

**WEST VIRGINIA BOARD OF EXAMINERS FOR
REGISTERED PROFESSIONAL NURSES
March 21-22, 2016**

A Board meeting was held at the office of the West Virginia Board of Examiners for Registered Professional Nurses at 101 Dee Drive, Charleston, WV 25311-1620.

BOARD MEMBERS PRESENT:

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

TERESA RITCHIE, DNP, APRN FNP-BC, SECRETARY

NANCY V. ATKINS, MSN, APRN WHNP-BC

L. ANN BOSTIC, DNP, APRN CRNA

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

JUDY NYSTROM, PUBLIC MEMBER

THERESA L. DENNISON, PUBLIC MEMBER

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

MARCH 21, 2016

CALL TO ORDER

The meeting was called to order by Tara Hulsey, Board President at 9:00 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. Nancy Atkins made a motion to accept the agenda as revised by moving the review and consideration of the meeting minutes to March 22, 2016. Doris Burkey offered the second. The motion carried.

2. REVIEW AND CONSIDERATION OF MEETING MINUTES

- A. JANUARY 21, 2016**
B. FEBRUARY 2, 2016
C. FEBRUARY 23, 2016

2. This agenda item was moved to Day 2 of the meeting.

3. REVIEW AND CONSIDERATION OF THE BOARD'S ANNUAL REPORT OF THE BIENNIUM

3. Teresa Ritchie made a motion to approve the Annual Report. Judy Nystrom offered the second. The motion carried.

4. REVIEW AND CONSIDERATION OF THE BOARD'S POSITION STATEMENT REGARDING ADVANCED PRACTICE REGISTERED NURSE DELEGATION TO MEDICAL ASSISTANTS

4. Discussion ensued. Nancy Atkins made a motion to move this item to the second day of the meeting. The second was offered by Doris Burkey. The motion carried.

5. REVIEW AND CONSIDERATION OF THE EDUCATION COMMITTEE RECOMMENDATIONS TO THE BOARD

5. Ann Bostic, Education Committee Chairperson, presented the Committee Recommendations to the Board. The recommendations were as follows:

6. PROGRAM REPORTS AND REQUESTS

A. BRECKENRIDGE SCHOOL OF NURSING ITT

1. REVIEW AND CONSIDERATION OF PROGRAM REPORT

6.A.1. Ann Bostic made a motion to accept the Program Report. Nancy Atkins offered the second. The motion carried.

2. REVIEW AND CONSIDERATION OF REINSTATING THE ABILITY TO ADMIT STUDENTS

6.A.2. Discussion ensued. There were 28 students in remediation in October 2015. 3 students decided to no longer pursue nursing; 12 graduated and 13 remain in remediation which means they have completed all courses in the program and they have not passed the exit exam to graduate. The program has mapped the curriculum to the current standards but it has not been implemented as the Board ceased admissions to the program. Concerns were expressed regarding the number of students who have completed the course work and continue to be unsuccessful in passing the exit exam. The national representative shared with the Board that if the program is permitted to admit students, the organization will offer for the remaining 13 to complete the program free of charge. The Calendar Year pass rates are as follows: 2015 - 41.67%; 2014 - 57.14% and 2013 - 56.25% The program isn't currently in a position to seek national nursing accreditation.

Ann Bostic made a motion to enter into Executive Session for the purposes of consulting with legal counsel. Judy Nystrom offered the second. The motion carried.

Nancy Atkins made a motion to adjourn the Executive Session and return to Public Session. Doris Burkey offered the second. The motion carried and the Board returned to Public Session.

Teresa Ritchie made a motion to deny the request to admit students and continue the Board's action to not permit admissions to the program. Doris Burkey offered the second. The motion carried.

**3. REVIEW AND
CONSIDERATION OF
CONTINUED
APPROVAL**

6.A.3. Discussion ensued regarding continued approval of the program. The Board considered all information previously discussed in agenda items 6.A.1. AND 6.A.2. The Board requested information in October, 2015 which had not yet been provided. The national representative who was present during the October meeting, and to whom the request was made, was present at this meeting. Information was provided by the national representative, Mariah Wood, RN, MSN, Managing Director, Instructional Operations, National Dean, Breckinridge School of Nursing and Health Sciences at ITT Technical Institute.

National Information Regarding ITT Nursing Programs As of January 1, 2016:

- 1) There are currently 43 active ITT programs, including Huntington;
- 2) 2014 overall NCLEX -RN First Time pass rates: 55.1%;
- 3) 2015 Overall NCLEX-RN First time pass rate: 56.09%;
- 4) 4 programs in "teach out" status;
 - a. Huntington is not included in this number but has no students/no admissions;
- 5) 3 programs have already "taught out";
- 6) 8 programs not admitting nursing students;
- 7) Several programs have had issues with several State Boards of Nursing;
- 8) Arizona Board of Nursing took action against a program and it was reported that these issues have now been resolved;
- 9) Accreditation Commission for Education in Nursing (ACEN) accreditation update is:
 - a. 3 programs are in Candidacy Status;
 - b. first site visit scheduled for September 2016;
 - c. 9 programs in ACEN "deferral status"; and,
 - d. 10 more programs expected to submit for Candidacy Status this year.

Discussion ensued. Concern was expressed again regarding failure to meet the NCLEX-RN standard 3 years in a row and regarding students still in the process of graduating.

Ann Bostic made a motion to: 1) continue provisional approval; 2) require a list of student names and contact information for those still in remediation to be submitted immediately; 3) requires a report and update on the progress of the remaining students who have completed all course work yet have been unable to successfully pass the exit exam and graduate; and, a report on curriculum content review, test review, licensure passage rate, and remediation 30 days prior to each Board Education Committee meeting. Nancy Atkins offered the second. The motion carried.

**B. NEW RIVER COMMUNITY
AND TECHNICAL COLLEGE
REVIEW AND
CONSIDERATION OF
APPROVAL STATUS**

6.B. Ann Bostic provided an overview of the Education Committee's decision to have the program reviewed by the full Board. The history of the program's approval process was reviewed.

March 21-22, 2016

Board Meeting

Discussion ensued. The program has had difficulty locating qualified faculty. One faculty member presented doesn't have a WV RN license and falsified the application for licensure. Another faculty member meets the requirements. The program now has 3 full time faculty members and will use qualified adjunct faculty for the sub-specialties. Ann Bostic made a motion to approve the program faculty member Karen Cooper, and provisional approval upon completion of a successful on-site school visit. Nancy Atkins offered the second. The motion carried.

**C. WEST VIRGINIA NORTHERN
COMMUNITY AND
TECHNICAL COLLEGE:
REVIEW OF INFORMATION
IDENTIFIED DURING THE
RECENT SITE VISIT AND
CONTINUING APPROVAL**

6.C. Ann Bostic provided an overview of the Education Committee's decision to refer the review and consideration of this program to the full Board. Concern was expressed about the following: 1) NCLEX-RN pass rate at all three campuses for the generic Associate Degree Programs. The LPN-Associate Degree program pass rate meets the standard. The Director related the poor pass rate to not having enough faculty and time to mentor, guide and teach the students. The program admits 110 students a year. 46 will graduate this year with a 45-50% attrition rate. Admissions for this fall have not been sent out as the Director was waiting to see what the Board may decide about the program.; 2) Faculty workload - during the recent site visit it was learned that all faculty are on overload and one faculty member had 600 contact hours in a semester. Since the Education Committee met, the Associate Director has prepared the On Site Visit Report and provided additional information. The Board reviewed the program report on curriculum implementation, licensure passage rates which was 70.5% in 2015 for the Wheeling ADN program; 76.47% in 2015 for the Weirton ADN program; and, 85.71% in 2015, 71.4% in 2014, and 69.2% in 2013 for the New Martinsville ADN program. The Board reviewed that the Wheeling campus LPN-ADN program 2015 NCLEX-RN calendar year pass rate was 100% and that admissions were suspended in this program in the fall of 2014 with the implementation of the new curriculum. Additional information reviewed by the Board during the meeting includes but is not limited to:

- 1) The following information from the recent site visit on:
 - a. wireless Internet access issues preventing or delaying student access to online course e-books and materials;
 - b. Donna Hans, MSN, RN, the Health Science Division Chair and nursing program faculty preparing and administering the Health Science budget and is a direct report to Linda Shelek, MSN, RN, the associate degree nursing programs nurse administrator as faculty of the nursing program;

March 21-22, 2016

Board Meeting

- c. Linda Shelek, MSN, RN, the associate degree programs nurse administrator directly reports to Donna Hans, MSn, RN, the Health Science Division Chair for budget requests;
 - d. the associate degree programs nurse administrator lacks access to a program budget;
 - e. students were reallocated from the Weirton campus to the Wheeling campus due to faculty vacancy; and,
 - f. secretarial support is lacking for reporting and record keeping;
- 2) The annual report including the budget; and,
 - 3) The Accreditation Commission for Education in Nursing (ACEN) report from July 2015.

The program Director reported to the Board that there are not enough faculty to implement the program at the current level of admissions and attributed the 45-50% attrition rate to faculty not having the time to guide and advise the students.

11:20 AM Teresa Ritchie made a motion to go into Executive Session for advice from legal counsel. Ann Bostic offered the second. The motion carried and the Board moved in to Executive Session.

11:35 AM Ann Bostic made a motion to return to Public Session. Judy Nystrom offered the second. The motion carried and the Board moved into Public Session.

Discussion resumed. The Board reviewed and identified the following program deficiencies:

- 1) 6.1.a.4. noncompliance with school's stated philosophy/mission, program design, objectives/outcomes, and or policies.
- 2) 6.1.a.7. student enrollments without sufficient faculty, facilities and/or patient census.
- 3) 6.1.a.8. failure to maintain at least 80% passing rate on the licensure examination by first-time candidates;
- 4) 6.1.a.11. Other activities or situations that demonstrate to the Board that a program is not meeting legal requirements and standards, such as, failure to provide or prevent delays in student wireless access to online course e-books and materials;
- 5) 10.1.c. Administration of the nursing education unit. The nursing education unit shall be administered by a nurse who (a) holds a graduate degree with a major in nursing, (b) has 5 years professional nursing experience, 2 years of which were teaching in a professional nursing program, and © holds a license as a registered professional nurse in the state of West Virginia. In addition, qualifications are comparable to those qualifications required of other faculty in the governing organization. The administrator of the nursing education unit is responsible for the following:
 - a) 10.1.c.4. Preparing and administering the budget.
- 6) 11.4 assignment and workload of nursing faculty. The governing organization shall hire and maintain sufficient faculty with the experience and competence in the

respective specialties of nursing education to accomplish the goals or outcomes of the nursing education unit. Assignment and workload shall be consistent with the governing institution and includes clinical lab. Workload should provide for regeneration, reflection and wellness opportunities for nursing faculty. Factors to be included but not limited to when establishing the ratio of faculty to students should include:

- 11.4.a. the students' level of knowledge/skill;
- 11.4.b. course objectives;
- 11.4.c. acuity level of clients;
- 11.4.d. affiliating agency's goal and priorities;
- 11.4.e. percentage of temporary personnel staffing;
- 11.4.f. physical layout of facility;
- 11.4.g. current usage by other affiliating students; and
- 11.4.h. the Board's standards.

Teresa Ritchie made a motion to accept the Program Report as submitted; to cease admissions to all programs; to place all traditional programs on provisional approval; to require that all faculty be retained to allow for program development and attention to student needs; to note that the LPN-Associate Degree program has been suspended until it can begin again in step with the Consortium Curriculum; the Director is required to submit Program Reports at least 30 days prior to the Education Committee meeting regarding the number of faculty, faculty salaries, faculty workload in accordance with 11.4.a.h; progress of current students; secretarial support; and status changing the budget process such that the Director administers the program budget according to 10.1.C.4. Ann Bostic offered the second. Discussion ensued. The motion did not carry.

Discussion resumed. Teresa Ritchie made a motion to accept the Program Report provided; to cease admissions on the New Martinsville campus; to limit admission to 15 on the Weirton campus and to limit admissions to 35 on the Wheeling campus for the ADN and LPN-RN programs; to place all traditional programs on provisional approval; to note that the LPN-Associate Degree program has been suspended until it can begin again in step with the Consortium Curriculum; Continued full accreditation status for the LPN-ADN program; Changed the accreditation status to provisional for the Wheeling and Weirton campuses; the Board continued provisional approval for the Martinsville program; and the Director is required to submit Program Reports at least 30 days prior to the Education Committee meeting regarding the curriculum implementation, licensure passage rates, faculty vacancy, faculty workload, faculty salaries, faculty development and student programs 30 days prior to each Education Committee meeting.

Doris Burkey offered the second. Discussion ensued. The motion carried.

**D. WEST VIRGINIA
UNIVERSITY INSTITUTE OF
TECHNOLOGY (WVUIT)
REVIEW AND
CONSIDERATION OF
LICENSURE PASS RATE AND
CONTINUED APPROVAL**

Board President Tara Hulsey relinquished the Chair to Ann Bostic, Education Committee Chairperson for the review and consideration of this agenda item. The Board President, Teresa Ritchie, Board Secretary and Nancy Atkins, Board member each recused themselves from the review and discussion of this agenda item and left the room.

- 6.D.** Ann Bostic presented to the Board the reason the Education Committee deferred this program review to the full Board as being the licensure pass rate for this year and the historic pattern regarding the pass rate warranted review by the Board. Discussion ensued. The pass rate for WVUIT for calendar year 2015 was 69.23%, in 2014 it was 81.48% and in 2013 it was 43.75%. The program has not met the Board's NCLEX-RN passing standards 4 times in the past 6 years. Board previously limited admissions to the program for the purposes of providing an opportunity to review the curriculum and complete mapping and blueprinting. According to the program director Dr. Evelyn Klocke, EdD, RN, a class has not yet graduated having completed the full compliment of the curriculum. Discussion ensued. Doris Burkey made a motion to continue provisional approval of WVUIT, continue limited admissions to 35 students for Fall admissions, to require a report to be submitted to the Board 30 days in advance of an Education Committee meeting addressing the progress related to curriculum implementation and the NCLEX-RN action plan previously submitted. Ann Bostic offered the second. The motion carried.

The Board President, Teresa Ritchie, Board Secretary and Nancy Atkins, Board member returned to the room and rejoined the meeting.

**E. WHEELING JESUIT
UNIVERSITY REVIEW AND
CONSIDERATION OF
PROGRAM LICENSURE PASS
RATE AND CONTINUED
APPROVAL**

- 6.E.** Ann Bostic presented to the Board the reason the Education Committee deferred this program review to the full Board as being the licensure pass rate and high Director turnover of 4 new directors in the past 4 years. The NCLEX-RN pass rate in calendar year 2015 was 52.17%, in 2014 47.06% and in 2013 71.43%. The Board's standard is 80%. The current Director has been in her position since July 2015. Prior to her appointment, Dr. Ann Baker, DNP, RN was approved in July 2013, and Dr. Monnica Kennison, EdD, RN was approved in June 2011. There have been 4 Directors in 5 years. Discussion ensued. Ann Bostic made a motion to approve the program report, to require a report regarding the licensure pass rates, require that curriculum review and mapping to current standards be provided to the Board 30 days prior to the June Education Committee Meeting, to continue provisional approval and continue limitation on admissions to 24 students one time per year for the BSN program and 16 students

one time a year for the BA-BSN program. Teresa Ritchie offered the second. The motion carried.

**7. REVIEW AND
CONSIDERATION OF BILLS
OF INTEREST FROM THE
2016 REGULAR
LEGISLATIVE SESSION**

7. HB4654 related to the Executive Secretary legal qualifications passed and now the law permits the Board to establish these requirements. HB4340 requiring criminal background checks and that disciplinary action be placed on the Board's web site did pass. Board staff will move forward with taking steps to secure an ORD number from the Federal Bureau of Investigations so the Board may receive electronic results of criminal background checks.

**A. REVIEW AND
CONSIDERATION OF
HB4334**

- 7.A. The Executive Director provided an update on the bills of interest to the Board. HB4334 related to Advanced Practice Registered Nurses and Limited Prescriptive Authority did pass and is awaiting the Governor's signature. The bill includes granting APRNs the authority to sign certain health related documents and death certificates. The bill also changes the language related to Schedule III drugs in that it permits prescribing for a 30 day period with no refill and removes the limitation to a 72 hour supply. The bill establishes a Joint Advisory Council, its membership, and tasks the Council may perform. The Board directed staff to send an email to all APRNs with a valid email a notice regarding the Joint Advisory Council to solicit interested persons from which the Board may select the 6 APRN members.

**8. REVIEW AND
CONSIDERATION OF
PROPOSED RULE CHANGES
RELATED TO:**

**A. PROCEDURAL RULE,
WV19CSR5
CONTESTED CASE
HEARING
PROCEDURE**

- A. The Board's legal counsel reviewed the rule and proposed editorial change. Teresa Ritchie made a motion to approve the rule as amended. Doris Burkey offered the second. The motion carried.

**B. PROCEDURAL RULE,
WV19CSR6
PROCEDURES FOR
OPEN MEETINGS AND
BYLAWS**

- B. The Board's legal counsel reviewed the rule and proposed changes. Doris Burkey made a motion to approve the rule as amended. Ann Bostic offered the second. The motion carried.

**C. LEGISLATIVE RULE,
WV19CSR7 ADVANCED
PRACTICE
REGISTERED
PROFESSIONAL
NURSE**

C. The Board directed staff to review this rule for potential amendments after learning the outcome of HB4334.

**D. LEGISLATIVE RULE,
WV19CSR8, LIMITED
PRESCRIPTIVE
AUTHORITY**

D. This agenda item wasn't considered pending the outcome of HB4334.

The meeting was recessed and agenda items 9 and 10 were moved to the second day.

**DAY TWO
MARCH 22, 2016**

The meeting was called to order by Board President Tara Hulsey at 9:00 AM.

**4. REVIEW AND CONSIDERATION OF
THE BOARD'S POSITION
STATEMENT REGARDING
ADVANCED PRACTICE
REGISTERED NURSE DELEGATION
TO MEDICAL ASSISTANTS**

4. Ann Bostic made a motion to defer review and consideration APRNs delegating to Medical Assistants to the next Board meeting. Nancy Atkins offered the second. The motion carried.

**2. REVIEW AND CONSIDERATION OF
MEETING MINUTES**

A. JANUARY 21, 2016

2.A. Teresa Ritchie made a motion to approve the minutes as corrected. Ann Bostic offered the second. The motion carried.

B. FEBRUARY 2, 2016

2.B. Nancy Atkins made a motion to approve the minutes as submitted. Ann Bostic offered the second. The motion carried.

C. FEBRUARY 23, 2016

2.C. Nancy Atkins made a motion to approve the minutes as submitted. Teresa Ritchie offered the second. The motion carried.

**9. REVIEW AND
CONSIDERATION OF
DIALYSIS TECHNICIAN
EXAM SERVICES**

9. Nancy Atkins made a motion to approve the Dialysis Exam Services. Teresa Ritchie offered the second. The motion carries.

**10. REVIEW AND
CONSIDERATION OF
DIALYSIS TECHNICIAN
PROGRAM SITES:
A. DAVITA HARRISON
COUNTY
B. DAVITA POINT
PLEASANT
C. DAVITA BECKLEY
D. DAVITA DANVILLE**

- 9 and 10. Agenda items 9 and 10 were reviewed together. Ann Bostic made a motion to approve the exam services, the dialysis program sites and approve the portfolio submitted by Traci Ford and approve her as the program administrator. Doris Burkey offered the second. The motion carried.

**11. REVIEW AND
CONSIDERATION OF THE
JUNE 2016 MEETING DATE**

11. The Board previously requested that the Licensed Practice Nursing Board change its June meeting date as the date set wasn't available to several members and to allow members to attend the Joint RN/LPN Board meeting. The date set by the LPN Board is no longer available to several Board members. The Board directed staff to request that the joint meeting be moved to the October 20 meeting date which is a common meeting date for both Boards. The Board considered meeting dates for the purposes of interviews for the Executive Director position as well. Teresa Ritchie made a motion to change the June 2016 meeting date to June 9-10, 2016; to set a meeting for April 28, 2016 for the purposes of interviews for the Executive Director position and any agenda items related to HB4334 and Delegation by Advanced Practice Registered Nurses to medical assistants, and other items as determined by the President; to set a meeting for May 18, 2016 in the event another interview date is needed; and, when the meeting is a 2 day meeting that the start time for the first day be 1:00 PM so the Discipline Review Committee can meet the morning of the first day. Doris Burkey offered the second. The motion carried.

12. BUDGET INFORMATION

**A. REVIEW AND
CONSIDERATION OF
PURCHASE CARD
EXPENDITURE
REPORTS FOR
SEPTEMBER,
OCTOBER,
NOVEMBER AND
DECEMBER 2015 AND
JANUARY 2016**

- 12.A.** The report was reviewed and questions answered by the Board's Executive Assistant Marty Alston. Ann Bostic made a motion to approve the P-Card reports as submitted. Teresa Ritchie offered the second. The motion carried.

**B. REVIEW AND
CONSIDERATION OF
EXPENDITURES TO
DATE**

- B.** The related reports were reviewed for content and form. Ann Bostic made a motion to approve the reports. Teresa Ritchie offered the second. The motion carried.

**C. REVIEW AND
CONSIDERATION OF
FUNDING FOR FY2017**

- C.** The Board previously approved a budget increase for FY2016 and reaffirmed this by consensus. Ann Bostic made a motion to increase the FY2017 budget by \$170,000.00. Doris Burkey offered the second. The motion carried. Staff was directed to prepare the letter for the Board President's signature.

**13. NCSBN MIDYEAR MEETING
UPDATE**

- 13.** The Board President and the Associate Director attended this event. The Board President reported on the work of the Standards Committee. The Standards Committee charges are to develop standards for nurse licensure that requires verification of licensure through Nursys, and to develop standards for nurse licensure that incorporates reporting of disciplinary actions in centralized database by Boards of Nursing. NCSBN is working on best practices related to disciplinary action and electronic reporting of it and standards for primary source verification of licensure. She reported that the committee plans to consider guidelines for Simulation in the future. The Associate Director reported on the APRN Education Committee work. The charge of this committee is to explore pros and cons of Member Board oversight of APRN education programs and make recommendation to the NCSBN Board of Directors. The preliminary requirements developed by the committee were presented at the MidYear meeting.

**14. REVIEW AND
CONSIDERATION OF WV
RESTORE REPORTS AND
CONTRACT**

14. Mike Brown was present to respond to the reports and questions from the Board. Discussion ensued. Ann Bostic made a motion to approve the reports. Doris Burkey offered the second. The motion carried.

**15. REVIEW AND
CONSIDERATION OF
REQUEST FOR
INFORMATION RELATED TO
THE STATE OF SUBSTANCE
USE DISORDER AMONG
CERTIFIED NURSE
ANESTHETISTS**

15. Ann Bostic presented the research proposal to the Board. Teresa Ritchie made a motion that the Board participate in the project by collecting and reporting data from the review of records of certified registered nurses anesthetists monitored for substance use disorders between 2005 and 2015. Nancy Atkins offered the second. The motion carried.

**16. REVIEW AND
CONSIDERATION OF
MEETINGS AND
CONFERENCES ATTENDED
A. FEDERATION OF
ASSOCIATIONS OF
REGULATORY BOARDS
(FARB)**

- 16.A. Ann Bostic, Doris Burkey, Alice Faucett and Marty Alston attended this conference. Highlights included the importance and significance of the use of the Executive Session during a Board meeting; the role difference between the Board and staff; encouraging that individual Board members have a Board mail address for Board related communications; and electronic management of meeting material. The Executive Director is already moving forward with obtaining email addresses and investigating electronic meeting management programs.

**B. CENTER FOR
NURSING**

- 16.B. The Executive Director, Drema Peirson shared that the Governor has appointed new members. She also encouraged the Board to consider using the data collected during the renewal cycle to assist with workforce development. The Board then recognized Barbara Mason, the Board's BSN representative to the Center who thanked the Board for the opportunity to represent it in this way. She shared information from the first meeting and will report at future meetings

C. NATIONAL ORGANIZATION OF ADDICTION PROFESSIONALS (NOAP)

16.C. Ann Bostic, Doris Burkey and Teresa Ritchie attended this meeting and provided a report. One of the highlights of the meeting was learning that the program in Pennsylvania includes a peer assistance program for nurses who want help and support but don't fit in the requirements or don't want to participate in the alternative to discipline program.

D. CITIZENS ADVOCACY CENTER (CAC)

16.D. Theresa Dennison attended this meeting and found it very helpful. The meeting focused on continuing education and how the requirements vary across the country and between Boards.

17. REVIEW AND CONSIDERATION OF MEETINGS TO ATTEND

A. NATIONAL COUNCIL OF STATE BOARDS OF NURSING INFORMATION TECHNOLOGY CONFERENCE, May 24-25, 2016; CHICAGO, IL

B. COUNCIL ON LICENSURE ENFORCEMENT AND REGULATION (CLEAR) INVESTIGATOR TRAINING FOR STAFF AND THE ANNUAL CONFERENCE SEPTEMBER 14 - 17, 2016; PORTLAND, OR

C. FARB CONFERENCE, JANUARY 26-29, 2017; SAN ANTONIO, TX

17.A.B.C. The Board considered 17. A, B, and C together. Judy Nystrom made a motion to approve sending the Board's Information Systems staff member to the NCSBN

Information Technology conference; to approve new Board staff attending the basic and advanced Investigator Training programs as time permits, to approve Theresa Dennison, Teresa Ritchie, Judy Nystrom , Ann Bostic, Doris Burkey and 3 staff members to attend the CLEAR conference; and, to approve Tara HULSEY, Teresa Ritchie, Ann Bostic, Nancy Atkins, Doris Burkey, Theresa Dennison and five staff members to attend the FARB conference. Ann Bostic offered the second. The motion carried.

**18. REVIEW AND CONSIDERATION OF
THE UPCOMING EXECUTIVE
DIRECTOR POSITION VACANCY**

- 18.** HB4654 related to the legal requirements for the Executive Director position passed during the 2016 legislative session. This bill removes the legal requirements for the position and grants the Board the authority to set the qualifications. The Board reviewed the legal qualifications for Board members. Discussion ensued. The following requirements were determined by the Board:

The Executive Director must have:

1. Excellent verbal and written communication skills;
2. Knowledge of current law and rules related to regulation and specifically nursing regulation in the State of West Virginia;
3. previous experience with a regulatory agency desirable;
4. Ability to travel extensively;
5. Previous supervisory experience;
6. Familiarity with the legislative process;
7. Excellent organizational skills;
8. Experience with budget oversight;
9. Be a citizen of the United States;
10. Be a resident of this state;
11. Have a graduate degree, from an accredited program, in nursing or a related field;
12. Be a registered professional nurse with an unencumbered license and licensed in this state; or have submitted an application for licensure at the time of submitting an application for employment consideration;
13. Have had at least five years of experience in teaching in an educational program for the preparation of practitioners of registered professional nursing, or in a combination of such teaching and either nursing service administration or nursing education administration; and,
14. Other qualifications as may be determined by the Board.

Nancy Atkins made a motion to approve the qualifications as determined above. Doris Burkey offered the second. The motion carried.

The Executive Director was directed to review the applications submitted prior to the law change to determine which candidates meet the new qualifications and share those with the Board for review and consideration for interviews during the meeting April 28, 2016; and post a new ad with the updated qualifications. Potential applicants from the second ad will be interviewed during the May 19, 2016 Board meeting.

**19. DISCIPLINARY REVIEW
COMMITTEE (DRC)
A. REVIEW AND
CONSIDERATION OF THE
DRC REPORT AND
RECOMMENDATIONS**

19.A. Ann Bostic made a motion to approve the report and recommendations from the DRC Judy Nystrom offered the second. The motion carried.

The following Consent Agreements were included:

Rhonda Ryan, License#77274; Complaint#0075FY2016; Probation for 1 year with fines and administrative costs;10/30/2015.

Wesley Smittle, License#69859; Complaint#0070FY2016; Probation for 1 year with fines and administrative costs;10/23/2015.

Amy White, License#74553; Complaint#0074FY2016; Probation for 1 year with fines and administrative costs; 10/30/2016.

Andrea Blackshire, License#73594; Complaint#0081FY2016; Probation 1 year with fines and administrative costs; 11/13/2015.

Jennifer Loyd, License 52480; Complaint#005120FY2016; Probation 3 years with fines and administrative costs; 12/10/2015.

William Mahaney, License#57028; Complaint#0065FY2016; Probation 14 months with fines and administrative costs; 12/04/2016.

Seth Miller, License#69228; Complaint#0068FY2016; Probation 3 years with fines and administrative costs; 12/04/2016.

**B. REVIEW AND
CONSIDERATION OF DRC
PARAMETERS (IF ANY)**

19.B. There were no DRC Parameters to consider.

C. MISCELLANEOUS

19.C. There were no items to consider under this agenda item.

**20. REVIEW AND CONSIDERATION OF
DOCUMENTS RELATED TO THE
WVRN BOARD VS BRENDA MYERS**

Ann Bostic made a motion for the Board to enter into Executive Session. Doris Burkey offered the second. The motion carried and the Board entered Executive Session at 1:40 PM.

Doris Burkey made a motion to adjourn the Executive Session and enter a Public Session.

Teresa Ritchie made a motion to adopt the Hearing Examiner's Findings of Fact, Conclusions of Law, and Recommendation and take the following action against the license of Brenda Myers:

Suspend the license of Brenda Myers for a period of one year and STAY the suspension and place the license on PROBATION for a period of 2 years with the appropriate fines and administrative costs, probationary language, and the following terms and conditions:

1. Shall submit to a mental health evaluation by a Board approved counselor to include her ability to make sound decisions. Said evaluation shall be completed within 90 days of the signing of this Order. Myers shall cause said Board approved counselor to submit the complete biopsychosocial evaluation report directly to the Board office. Should any issues be identified that warrant further license action, the Disciplinary Review Committee may modify the Order as required.
2. Not work at a Nursing Registry, Temporary Nursing Agency, Home Health Care Agency, Private Duty Nurse
3. Not work in an autonomous or supervisory nursing position. Shall work only under the direct supervision of a registered professional nurse in a structured setting throughout the term of their probation. Such supervising registered professional nurse must, at the time of said supervision, hold an active, unencumbered West Virginia registered professional nurse license.
4. Shall inform the Board in writing within ten (10) days of the date they assume 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 their employer. They shall provide in writing the name of their immediate registered professional nurse supervisor. They shall inform the Board of any interruption in nursing practice or change in employment within ten (10) days of such interruption or change.
5. Shall immediately inform their 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 their license on probation, and shall provide a complete copy of this agreement to her employer(s). The Board may provide their employer(s) with a copy of this agreement and may communicate with their employer(s).
6. Shall, within ten (10) days of employment or continuation of practice, cause their 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. Shall further cause their employer or supervisor to submit monthly reports to the Board describing their job performance, attendance, attitude, and other work behaviors during the first year of probation and if their progress is satisfactory to the Board, quarterly thereafter.

7. Shall submit documentation of completion of the fifteen (15) contact hours of continuing education to include, but not be limited to the following courses through the National Counsel of State Boards of Nursing Learning Extension: Professional Accountability; Righting a Wrong: Ethics and Professionalism in Nursing; Professional Accountability and Medication Errors, to be completed within 90 days of this Order.

8. Shall report in person for an appointment with the board staff upon request.

9. Shall execute a release to permit the Board to obtain medical or other health care records, which may be requested at any time while their license is on probation, regarding their physical or mental health and any treatment rendered.

10. Shall annually submit to the board a written personal statement regarding their 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.

Doris Burkey offered the second. The motions carried.

21. ADJOURN

21. Nancy Atkins made a motion to adjourn. Doris Burkey offered the second. The motion carried. The meeting adjourned at 2:20 PM

Respectfully submitted by
Teresa Ritchie
Board Secretary

Minutes taken and prepared by
Laura Skidmore Rhodes
Executive Director