

**WEST VIRGINIA BOARD OF EXAMINERS FOR  
REGISTERED PROFESSIONAL NURSES  
February 18, 2010**

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A Special Board meeting was held at the office of the West Virginia Board of Examiners for Registered Professional Nurses at 101 Dee Drive, Suite 102, Charleston, WV 25311-1620, on February 18, 2010.

**BOARD MEMBERS PRESENT BY CONFERENCE CALL:**

CYNTHIA PERSILY, Ph.D., RN, PRESIDENT

ROBIN WALTON, MSN, RN, Ed.D., FNP-BC, SECRETARY

JUDY NYSTROM, PUBLIC MEMBER

JOYCE EGNOR, MSN, RN

MARY FRIEL FANNING, MSN, RN

TERESA RITCHIE, MSN, RN, FNP-BC

DR. PAMELA CAIN, PUBLIC MEMBER

**BOARD STAFF PRESENT:**

LAURA S. RHODES, MSN, RN, EXECUTIVE DIRECTOR (via conference call)

ALICE R. FAUCETT, JD, GENERAL COUNSEL & DIRECTOR OF DISCIPLINE (via conference call)

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

**FEBRUARY 18, 2010**

**1. CALL TO ORDER**

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

**2. QUORUM**

A quorum was established.

**3. ACCEPTANCE OF AGENDA**

The Board reviewed the proposed agenda. A motion was made by Pamela Cain to approve the agenda. The second was offered by Robin Walton. Motion carried.

**4. LEGISLATIVE ISSUES**

**A. SENATE BILL 528 AND SENATE CONCURRENT RESOLUTION 27**

- A. The Board reviewed Senate Bill 528, Creating a Commission on Scope of Practice in Health Care Delivery and Senate Concurrent Resolution 27 establishing a Joint Committee on Scope of Medical Practice. A discussion ensued. The Board determined not to support the bill or resolution in their current form.

**B. SENATE BILL 372**

- B. The Board reviewed Senate Bill 372, West Virginia Board of Medicine's Bill that includes the Definition of Surgery. A discussion ensued. A letter was submitted to the Honorable Delegate Hatfield regarding the Board's position regarding the bill, opposing the Bill in its current form and offering amendment language that the Board would not oppose.

**C. SENATE BILL 400**

- C. The Board reviewed Senate Bill 400 that adds to §30-7-12:

(d) The care of the sick when done in connection with the practice of religious tenets of any church or religious organization and by or for its adherents. However, that care must be at the request of the recipient and be delivered in the requestor's home or in a religious nonmedical health care institution as defined in 42 U.S.C. §1395x(ss)(1), and that care may only include religious nonmedical health care services.

A discussion ensued. Laura Rhodes provided a summary of the bill and West Virginia Nurses Association, the Bureau of Public Health and the West Virginia Office of Health Facility Licensure and Certification are in opposition to this. The Board continues to oppose this bill.

**D. SENATE BILL 491**

- D.** The Board reviewed Senate Bill 491. The purpose of this bill is to create the Unintentional Pharmaceutical Drug Overdose Fatality Review Team. The bill sets forth membership of the team and its responsibilities. The bill requires the examination and the providing of preventative education in cases that involve unintentional pharmaceutical drug overdose deaths. The bill requires other state agencies to cooperate with the team. The bill also grants rulemaking authority. A discussion ensued. The Board does not oppose the Bill in its current form.

**E. SENATE BILL 534**

- E.** The Board reviewed Senate Bill 534. The purpose of this bill is to mandate that practitioners report suspected prescription fraud involving controlled substances to law-enforcement agencies. A discussion ensued. The Board has concerns pertaining to whether the Board will be required to report registered professional nurses to law enforcement if drug theft is involved in a complaint. Board staff were directed to monitor this bill.

**F. HOUSE BILL 2524**

- F.** The Board reviewed House Bill 2524. The purpose of this bill is to establish the West Virginia Religious Freedom Restoration Act. A discussion ensued. Board staff were directed to monitor this bill.

**G. HOUSE BILL 2780**

- G.** The Board reviewed House Bill 2780. The purpose of this bill is to establish the "Emergency Credentialing for Health Care Providers Act" which requires the Secretary of the Department of Health and Human Resources to establish a registry of emergency health care providers. It authorizes the secretary to designate all or a part of a health care facility or other location as an emergency health care center; authorizes the secretary to direct health care providers during emergencies; and requires emergency health care providers to comply with an emergency plan and credentialing plan. The bill provides that emergency health care providers and other health care providers who volunteer to perform emergency health care services without compensation are agents of the state for the purpose of any claims arising out of those services. A discussion ensued. Board staff were directed to monitor this bill.

**H. HOUSE BILL 4150**

- H** This bill was recommended for introduction and passage by the Joint Standing Committee on the Judiciary. The purpose of this bill is to codify the West Virginia Partnership to Promote Community Well-Being established by Executive Order No. 8-04. The Bill amends the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §5I-1-1, §5I-1-2, §5I-1-3, §5I-1-4, §5I-1-5, §5I-1-6, §5I-1-7, §5I-1-8, §5I-1-9, §5I-1-10 and §5I-1-11, all relating to the codification of the West Virginia Partnership to Promote Community Well-Being; duties and powers; membership; date by which members

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must be appointed by Governor; reporting dates; creation of fund; operative dates; designation of Partnership as repository of data related to substance abuse; and rule-making authority. A discussion ensued. Board staff were directed to monitor this bill.

**I. HOUSE BILL 4302**

- I.** The Bill is to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-43-1, §16-43-2 and §16-43-3, all relating to ensuring patient safety; defining terms; creating an "acuity-based patient classification system;" directing hospitals to establish an acuity standard; establishing minimum direct-care registered nurse to patient ratios; providing additional conditions for licensing; prohibiting assignment of unlicensed personnel to perform licensed nurse functions; requiring a full-time registered nurse executive leader; providing for quality assurance; requiring appropriate orientation and competence in clinical area of assignment with documentation thereof to be maintained in personnel files; and exempting critical access hospitals. The purpose of this bill is to ensure patient safety by establishing minimum direct-care registered nurse to patient ratios. It provides for creating an "acuity-based patient classification system" and exempts critical access hospitals from its provisions. Laura Rhodes provided a historical perspective regarding this Bill. A discussion ensued. Board staff were directed to monitor this bill.

**J. HOUSE BILL 4375**

- J.** The Bill amends the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-27-38, relating to retaining nursing educators; providing up to a \$3,500 tax credit for full-time nursing faculty members in the state; establishing the criteria for taking the credit; granting rulemaking authority to the State Tax Commissioner; and defining terms. The purpose of this bill is to retain full-time nursing educators in the state by providing up to a \$3,500 tax credit for full-time nursing faculty members. The bill sets forth the criteria for the credit. A discussion ensued. Board staff were directed to monitor this bill.

**K. HOUSE BILL 4425**

- K.** The Bill amends of the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-7-20, relating to the development of a pilot program for unlicensed persons to administer medications in a nursing home by the Board of Registered Professional Nurses. The purpose of this bill is to authorize the Board of Registered Professional Nurses to develop a pilot program for unlicensed personnel to administer medication in a nursing home. A discussion ensued. Board staff were directed to monitor this bill.

**L. HOUSE BILL 4434**

- L.** The Bill is to amend and reenact §30-7-15a and §30-7-15b of the Code of West Virginia, 1931, as amended, all relating to expanding prescriptive authority of advanced nurse practitioners. The purpose of this bill is to allow nurse practitioners to practice independently. Laura Rhodes provided a summary of the Bill. A discussion ensued. The Board supports this Bill.

**M. SENATE BILL 584**

- M.** The purpose of this bill is to detail the Center for Nursing's data collection responsibilities and establish that data submitted to the Center are confidential. The bill further amends this section by deleting a statutory provision regarding establishment of a loan repayment program. Board staff were directed to monitor this bill.

**O. SENATE BILL 565**

- O.** The purpose of this bill is to require state boards of examination or registration to maintain a permanent public office space to conduct board business. Board staff were directed to monitor this bill.

**P. HOUSE BILL 4490**

- P.** This Bill requires gender balanced/proportionate representation of minorities on Boards. Board staff were directed to monitor this bill.

**Q. HOUSE BILL 4500**

- Q.** This bill relates to redefining "public record" in the Freedom of Information Act. Board staff were directed to monitor this bill.

**R. HOUSE BILL 4520**

- R.** This bill relates to prohibiting health care providers from discriminating against or refusing treatment to persons based upon the manner by which they were injured. Board staff were directed to monitor this bill.

**S. HOUSE BILL 4534**

- S.** This bill relates to stopping and rendering aid at the scene of an accident. Board staff were directed to monitor this bill.

4. MISCELLANEOUS

- A. Laura Rhodes provided the Board with information regarding the length of time for Federal Criminal Background Checks to be completed and submitted to the Board office. The Board directed the Executive Director to further investigate the process and potential for implementing the electronic process. Nursing Program Directors have been notified to alert students to begin the application process for criminal background checks early.

5. ADJOURN

With no further business before the Board, a motion to adjourn the meeting was made by Teresa Ritchie. The motion was seconded by Pamela Cain. Motion carried. Meeting adjourned at 9:40 a.m.

  
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Minutes taken and prepared by  
Cyndy R. Haynes, MSN, RN  
Director of Education and Practice

  
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Respectfully submitted by  
Robin Walton, MSN, RN, EdD, FNP-BC  
Board Secretary

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Visitors in Attendance During Meeting:

None