with full accreditation, AND program at Beckley with provisional accreditation and LPN-AND program at Beckley with full accreditation.

Blue Ridge Community & Technical College

To accept the program report and require a program report on curriculum implementation 30 days prior to each Education Committee meeting.

To continue the approval of Blue Ridge Community & Technical College Associate Degree Nursing program with full accreditation.

Breckinridge School of Nursing at ITT Technical Institute

To accept the program report and require a program report on curriculum content review, test review, licensure passage rate, remediation, and national nursing accreditation progress 30 days prior to each Education Committee meeting.

To continue the approval of Breckinridge School of Nursing and Health Science at ITT Technical Institute Associate Degree Nursing (AND) program with provisional accreditation.

BridgeValley Community & Technical College

To accept the program report and require a program report on curriculum implementation reports 30 days prior to each Education Committee meeting.

To continue the approval of BridgeValley Community & Technical College Associate Degree Nursing program and Licensed Practical Nursing to Associate Degree Nursing program with full accreditation.

Davis & Elkins College

To require program reporting on licensure passage rate including NCLEX-RN curriculum mapping and an NCLEX RN Action Plan 30 days prior to each Education Committee meeting.

To continue the approval of Davis & Elkins College Associate Degree Nursing program with provisional accreditation.

Eastern West Virginia Community & Technical College

To accept the program report and require a program report on curriculum implementation, faculty development, and national nursing accreditation progress 30 days prior to each Education Committee meeting.

To continue the approval of Eastern West Virginia Community & Technical College Associate Degree Nursing program with full accreditation.

Fairmont State University

To accept the program report and to require a program report on curriculum implementation 30 days prior to each Education Committee meeting.

To continue the approval of Fairmont State University Associate Degree Nursing program and Licensed Practical Nursing to Associate Degree Nursing program with full accreditation.

Marshall University

Robin Walton recused herself and left the room before the discussion.

Discussion ensued to defer to the full Board.

Robin Walton returned to the room.

New River Community and Technical College

To accept the report and require a program report on nurse administrator leadership development, faculty recruitment, and curriculum implementation 30 days prior to each Education Committee meeting.

To approve the clinical facility approval request for William Sharpe Hospital.

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

Robin Walton recused herself and left the room before the discussion.

Discussion ensued to defer to the full Board.

Robin Walton returned to the room.

Salem International University

To accept the program report and require a program report on curriculum implementation, chair leadership development, and national nursing accreditation progress 30 days prior to each Education Committee meeting.

To continue the approval of the Salem International University Associate Degree Nursing program with provisional accreditation.

Shepherd University

To accept the program report on curriculum implementation. Mary Farmer seconded the motion.

To continue the approval of the Shepherd University Baccalaureate of Science in Nursing Degree program with full accreditation.

Southern West Virginia Community & Technical College

To approve the program report and require a program report on chair leadership development and curriculum implementation 30 days before each Education Committee Meeting.

To continue the approval of the Southern West Virginia Community & Technical College Associate Degree Nursing program with full accreditation.

University of Charleston

To accept the University of Charleston, Beckley Campus, Associate Degree in Nursing program report and require a program report on curriculum implementation, curriculum content review, faculty development, test review, and national nursing accreditation progress 30 days prior to each Education Committee meeting.

To accept the University of Charleston, Charleston Campus, Baccalaureate of Science in Nursing Degree program report and require program reports on national nursing accreditation correspondence 30 days prior to each Education Committee Meeting.

To continue the approval of University of Charleston, Charleston Campus Baccalaureate of Science in Nursing Degree program with full accreditation.

West Liberty University

To accept the program report and to require a program report on licensure passage rates 30 days prior to each Education Committee Meeting.

To continue the approval of West Liberty University Baccalaureate of Science in Nursing Degree Program with provisional accreditation.

West Virginia Junior College

To approve the program report, require program reports on national nursing accreditation progress 30 days prior to each Education Committee meeting and the full Board to send a letter of support of the director decision to postpone admissions until a full time faculty position has been hired to help with the ACEN self-study.

To continue the approval of West Virginia Junior College Associate Degree Nursing program and Licensed Practical Nursing to Associate Degree Nursing program with full accreditation.

West Virginia Northern Community College

To accept the program report and require program reports on curriculum implementation, licensure passage rate and national nursing accreditation correspondence 30 days prior to each Education Committee Meeting.

To continue the approval of West Virginia Northern Community College Wheeling Campus Associate Degree Nursing program, Wheeling Campus Licensed Practical Nursing to Associate Degree Nursing program, and Weirton Campus Associate Degree Nursing program with full accreditation; and the New Martinsville Campus Associate Degree Nursing program with provisional accreditation with admissions decreased to 10.

West Virginia University

To accept the program report and require a program report on West Virginia University Institute of Technology Montgomery Campus on licensure passage rate 30 days prior to each Education Committee Meeting.

To continue the approval of West Virginia University Morgantown Campus Baccalaureate of Science in Nursing program, and West Virginia University Morgantown Campus Baccalaureate of Art or Baccalaureate of Science to Baccalaureate of Science in Nursing Degree program with full accreditation. To continue the approval of West Virginia University Institute of Technology Montgomery Campus Baccalaureate of Science in Nursing Degree program with provisional accreditation.

West Virginia University at Parkersburg

To accept the program report and require a program report on curriculum implementation 30 days prior to each Education Committee meeting.

To continue the approval of West Virginia University at Parkersburg Associate Degree Nursing program and Licensed Practical Nursing to Associate Degree Nursing program with full accreditation.

West Virginia Wesleyan College

To accept the program report and require program reports on licensure pass rate and national nursing accreditation progress and correspondence 30 days prior to each Education Committee Meeting. To approve the curriculum change requests and require program reports on curriculum implementation, curriculum content review, test review and national nursing accreditation progress and correspondence 30 days prior to each Education Committee meeting.

To continue the approval of West Virginia Wesleyan College Baccalaureate of Science in Nursing Degree Nursing program with provisional accreditation.

Wheeling Jesuit University

To accept the annual report.

Deferred program report to the full Board.

To continue the approval of Wheeling Jesuit University Baccalaureate of Science in Nursing Degree program and Baccalaureate of Arts or Baccalaureate of Science to Baccalaureate of Science in Nursing Degree program with provisional accreditation.

Deferred discussion regarding admissions on whether to keep at 16, decrease to 8 or cease admissions in the BSN program due to low licensure passage rate.

8. REVIEW OF STAFF ACTIVITY RELATED TO EDUCATION PARAMETERS
To accept faculty approvals made by Board staff.
9. MISCELLANEOUS
To change the Education Committee meeting date of May 29, 2015 to June 5, 2015.

4. REVIEW AND CONSIDERATION OF PROGRAM REPORTS AND REQUESTS

4.A. BRIDGEVALLEY COMMUNITY & TECHNICAL COLLEGE

1. PROGRAM REPORT

- 4.A.1** The Associate Director provided an overview of a pharmacology elective course Bridge Valley is adding to available courses. This course is not part of the curriculum. No decision required as not a curriculum change.

4.B. MARSHALL UNIVERSITY

1. PROGRAM REPORT

Robin Walton, Board President appointed Board Secretary Mary Fanning to chair the meeting and recused herself and left the room.

- 4.B.1.** Libby Farmer offered a motion to approve the program report and to require a program report on skills bal upgrade implementation for the Marshall University Huntington and Mid-Ohio Valley Center campuses 30 days prior to each Education Committee meeting. Ann Bostic offered the second. The motion carried.

2. PROGRAM REVIEW

- 4.B.2.** Ann Bostic offered a motion to approve the Marshall University Huntington Campus Baccalaureate of Science in Nursing Degree program and Mid-Ohio Valley Campus Baccalaureate of Science in Nursing Degree program with full accreditation. Libby Farmer offered the second. The motion carried.

4.C. ST. MARY’S/ MARSHALL UNIVERSITY COOPERATIVE ASSOCIATE IN SCIENCE PROGRAM

1. PROGRAM REPORT

- 4.C.1.** Libby Farmer offered a motion to accept the program report and approve the Annual Report. Joyce Egnor offered the second. The motion carried.

2. PROGRAM REVIEW

- 4.C.2.** Ann Bostic offered a motion to approve St. Mary’s/Marshall University Cooperative Associate of Science in Nursing Program with full accreditation. Joyce Egnor offered the second. The motion carried.

Robin Walton, Board President rejoined the meeting and resumed the chair

**4.D. SALEM INTERNATIONAL
UNIVERSITY**

1. PROGRAM REPORT

4.D.1. The Associate Director provided an overview of information regarding Salem International University School of Nursing request to have ongoing admissions as they are having trouble recruiting students to the program. The Board previously approved a one time enrollment of one cohort of students with 24 students. The program reports that students are concerned that they will not be able to complete the program since there is not approval for ongoing admissions. The NCLEX-RN 2014 pass rate is 28.75%. The NCLEX-RN 2013 pass rate was 55.17%. Discussion ensued with input from the President of Salem International University sharing that they have made several different offers to attract students, however, they are still reluctant to enter the program as they fear something will happen and they will not be able to complete the program. The President also believes that ongoing admissions will allow the University to provide ongoing courses for individuals who have to drop out or fail to meet requirements. With ongoing classes students wouldn't have to wait a year for the courses to be taught again. Libby Farmer made a motion to approve admission of 3 cohorts of 10 each and maintain the provisional approval. Ann Bostic offered the second. Discussion ensued regarding previous requirements set forth by the Board for the program to meet and evidence of completion. The Board recessed while staff gathered information related to previous communications between the Board and Salem. These documents included a letter from February 25, 2013 citing deficiencies to be corrected. A letter from June 13, 2013 citing that the deficiencies identified in the letter of February 25, 2013 were not corrected, and withdrawal of approval of the program to be effective at midnight August 31, 2013. A letter from July 1, 2013 rescinding the decision to withdraw approval of the program, reinstating it to a provisional approval, and reinstating the requirements in the letter dated February 25, 2013. Discussion ensued. The Board established that it needed additional time to review this information and requested staff provide additional information regarding the corrective action accomplished by the school since the time of these correspondences. Ann Bostic rescinded her second to the motion. Libby Farmer rescinded her motion. This item was tabled until the June 2015 Board meeting.

**4.E. SOUTHERN COMMUNITY &
TECHNICAL COLLEGE**

1. PROGRAM REPORT

4.E.1. Joyce Egnor offered a motion to accept the program report. Ann Bostic offered the second. The motion carried.

4.F. WEST VIRGINIA WESLEYAN COLLEGE

1. PROGRAM REPORT

4.F.1. Ann Bostic offered the motion to accept the program report. Libby Farmer offered the second. The motion carried.

4.G. WHEELING JESUIT UNIVERSITY

1. PROGRAM REPORT

4.G.1. The Associate Director provided an overview of information regarding the Wheeling Jesuit University Program Report. A discussion ensued. Dr. Baker was contacted by telephone to address questions from the Board. The Board expressed concern regarding the plan for replacing for Dr. Baker who is leaving the position at the end of June and the lack of support staff for the chair of the program. Mary Fanning made a motion not to accept the program report for Wheeling Jesuit University and to require a program report on the chair leadership development, curriculum content review, test review, curriculum implementation, licensure passage rate, NCLEX-RN Test Plan curriculum mapping and an NCLEX-RN action plan for the BSN program 30 days prior to each Education Committee Meeting. The motion further included directing staff to draft a letter to the University requesting sufficient secretarial support dedicated solely to the program and citing that the Chair of the program is not able to fulfill the duties required due to inadequate secretarial support. The second was offered by Dr. Libby Farmer. The motion carried.

2. PROGRAM REVIEW

4.G.2. Dr. Libby Farmer made a motion to keep admissions for the program at sixteen (16) through the June 2015 Board meeting to review the NCLEX scores at that time. The second was offered by Ann Bostic. The motion carried.

LEGISLATIVE

5. REVIEW AND CONSIDERATION OF SUGGESTED CHANGES TO DIALYSIS TECHNICIAN LAW

5. The Executive Director provided an overview of the suggested changes to the Dialysis Technician Law. Specifically to add language that the Temporary Permit expires in 18 months, leaving in the language “or until three days after the results are known”; and, to remove the section regarding an Advisory Council. Currently, the Temporary Permit expiration is solely related to the exam results. Some technicians are not taking the exam and there is no provision for the Temporary Permit to end. The Advisory Council was in place during the implementation of the law. At this time, input from the dialysis community can occur as needed. Ann Bostic offered the motion to pursue the changes during the 2016 Legislative Session. Joyce Egnor offered the second. The motion carried.

6. REVIEW AND CONSIDERATION OF 2015 LEGISLATIVE ACTIVITIES

6. The Executive Director provided an overview of the outcome of bills of interest from the 2015 Legislative Session.

7. BUDGETARY INFORMATION

A. REVIEW AND CONSIDERATION OF FY 2015 2ND QUARTER EXPENDITURES

- 7.A. The Board reviewed the report. Ann Bostic made the motion to approve the report. The second was offered by Joyce Egnor. The motion carried.

B. REVIEW AND CONSIDERATION OF PURCHASE CARD EXPENDITURE REPORT

- 7.B. The Board reviewed the Purchase Card Report for January and February 2015. Libby Farmer made the motion to approve the report. The second was offered by Ann Bostic. The motion carried.

C. REVIEW AND CONSIDERATION OF EXPENDITURES TO DATE

- 7.C. The Board reviewed the report. Mary Farmer made the motion to approve the report. The second was offered by Judy Nystrom. The motion carried.

8. REVIEW AND CONSIDERATION OF

NCSBN MIDYEAR MEETING UPDATE

A. NURSE LICENSURE COMPACT PROPOSED CHANGES

- 8.A.** The Executive Director provided an overview of the work related to the Nurse Licensure Compact revisions. Discussion ensued. Joyce Egnor offered a motion to support the revised language from March 17, 2015. Mary Farmer offered the second. The motion carried.

B. OTHER ISSUES PRESENTED DURING THE MEETING

- 8.B.** Mary Fanning offered input regarding activities of the meeting. A Special Delegate Assembly has been called for May 4, 2015 to consider the revised Nurse Licensure Compact Language. NCSBN is funding two representatives from each Board to this meeting. Ann Bostic offered the motion to approve two attendees to this meeting. Joyce Egnor offered the second. The motion carried.

9. REVIEW AND CONSIDERATION OF MEETINGS AND CONFERENCE ATTENDED

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

- 9.A.** Board President Robin Walton presented an overview of the F.A.R.B. meeting. Discussion ensued. No action taken.

B. CENTER FOR NURSING

- 9.B.** Pamela Alderman provided the Board with a report regarding the WV Center for Nursing. No action taken.

C. NCSBN INSTITUTE OF REGULATORY EXCELLENCE

- 9.C.** Board Secretary Mary Fanning provided an update on the program. She will complete the program soon and may have the opportunity to serve on the selection committee for future IRE applicants. No action taken.

10. REVIEW AND CONSIDERATION OF MEETINGS TO ATTEND

A. NCSBN IT CONFERENCE

10.A. Mary Fanning offered a motion to approve one staff member to attend this conference. Judy Nystrom offered the second. The motion carried.

B. CLEAR INVESTIGATOR TRAINING CONFERENCES

10.B. Ann Bostic offered the motion to approve funding for all new Board Staff to attend an Investigator Training Program offered through CLEAR (Council on Licensure Enforcement and Regulation) as those opportunities arise and funding permits. Libby Farmer offered the second. The motion carried.

EXECUTIVE SESSION

11. REVIEW AND CONSIDERATION OF HEARING TRANSCRIPT RELATED TO JONATHAN MCCLANAHAN

A motion was made by Joyce Egnor to enter into an Executive Session for review of disciplinary matters. The second was offered by Ann Bostic. 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 Libby Farmer to adjourn the Executive Session and enter a Public Session. The second was offered by Ann Bostic. The motion carried.

The Board resumed into an Public Session.

11.A. PUBLIC SESSION FOR MOTIONS RELATED TO DECISIONS MADE DURING THE EXECUTIVE SESSION

11.A. Joyce Egnor offered a motion that the Board adopt the Findings of Fact, Conclusions of Law and Recommendations of the Hearing Officer and to issue a Final Order on the basis of the foregoing, the Board hereby suspends license number 85945, issued to McClanahan for a period of one (1) year, with such suspension hereby stayed and contingent upon McClanahan complying with the terms set forth below, license number 85945 is placed on PROBATION for a period of two (2) 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 McClanahan 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 McClanahan to pay a fine and administrative cost of two thousand dollars (\$2000.00).

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

1. McClanahan shall not work at a Nursing Registry, Temporary Nursing Agency, Home Health Care Agency, Private Duty Nurse or an Extended Care Facility.
2. McClanahan 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. McClanahan 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. McClanahan 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 agreement and may communicate with his employer(s).
5. McClanahan 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. McClanahan 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. McClanahan shall submit documentation of fifteen (15) contact hours of continuing education in addictions and in ethics year during the time his license is on probation in addition to those required by law.
7. McClanahan shall report in person for an appointment with the Board staff upon request.
8. McClanahan shall submit to unannounced, witnessed drug-screening tests. Said tests shall be on demand and to the specifications of the Board and at McClanahan's expense. **McClanahan shall call the Board's drug screening company DAILY between the hours of 5:00 a.m. through 2:30 p.m. to see if he is selected to test. Receipt of a positive drug screen and/or not calling the drug screening program daily within the specified time frame is deemed to be a violation of this Consent Agreement, and shall result in immediate suspension of McClanahan's license.** Eating products containing poppy seeds will not constitute as an accepted reason for having a positive screen for opioids. McClanahan shall not consume tonic water, quinine water, hemp tea or other products containing substances that trigger a positive drug screen.
9. McClanahan 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 Order to any prescribing physician,

dentist, nurse practitioner or any other health care provider having legal authority to prescribe. He shall cause the prescribing health care provider to notify the Board in writing of any medications/drugs prescribed and the condition for which said drug(s) has been prescribed. McClanahan agrees that, if he accepts a prescription for a narcotic or psychotropic drug, the Board may impose additional terms.

10. McClanahan 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, nurse practitioner or other health care provider. McClanahan shall provide the individual, who serves as his point of contact for health care needs, with a copy of this Order.
11. McClanahan 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.
12. McClanahan 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.
13. McClanahan shall submit to an evaluation by a Psychiatrist certified in addictions and/or Certified Addictions Counselor (CAC) within thirty (30) days of this Order. Holly shall comply with the recommendations. If it is determined that McClanahan meets the requirements of West Virginia Restore (the Board's recovery and monitoring program), he shall enter into an agreement with West Virginia Restore and shall comply with the terms of the agreement.
14. Contingent upon the recommendations in the evaluation by the Psychiatrist and/or CAC, McClanahan shall participate in a structured aftercare program. The treating Psychiatrist and/or CAC shall make a monthly report to the Board about his progress and his compliance with the aftercare program.
15. Contingent upon the recommendations in the evaluation by the Psychiatrist and/or (CAC), McClanahan shall participate in 12-Step meetings. Written evidence of participation in meetings shall be submitted to the Board on or before the fifth day of each month.

Violation of Terms:

16. 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 McClanahan's probationary license.

17. The Board shall immediately notify McClanahan via certified mail of the specific nature of the charges, and the suspension of his license.

a. McClanahan may request reinstatement of his probationary license through renewal of this agreement, or execution of a new 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 renewed or new agreement, McClanahan shall be notified in writing. McClanahan may request a hearing to seek reinstatement of his probationary license. If McClanahan 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 McClanahan. If McClanahan 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 McClanahan 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 McClanahan'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 McClanahan'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 McClanahan in bringing the matter to hearing.

Petition for Reinstatement:

18. Following the two (2) year probationary period, McClanahan 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 McClanahan's Psychiatrist and/or Certified Addictions Counselor indicating his status in recovery (if applicable);
- b. Letter from McClanahan's employer, if employed;
- c. Letter from McClanahan 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 McClanahan's license is fully reinstated by the Board.

The second was offered by Ann Bostic. The motion carried.

12. DISCIPLINARY REVIEW COMMITTEE

12.A. REVIEW AND CONSIDERATION OF REPORT AND RECOMMENDATIONS

- 12.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. Joyce Egnor moved to ratify the report. Libby Farmer offered the second. The recommendation was approved unanimously by the Board.

12.B. REVIEW AND CONSIDERATION OF DRC RECOMMENDED PARAMETERS

- 12.B.** Judy Nystrom, DRC Member, offered a Committee recommendation for the following parameter:

Board Staff is authorized to approve the application of a nurse who has successfully completed a Board approved monitoring and recovery program in another state provided three years has passed since completion; there are no pending actions or concerns against their license in this or any other state as verified through NURSYS; and, all other licensing requirements are met.

The recommendation received unanimous approval of the Board.

12.C. MISCELLANEOUS

- 12.C.** There will be a Discipline Committee and Staff retreat in conjunction with the WV Restore conference in April 2015 in Bridgeport, WV. Costs for this development activity will be covered by the Board.

13. REVIEW AND CONSIDERATION OF WV RESTORE REPORTS AND CONTRACT

- 13.** The Board reviewed the monthly report provided by WV Restore. The Associate Director provided an overview of the report. The Executive Director offered an update of the sole source process for WV Restore. No action taken.

EXECUTIVE SESSION

14. EXECUTIVE SESSION FOR REVIEW AND CONSIDERATION OF PERSONNEL MATTERS

- 14.** A motion was made by Judy Nystrom to enter into an Executive Session for review of personnel matters. 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. During a portion of the meeting the Executive Director exited the room.

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

The Board resumed into an Public Session.

**15. REVIEW AND CONSIDERATION OF
PERSONNEL SALARY ADJUSTMENTS**

- 15.** Libby Farmer offered a motion to approve a salary adjustment of 4% for all Board staff. Ann Bostic offered the second. The motion carried.

Mary Fanning offered a motion for the next FY budget to include 5% of the current staff salary to be set aside in salary reserve for the Board to use for salary adjustments at its discretion in FY 2017. Joyce Egnor offered the second. The motion carried.

Mary Fanning offered a motion to approve an additional Office Assistant III/Secretary II position at a salary of \$30,000.00. Libby Farmer offered the second. The motion carried.

16. MISCELLANEOUS

- 16.** The Board set a meeting date to review and consider a Hearing Transcript related to the license of Basil Carver. A motion was made by Mary Fanning to set a meeting date of April 22, 2015 at 3:15PM by conference call. The second was offered by Judy Nystrom. The motion carried. Members were provided with a copy of the transcript before leaving the meeting.

17. ADJOURN

- 17.** The motion was made by Ann Bostic to adjourn the meeting. The second was offered by Libby Farmer. The meeting adjourned at 2:00 PM.

Respectfully submitted by
Mary Fanning
Board Secretary

Minutes taken and prepared by
Margaret “Marty” Alston
Executive Assistant