

**WEST VIRGINIA BOARD OF EXAMINERS FOR
REGISTERED PROFESSIONAL NURSES
October 23 -24, 2014**

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 October 23-24, 2014.

BOARD MEMBERS PRESENT:

ROBIN WALTON, Ed.D., MSN, APRN FNP-BC, RN, PRESIDENT
(Joined meeting by telephone on Day Two)

MARY FRIEL FANNING, DNP, RN, SECRETARY

JOYCE EGNOR, MSN, RN

L. ANN BOSTIC, DNP, APRN CRNA, RN
(Absent on Day Two)

TERESA RITCHIE, DNP, APRN FNP-BC, RN

JUDY NYSTROM, PUBLIC MEMBER

DR. MARY (LIBBY) FARMER, PhD., PUBLIC MEMBER

BOARD STAFF PRESENT:

LAURA S. RHODES, MSN, RN, EXECUTIVE DIRECTOR

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

ROBIN A. LEWIS, EdD, MSN, APRN FNP-BC, RN, ASSOCIATE DIRECTOR

MARGARET "MARTY" ALSTON, EXECUTIVE ASSISTANT

OCTOBER 23, 2014

CALL TO ORDER

The meeting was called to order by Robin Walton, Board President at 9:04 a.m.

QUORUM

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

ANNOUNCEMENTS

**INTRODUCTION OF BOARD MEMBERS,
STAFF AND GUESTS**

The Board recognized the visitors present for the meeting.

- 1. ACCEPTANCE OF AGENDA**

1. Teresa Ritchie made a motion to accept the agenda. Joyce Egnor offered the second. The motion carried.
- 2. APPROVAL OF CONSENT AGENDA**

2. Libby Farmer made a motion to approve and accept the agenda. Joyce Egnor offered the second. The motion carried.
- 3. APPROVAL OF MEETING MINUTES**

3.A. Approved as part of the Consent Agenda.

3B. Approved as part of the Consent Agenda.

3C. Approved as part of the Consent Agenda.

A. June 10-11, 2014

B. July 17, 2014

C. August 19, 2014
- 4. EXECUTIVE SESSION FOR ADVICE
FROM LEGAL COUNSEL**

4. Teresa Ritchie made a motion to enter in Executive Session for purposes of receiving advice from legal counsel. Libby Farmer offered the second. 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.

Assistant Attorney Greg Foster joined the meeting.

The Board entered into an Executive Session.

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

PUBLIC SESSION

Motions from Executive Session

A motion was made by Teresa Ritchie to revise the proposed WV19CSR3 rule to include specific timelines for processing a complaint. The second was offered by Libby Farmer. The motion carried.

A motion was made by Ann Bostic to direct Board Staff to competitively bid the WV Restore for the next fiscal year. Joyce Egnor offered the second. The motion carried.

5. OPEN FORUM

5. There were no individuals interested in speaking during the open forum.

6. BOARD FINANCES

A. REVIEW AND CONSIDERATION OF PROPOSED FY 2016 BUDGET

- 6.A. Mary Farmer made a motion to approve the proposed FY2016 Budget. The second was offered by Ann Bostic. The motion carried.

B. REVIEW AND CONSIDERATION OF FY2014 END OF YEAR REPORT.

- 6.B. Teresa Ritchie made a motion to approve the FY2014 End of Year Report. The second was offered by Libby Farmer. The motion carried.

C. REVIEW AND CONSIDERATION OF FY2015 FIRST QUARTER EXPENDITURES

- 6.C. Judy Nystrom made a motion to approve the FY2015 First Quarter Expenditures. The second was offered by Ann Bostic. The motion carried.

D. REVIEW AND CONSIDERATION OF PURCHASE CARD REPORT

1. EXPENDITURE REPORT

- 6.D.1. Judy Nystrom made a motion to approve the P-Card Expenditure reports for July, August and September 2014. The second was offered by Joyce Egnor. The motion carried.

Teresa Ritchie made a motion that staff provide the Coversheet and bill for P-card review and to have all other support documents available if there are additional questions or clarification. The second was offered by Libby Farmer. The motion carried.

2. POLICIES AND PROCEDURES

6.D.2. Libby Farmer made a motion to approve the policies and procedures as revised. Ann Bostic offered the second. The motion carried.

E. OASIS UPDATE

6.E. This item was approved with the Consent Agenda. An update was provided to the Board.

7. REVIEW AND CONSIDERATION OF AUDIT REPORTS

A. PERFORMANCE EVALUATION AND RESEARCH DIVISION AUDIT

7.A. Discussion ensued noting findings and acknowledging staff activity related to addressing some of the findings. No action taken.

B. PURCHASING DIVISION AUDIT

7.B. Discussion ensued noting findings and acknowledging staff activity related to addressing the findings. No action taken.

8. REVIEW AND CONSIDERATION OF MEETINGS ATTENDED AND RELATED REQUESTS

A. COUNCIL ON LICENSING ENFORCEMENT AND REGULATION (CLEAR)

8.A. A report was provided by Libby Farmer and Alice Faucett. Discussion ensued regarding the Regulatory Decision Pathway. No action taken.

B. CENTER FOR NURSING REVIEW AND CONSIDERATION REGARDING APPOINTMENT OF BOARD REPRESENTATIVES TO THE CENTER FOR NURSING

8.B. Discussion ensued. Mary Fanning made a motion to reaffirm the appointment of Pamela Alderman, EdD, MSN, RN, as the Board's Associate Degree Program representative to the Center, and directed staff to gather names of potential candidates for the Baccalaureate Program representative. Libby Farmer offered the second. The motion carried.

C. Public Health Nurses

8.C. This report was approved with the Consent Agenda. A report was provided to the Board.

9. REVIEW AND CONSIDERATION OF MEETINGS TO ATTEND AND NUMBER OF REPRESENTATIVES

A. F.A.R.B. MEETING, JANUARY 23-25, 2015, TUCSON, AZ

9.A. This item was approved with the Consent Agenda. Five (5) Board and Staff members are approved to attend.

B. INSTITUTE OF REGULATORY EXCELLENCE, JANUARY 28-30, 2015 CHARLESTON, SC

9.B. This item was approved with the Consent Agenda. Two (2) Board and Staff members are approved to attend.

C. NCSBN MIDYEAR MEETING, MARCH 16-19, 2015, LOUISVILLE, KY. PRESIDEDNT AND EXECUTIVE DIRECTOR WORKSHOP ON DAY 1.

9.C. This item was approved with the Consent Agenda. Two (2) attendees are funded by NCSBN. Four (4) Board and staff members are approved to attend.

D. NATIONAL ORGANIZATION OF ALTERNATIVE PROGRAMS 2015 ANNUAL EDUCATION CONFERENCE, MARCH 17-20, 2015, WEST PALM BEACH, FL

9.D. This item was approved with the Consent Agenda. Two (2) Board and staff members are approved to attend.

10. DIALYSIS TECHNICIAN UPDATE

10. This item was approved with the Consent Agenda. A written report was provided.

11. REVIEW AND CONSIDERATION OF MATTERS RELATED TO WV RESTORE

A. UPDATE AND REPORTS

- 11.A.** The Associate Director presented the reports for the Board's consideration. Discussion ensued. No action taken.

B. POST CONFERENCE

- 11.B.** The Associate Director presented an overview of the recent conference that went well and was well attended.

C. OTHER

- 11.C.** There was no business under this item.

12. REVIEW AND CONSIDERATION OF GUIDELINES FOR CONTINUING EDUCATION RELEVANT TO MENTAL HEALTH ISSUES OF VETERANS AND THEIR FAMILIES

- 12.** The Associate Director reviewed the guidelines proposed for the Board's consideration related to HB4318. Joyce Egnor made a motion to approve the guidelines as submitted. Libby Farmer offered the second. The motion carried.

13. REVIEW AND CONSIDERATION OF CHANGES TO THE SCOPE OF PRACTICE AND DELEGATION PUBLICATION

- 13.** The document was reviewed. Libby Farmer made a motion to approve the document as revised. Teresa Ritchie offered the second. The motion carried. The Board directed staff to share the document with EMS, WVHA and School Nurse representative before publishing and to bring the document back for review if there are any changes.

14. REVIEW AND CONSIDERATION OF NATIONAL SAFETY TRAINING ASSOCIATION REQUEST

- 14.** This item was approved as part of the Consent Agenda. The information regarding informing individuals of the hazards of driving while taking controlled substances will be published in an upcoming Board magazine.

15. RENEWAL UPDATE

- 15.** This item was approved as part of the Consent Agenda. Renewals are moving along as expected. For information only.

16. SAFETY COMMITTEE UPDATE

16. This item was approved as part of the Consent Agenda. For information only.

The Board recessed the meeting at 2:00 P.M.

DAY 2

**Meeting Chaired by Mary Fanning, Secretary
Board President Robin Walton attended by teleconference**

CALL TO ORDER 9:00 A.M.

Quorum Established with all Board Members present.

Review of Agenda

Introduction of Board Members, Staff and Guests

17. EDUCATION COMMITTEE

**A. REVIEW AND
CONSIDERATION OF ANY
EDUCATION COMMITTEE
RECOMMENDATIONS
REMOVED FROM THE
CONSENT AGENDA**

17.A. No items were removed from the Consent Agenda. The following items were approved as part of the Consent Agenda:

Bluefield State College

To accept the annual report and program report and to continue program reports on curriculum content review, test review and licensure passage rate 30 days prior to each Education Committee Meeting.

To accept the program Annual Report.

Blue Ridge Community Technical College

To accept the annual report and curriculum change request and requires curriculum change implementation reports 30 days prior to each Education Committee meeting.

To accept the program Annual Report.

Breckinridge School of Nursing at ITT Technical Institute

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

To draw the Board's attention to the information regarding NCLEX pass rate and student completion.
To accept the program Annual Report. To accept the program report on the campus director.

BridgeValley Community & Technical College

To accept the annual report and program report and requires program reports on curriculum implementation reports 30 days prior to each Education Committee Meeting. To accept the program Annual Report.

Davis & Elkins

To accept the program Annual Report.

Eastern West Virginia Community and Technical College

To accept the program report and requires program reports on curriculum implementation, faculty development, director workload and national nursing accreditation progress 30 days prior to each Education Committee Meeting. To accept the program Annual Report.

Fairmont State University

To accept the program report and to continue curriculum implementation reports 30 days prior to each Education Committee Meeting.

To approve the curriculum change request and require program reports on curriculum implementation 30 days before each Education Committee Meeting. To accept the program Annual Report.

New River Community and Technical College

To defer the annual report and Higher Learning Commission report discussion to the full Board. That Board staff make a site visit pursuant to WV19CSR1 whereby the program would demonstrate that all legal requirements are met prior to admitting students.

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

To accept the licensure passage rate report and to continue program reports on licensure passage rate 30 days prior to each Education Committee meeting.

To approve the Annual Report pending receipt of the approved planned budget for the upcoming year.

Salem International University

To accept the program report and requires reports on curriculum implementation, chair leadership development, regional accreditation progress and national nursing accreditation 30 days prior to each Education Committee Meeting.

To defer the cohort admission delay request to the full board for review and consideration.

To accept the program Annual Report.

Southern WVCTC

To approve the interim chair approval request and requires chair leadership development reports 30 days prior to each Education Committee Meeting.

To accept the program report and requires reports on student record audits, and curriculum implementation 30 days before each Education Committee Meeting.

To accept the program Annual Report.

West Virginia Junior College

To accept the program report and requires reports on curriculum content review, test review, licensure passage rate, faculty development, vacancy and workload, and national nursing accreditation progress 30 days prior to each Education Committee Meeting.

To accept the program Annual Report.

West Virginia Northern Community College

To accept the program report and requires program reports on curriculum implementation and licensure passage rate 30 days prior to each Education Committee Meeting.

To accept the program Annual Report.

West Virginia University at Parkersburg

To approve Dr. Theresa Cowen DHEd, MSN, RN as the interim chairperson of Health Science/Director of Nursing and to provide chair development reports 30 days prior to each Education Committee Meeting.

To accept the program report and to continue curriculum implementation reports 30 days prior to each Education Committee Meeting.

To accept the program Annual Report.

Alderson Broaddus University

To approve the Interim Chair Dr. Brenda Mason, DNP, APRN FNP-BC.

To approve the program report and to continue chair leadership development reports 30 days prior to each Education Committee Meeting.

To defer the admission grading policy progression requests to the full Board for review and consideration.

To accept the program Annual Report.

Marshall University

To accept the program report and to continue reports on faculty salaries, skills and simulation lab 30 days prior to each Education Committee meeting.

To accept the program Annual Report.

Shepherd University

To accept the program report and to continue reports on curriculum implementation 30 days prior to each Education Committee Meeting.

To accept the program Annual Report.

University of Charleston Baccalaureate of Science in Nursing Program

To accept the program report and require reports on curriculum content review, faculty development, and national nursing accreditation correspondence 30 days prior to each Education Committee Meeting.

To accept the program Annual Report.

West Liberty University

To accept the Program report and to continue reports on licensure passage rates, curriculum content review, and test review 30 days prior to each Education Committee Meeting.

To accept the program Annual Report.

West Virginia University

To accept the program report and require continued reports on skills/simulation lab implementation, faculty salaries, and licensure passage rate 30 days prior to each Education Committee Meeting.

To accept the Annual Reports for the WVU Morgantown and Montgomery campuses.

West Virginia Wesleyan College

To accept the program report and to continue reports on curriculum content review, test review and licensure pass rate 30 days prior to each Education Committee Meeting.

To accept the admission policy change request changing admission to the nursing program from the freshman year to the sophomore year.

To accept the curriculum change request and to require reports on curriculum implementation 30 days prior to each Education Committee Meeting.

To accept the program Annual Report.

Wheeling Jesuit University

To accept the program report and to continue reports on chair leadership development, curriculum content review, test review, and licensure passage rate 30 days prior to each Education Committee Meeting.

To accept the curriculum change and to request curriculum implementation reports 30 days prior to each Education Committee Meeting.

To defer the review and consideration of the Annual Report to the full Board.

REVIEW OF STAFF ACTIVITY RELATED TO EDUCATION PARAMETERS

To accept faculty approvals made by Board staff.

To accept the curriculum approvals made by Board staff.

B. REVIEW AND CONSIDERATION OF EDUCATION PROGRAM RELATED REQUESTS, PROGRESS REPORTS, ANNUAL REPORTS AND OTHER MATTER NOT CONSIDERED BY THE EDUCATION COMMITTEE. THIS AGENDA ITEM MAY INCLUDE ANY OR ALL SCHOOLS OF NURSING PREPARING INDIVIDUALS FOR INITIAL LICENSURE IN WEST VIRGINIA

1. ALERSON BROADUS UNIVERSITY REVIEW AND CONSIDERATION OF ADMISSION AND PROGRESSION GRADING POLICY CHANGE REQUEST

17.B.1. Information was reviewed and discussion ensued. Libby Farmer made a motion to approve the revised admission and progression grading policy. Teresa Ritchie offered the second. The motion carried.

Joyce Egnor recused herself and left the room during the discussion and decision making related to New River Community and Technical College.

2. NEW RIVER COMMUNITY AND TECHNICAL COLLEGE REVIEW AND CONSIDERATION OF:

a. ANNUAL REPORT

17.B.2.a. The Board reviewed the Annual Report submitted noting concerns. Libby Farmer made a motion to approve the Annual Report. The second was offered by Teresa Ritchie. The motion carried.

b. PROGRAM REPORT

17.B.2.b. The Board reviewed the program report. Discussion ensued. Teresa Ritchie made a motion to accept the Program Report and request additional information and updates related to the Higher Learning Commission report. Libby Farmer offered the second. The motion carried.

c. INTERIM DIRECTOR

17.C.2.c. The Board reviewed the information provided for the Interim Director. The Director does not meet the legal requirements for a program administrator. Discussion ensued regarding the fact that the program currently has a Program Director. What is the role, function and need of an Interim Director. Teresa Ritchie made a motion to deny the request for Rita Robinson to be the Interim Director as the experience required is not met. The second was offered by Libby Farmer. The motion carried.

d. NEW FACULTY

17.C.2.d. The Board reviewed information related to new faculty. Libby Farmer made a motion to defer approval of the new faculty until the program has an Interim Director or the Program Director returns from Leave of Absence. Judy Nystrom offered the second. The motion carried.

e. SITE VISIT

17.C.2.e. The Board directed staff to wait until the Director issues are resolved then do a site visit.

Joyce Egnor returned to the meeting room.

3. WHEELING JESUIT UNIVERSITY REVIEW AND CONSIDERATION OF:

a. ANNUAL REPORT

17.B.3.a. The Annual Report was reviewed. Clarification regarding the budget was provided. Dr. Baker was contacted by phone to provide additional clarification. Teresa Ritchie made a motion to request the Annual Report be amended to include required information separating the 2 programs in regard to faculty and to defer acceptance of the report until the March 2015 meeting. The second was offered by Libby Farmer. The motion carried.

b. SITE VISIT

17.B.3.b. The Associate Director reviewed the Site Visit report pointing out the changes that have occurred since the Annual Report was submitted. Teresa Ritchie made a motion to accept the Site Visit Report submitted by Dr. Baker to the Board and require an action plan speaking to the concerns identified in the report; and, to decrease the number of admissions to 16 for the

Spring semester as well as decrease the BA to BSN admission to 12 for the summer. The second was offered by Libby Farmer. The motion carried.

**C. REVIEW AND
CONSIDERATION OF
REQUESTS FROM
BRECKINRIDGE SCHOOL OF
NURSING**

- 17.C. The Board heard a presentation from LaShonda Bare, Program Director. The current pass rate is 55.1%. 66 have graduated. 49 Tested. 29 passed. There are 24 students in remediation. Issues of students taking classes out of sequence has been fully resolved.

**D. REVIEW AND
CONSIDERATION OF
MATTERS RELATED TO THE
INITIAL APPROVAL OF THE
UNIVERSITY OF
CHARLESTON ASSOCIATE
DEGREE NURSING
PROGRAM IN BECKLEY,
WEST VIRGINIA**

- 17.D. Duane Napier, Program Director was present to address the Board. The Board reviewed information related to three requests for faculty to be approved by exception; Joshua O'Dell; Yosley K. Cruz-Fernandez; and, Julia McDade. Teresa Ritchie made a motion to continue provisional approval until another site visit is complete and the legal requirements for adequate, qualified faculty is met and approved; all contingent upon a successful site visit and subsequent NCLEX-RN results of the first graduating class. Libby Farmer offered the second. The motion carried.

**Joyce Egnor recused herself and left the room during discussion of this agenda item.
Joyce Egnor returned to the meeting room at the conclusion of the discussion and decisions
related to the University of Charleston, Beckley.**

**E. REVIEW AND
CONSIDERATION OF SALEM
INTERNATIONAL
UNIVERSITY REQUEST TO
DELAY COHORT
ADMISSION**

- 17.E. Cheryl Michaels, Program Director addressed the Board. She shared that the program has been unsuccessful in recruiting qualified students; 7 students who have graduated from the program have not taken NCLEX-RN; three faculty members meet the legal requirements for faculty and

are currently teaching in the LPN program and will teach in the RN program when students are admitted; 53 have graduated from the program; 46 have passed the NCLEX-RN; the pass rate is 44%. The second time pass rate is 66%. There are 15 students currently in the General Education Studies interested in nursing and meet the qualifications for admission. Teresa

Ritchie made a motion to accept Salem's request to delay admitting 24 students until March 2015. Libby Farmer offered the second. The motion carried.

F. DISCUSSION WITH THE ASSOCIATION OF DEANS AND DIRECTORS OF NURSING EDUCATION REGARDING WV19CSR1 POLICIES, STANDARDS AND CRITERIA FOR EVALUATION AND ACCREDITATION OF COLLEGES, DEPARTMENTS OR SCHOOLS OF NURSING.

- 17.F.** Dr. Rose Beebe, representing ADDNE addressed the Board stating there were items on the Annual Report and in the legal requirements that schools wanted clarified. Discussion ensued. The Board directed this topic to the Education Committee to review and consider.

G. MISCELLANEOUS

- 17.G.** There were no issues under this agenda item.

18. NATIONAL COUNCIL OF STATE BOARDS OF NURSING (NCSBN)

A. REVIEW AND CONSIDERATION OF DELEGATE ASSEMBLY REPORT

- 18.A.** This item was reviewed as part of the Consent Agenda. A report was provided. No action taken.

B. REVIEW AND CONSIDERATION OF LICENSURE MODELS RELATED TO SUPPORTING TELEHEALTH

- 18.B.** The Executive Director provided an overview of NCSBN activity related to licensure to support telehealth and potential revisions to the Compact. Discussion ensued. The Board does

not have entering the Compact as a priority at this time yet is interested in the progress of these talks. The Board is interested in having a way for registered nurses to be vetted in some way before they begin working in WV; have concerns about the discipline process and the ability to obtain information from another state; concerned about related costs; not in favor of a national license; is interested in knowing how many nurses in WV practice across borders and how many come to WV from border states.

19. Legislative Issues

**A. REVIEW AND
CONSIDERATION OF
POTENTIAL LEGISLATION
THAT MAY AFFECT
NURSING PRACTICE**

19.A. The Executive Director provided a brief report on this issue. Discussion ensued. Ann Bostic made a motion to establish a Legislative Committee. Joyce Egnor offered the second. A Board Legislative Committee was appointed to include Robin Walton, Teresa Ritchie and Mary Fanning.

B. OTHER

19.B. There was no business under this agenda item.

**20. EXECUTIVE SESSION FOR
DISCIPLINE**

Judy Nystrom made a motion to go into Executive Session to review the transcript related to the license of Margaret Blackburn. Joyce Egnor offered the second. The motion carried.

Mary Fanning, Board Secretary, 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.

**A. REVIEW AND
CONSIDERATION OF
TRANSCRIPT MARGARET
BLACKBURN**

20.A. The transcript including the Hearing Officer's Findings of Fact, Conclusions of Law and Recommendations were reviewed by the Board. Discussion ensued.

**B. REVIEW AND
CONSIDERATION OF
ADDITIONAL INFORMATION
RELATED TO THE
REINSTATEMENT OF
KIMBERLY DANIELS**

20.B. The additional information regarding the reinstatement of Kimberly Daniels was reviewed by the Board. Discussion ensued.

Libby Farmer made a motion to adjourn the Executive Session and move into Public Session. The second was offered by Joyce Egnor. The motion carried.

**21. PUBLIC SESSION FOR MOTIONS
RELATED TO EXECUTIVE SESSION
A. MOTIONS RELATED TO THE
REVIEW OF THE TRANSCRIPT OF
MARGARET BLACKBURN**

21.A. Joyce Egnor made a motion for the Board to issue a Final Order to suspend the license of Margaret Blackburn for a period of 2 years; and,

21.B. for the Board to reinstatement Kimberly Daniels license to a Probation status through a Consent Agreement with the following terms:

ORDER

On the basis of the foregoing, the Board hereby ORDERS that license number 77303, issued to WALKER, be suspended for the period of one (1) year. Such suspension is hereby stayed contingent upon WALKER complying with the terms set forth below, and license number 77303 is placed on probation for a period of 18 months 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 WALKER 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. The Board also ORDERS WALKER pay a fine and administrative costs in the amount of One Thousand Five Hundred Dollar(s) (\$1,500.00).

To receive and maintain a probationary license, regardless of employment status, WALKER shall meet the following conditions:

Terms:

1. WALKER shall not violate the provisions of West Virginia Code §30-7-1 et seq.
2. WALKER shall not commit any act which would be a crime under West Virginia or federal law. If DANIELLE WALKER 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 same.
3. WALKER 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.
4. WALKER shall not, under any circumstances, misrepresent her licensure status.
5. WALKER shall not be employed by a nursing registry, temporary nursing agency, home health care agency, or as a private duty nurse.
6. WALKER shall not work in an autonomous nursing position. She shall work only under the direct supervision of a registered professional nurse in a structured setting throughout the term of her probation. Such supervising registered professional nurse must, at the time of said supervision, hold an active, unencumbered West Virginia license.
7. WALKER shall inform the Board in writing within ten (10) days of the date she 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 her employer. She shall provide in writing the name of her immediate registered professional nurse supervisor. WALKER shall inform the Board of any interruption in nursing practice or change in employment within ten (10) days of such interruption or change.
8. WALKER shall immediately inform her nursing employer, any prospective nursing employer, and the director of any nursing education program in which she enrolls or teaches, that the Board has placed her license on probation, and shall provide a complete copy of this agreement to her employer(s). The Board may provide her employer(s) with a copy of this agreement and may communicate with her employer(s).
9. WALKER shall, within ten (10) days of employment or continuation of practice, cause her employer or immediate registered professional nurse supervisor, to notify the Board, in writing, of the employer or supervisor's receipt of a copy of this agreement. WALKER shall further cause her employer or supervisor to submit monthly reports to the Board describing WALKER's job performance, attendance, attitude, and other work

behaviors during the first year of probation and if her progress is satisfactory to the Board, quarterly thereafter.

10. WALKER shall submit evidence of completion of the following continuing education "Righting a Wrong: Ethics and Professionalism in Nursing" offered by the National Council of State Boards of Nursing at www.learningext.com during the time her license is on probation, in addition to those required by law.

11. WALKER shall report in person for appointment with the Board staff upon request.

12. WALKER shall annually submit to the Board a written personal statement. 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.

13. WALKER shall submit to unannounced, witnessed drug-screening tests. Said tests shall be on demand and to the specifications of the Board and at WALKER's expense. **WALKER 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 she 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 WALKER'S license.** Eating products containing poppy seeds will not constitute as an accepted reason for having a positive screen for opioids. WALKER shall not consume tonic water, quinine water, hemp tea or other products containing substances that trigger a positive drug screen.

14. WALKER shall not handle nor administer narcotic or psychotropic medications, nor have access to locked or other storage areas in which such medications are kept. Shall notify their employer of this restriction on their practice. Licensee may petition the Board to have this restriction lifted six (6) months before the anticipated end date of the contract.

15. WALKER shall continue to participate with individual psychotherapy with Mark Casdorff, D.O., Psychiatrist (Casdorff) for one (1) year. Casdorff shall submit a monthly report to the Board about WALKER'S progress and compliance.

16. WALKER shall cause monthly reports to be submitted to the Board by any treating physician and/or psychiatrist relating to Walker's medication management, dosage adjustments and medication response (if applicable).

Violation of Terms:

17. 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 WALKER's probationary license.

18. The Board shall immediately notify WALKER via certified mail of the specific nature of the charges, and the suspension of her license.

a. WALKER may request reinstatement of her 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, WALKER shall be notified in writing. WALKER may request a hearing to seek reinstatement of her probationary license. If WALKER 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 WALKER. If WALKER 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 WALKER 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 WALKER'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 WALKER'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 WALKER in bringing the matter to hearing.

Modification of Terms:

19. If WALKER is proceeding successfully in meeting the terms of her probation, she may petition the Board after no less than one (1) year from the execution of this agreement for a modification of the terms of the agreement. In the event that the Board finds that WALKER has made significant progress, based upon all information available, the Board may, at its discretion, alter or amend certain provisions of this agreement.

Petition for Reinstatement:

20. Following the 18 month probationary period, WALKER 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. Letter of reference from WALKER's employer, if employed;
- b. Letter from WALKER outlining her future plans;
- c. Letter of reference from Mark Casdorff; and any other psychotherapy providers (if applicable); 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 WALKER's license is fully reinstated by the Board.

The second was offered by Robin Walton. The motion carried.

22. DISCIPLINARY REVIEW COMMITTEE REPORT

A. REVIEW AND CONSIDERATION OF DISCIPLINE REPORT

- 22.A.** The Board's Investigative Assistant presented the Disciplinary Review Committee Report. Libby Farmer moved to accept the report and ratify the decisions made. Judy Nystrom offered the second. The motion carried.

B. REVIEW AND CONSIDERATION OF PROPOSED PARAMETERS

- 22.B.** Libby Farmer made a motion to accept the Discipline Parameter related to Falsifying an Application and a related statement added to applications as recommended by the Disciplinary Review Committee. Joyce Egnor offered the second. The motion carried.

23. Miscellaneous

- 23.** There were no issues under this agenda item.

ADJOURN

Joyce Egnor made a motion to adjourn the meeting at 3:10 PM. The second was offered by Judy Nystrom. The motion carried. The meeting adjourned.

Laura Skidmore Rhodes

Minutes prepared by
Laura Skidmore Rhodes, MSN, RN
Executive Director

Mary Fanning DNP, RN

Respectfully submitted by
Mary Fanning, DNP, RN
Board Secretary