

WEST VIRGINIA STATE BOARD OF EXAMINERS
FOR LICENSED PRACTICAL NURSES

MINUTES

BOARD MEETING
JUNE 15, 2005

9:00 a.m. DISCIPLINARY REVIEW COMMITTEE MEETING
(Committee Members Only)

9:30 a.m. REGULAR MEETING (Open to the Public)

1
CALL TO ORDER Meeting was called to order by Chairperson, Jean Yates, at 9:55 AM. Welcome and introduction of guests followed.

Members Present -

Jean Yates
Gregory Chiartas
Joan Smith
Joseph Kessel
Duane Napier
Vickie Bennett
Catherine Vance

Members Absent -

Suzannah Higgins
Mark Stephens

Staff Present -

Lanette Anderson
Tammy Crookshanks
Elsie S. Patterson

Guests Present -

Rodney Jackson
Gregory Young
Zach Sanders
Kathy Dray
Royce Eckleberry
Marylu Maher
Nancy Johnson
Brandy Holland
Kristy Blevins
Lorie Straight
Dana Flint

Michelle Keller
Amy Lamb
Missy Hobbs
Melinda Brown
Lesley Chilongu
Vanessa Fields
Kerry Wilson
Darcy Deem
Terry Tue
Trisha Crain
Elizabeth Gregory
Sydelle Curtis
Barbara Collier
Jamey Covert
Rocky Gibson
Jennifer Puffenbarger
Lorri Reed
Jennifer Casto
Alana Payne
Stephanie Saunders
Amy Philopera
Amanda Stone
Lisa Lamb
Geneva Casdorph
Sherri Adams
Luann Wilcoxon
Jessica Lovejoy
Nicky Hilton
Dominick Julian
Sandra Thompson
Rebecca Edwards
Patricia Gray
Debra Hodge
Mary Berry
Trena Hodges
Nancy Hawkins
Kimberly Jackson
Kristy Bader
Amy Valach
Jamie Delp
Bruce Cameron
Shawn Comer
Rebecca Kanode
Kathleen Delp
Emily Frost
Carol Collins
Sandra Stewart
Andy Sandstrom
Crystal Calvert
Rita Underwood

Bridgett Pennington
Jasla Wadington
Takisha Rose
Robin Tyree
Lucy McGuire
Aileen Smith
Janette Treadway
Nicole Browning
Jeremy Miller
Keith Lilly
Shannon Brallahan
Kathy Toney
Amanda Tolley
Paula Logan
Gale Keeney
Kelly Spaulding
June Phillips
Aletha Coleman
Rebecca Bennett
Crystal Bird

INTRO- Members, guests and staff introduced themselves.
DUCTION
OF MEMBERS &
GUESTS

3
PROPOSED Motion was made by Joseph Kessel to approve the revised proposed agenda as
AGENDA presented. Motion was seconded by Joan Smith. Motion carried.

4
MINUTES OF Motion was made by Duane Napier that the minutes, as circulated, from the
PREVIOUS previous meeting held February 17, 2005, be approved by the Board. Motion
MEETING was seconded by Vickie Bennett. Motion carried.

5
DISCIPLINARY
REVIEW
COMMITTEE Tammy Crookshanks, Associate Executive Director to the Board, reported
the following activities of the Disciplinary Review Committee which have
occurred since the February 17, 2005, Board Meeting:

Consent Agreements:

1. Larry L. Haines, License No. 189241; BPN05-57
2 years probation per narcotic diversion
February 18, 2005

2. Elizabeth G. Bowers, License No. 24025; BPN05-88
Reprimand per medication error
February 18, 2005
3. Cathy A. Adkins, License No. 26108; BPN05-40
\$200 for working on lapsed license
February 18, 2005
4. Leslie J. Namet, License No. 24345; BPN01-147
\$300 for working on a lapsed letter of intent
February 22, 2005
5. Barbara J. Hunt, License No. 08256; BPN05-112
1 year probation per practice error
February 22, 2005
6. Eddie W. Bowling, License No. 22319; BPN05-96
Reprimand per practice errors
February 22, 2005
7. Ronald W. Klink, License No. 20842; BPN05-30
Reprimand per practice issues
March 1, 2005
8. Pamela D. Settle, License No. 26454; BPN05-109
Reprimand per practice issues
March 18, 2005
9. Rebecca G. Hillyer, License No. 18593; BPN05-114
Reprimand per medication errors
March 18, 2005
10. Mayme Cremeans, License No. 23615; BPN05-85
Reprimand per practice issue
March 18, 2005
11. Karen R. Haywood, Lic. No. 20023; BPN05-120
Monetary Penalty \$800 per worked on lapsed lic.
March 29, 2005
12. Patricia A. Bell, License No. 16214; BPN05-132
2 mon. Suspension, \$1,100 monetary penalty per failed audit
April 6, 2005
13. Melinda C. Huffman, License No. 20561; BPN05-46
Reprimand per false documentation
April 6, 2005

14. Amy B. Riggleman, License No. 19875; BPN05-123
Reprimand per practice beyond scope
April 11, 2005
15. Doug H. Melton, License No. 25409; BPN05-124
Reprimand per practice error
April 19, 2005
16. Jessica J. Cairns, License No. 26168; BPN05-103
Reprimand per medication/documentation error
April 21, 2005
17. Sommer R. Beasley, Lic. No. 25936; BPN05-117
Reprimand per false documentation
May 3, 2005
18. Kathy D. Lively, License No. 15281; BPN05-152
Summary Suspension for multiple practice issues
May 2, 2005
19. Kathy J. Wilson, License No. 24421; BPN05-137
1 yr Probation per practice issues
May 10, 2005
20. Carol S. Barker, License No. 20881; BPN05-118
\$200 per worked on lapsed license
May 10, 2005
21. T. Candie McGurgan, Lic. No. 22130; BPN05-116
2 yrs. Probation per 2nd DUI
May 11, 2005
22. Tammy L. Bentley, Lic. No. 22466; BPN05-102
Reprimand per practice error
May 23, 2005
23. Charlotte S. Hanshaw, Lic. No. 16388; BPN05-139
1 yr. Probation per practice issues
May 25, 2005
24. Debra A. Beirne, License No. 23388; BPN05-146
\$140 fine and Continuing Education requirements
May 25, 2005
25. Billie Jo Cantrell, License No. 17437; BPN05-144
Monetary Penalty and Additional CE per failed audit
May 31, 2005

- 26. Kirk L. Tuttle, License No. 24566; BPN05-89
Reprimand per practice errors
June 1, 2005
- 27. Gene P. Willis, License No. 14674; BPN05-134
1 yr. Probation per practice errors
June 2, 2005
- 28. Kassy M. Wood, License No. 22918; BPN05-130
6 mos. Suspension, 2 yrs. Probation per illegal drug use
June 6, 2005

Reinstatements:

- 29. Tia R. Tincher, License No. 24712; BPN04-87
From 1 yr. Probation to Full Status
May 31, 2005

Voluntary Surrenders:

- 30. Larry L. Haines, License No. 18924; BPN05-57
Vol. surrender per inability to meet terms of prob.
February 24, 2005
- 31. Timothy E. McDole, License No. 25389; BPN05-135
Vol. surrender per practice error
April 19, 2005

No Action:

- 32. BPN05-105
Alleged verbal abuse
February 18, 2005
- 33. BPN05-99
Alleged verbal abuse
February 18, 2005
- 34. BPN05-115
Alleged practice error
February 22, 2005
- 35. BPN05-122
Alleged verbal abuse
March 17, 2005
- 36. BPN05-104
Alleged illegal drug use, no action per no evidence
March 17, 2005

- 37. BPN05-129
Disciplinary action in another state
March 31, 2005
- 38. BPN05-131
Alleged drug use
May 11, 2005
- 39. BPN02-175
Alleged medication errors
May 25, 200

BUDGET**6A****3RD QTR
FY 2005**

Executive Director reported expenditures for the third quarter 2005 at \$86,137.00. Total appropriations for FY 2005 are \$363,090.00. Balance at the end of the 3rd quarter was \$75,496.20. The account balance was \$561,094.36

6B**EXPENDI-
TURE
SCHEDULE**

Executive Director reported that the expenditure schedule for FY 2006 was approved by mail vote. The appropriated amount was unchanged from FY 2005 at \$363,090.00. A motion was made by Gregory Chiartas that the mail vote on the FY 2006 expenditure schedule be ratified. Motion was seconded by Vickie Bennett Motion carried.

6C**REPORT OF
PURCHASE
CARD
EXPENDITURE**

Purchase card expenditures for the months of January, February and March, 2005 were reported to the Board in accordance with requirements of the Auditor's Office. Staff was available for any inquiries from members of the Board.

7**NCSBN****7A****MID-YEAR
MEETING**

Lanette Anderson and Jean Yates attended the NCSBN's Mid-Year Meeting in Chicago, March 21-23, 2005. A verbal report of the meeting was provided.

7B**IT SUMMIT
REPORT**

Lanette Anderson attended the IT Summit Meeting in Tampa, FL on May 17-18, 2005. Lanette Anderson also attended the NURSIS Advisory Panel meeting in Tampa, FL on May 16, 2005. A verbal report of these meetings was provided to members.

7C**TERCAP
UPDATE**

This project, "Taxonomy for Error Reporting, Root Cause Analysis, and Analysis of Practice Responsibility", has as its goal the enhancement of patient safety by evaluating practice breakdowns among nurses. A status report was given by Tammy Crookshanks to members of the Board.

7D

DELEGATION DOCUMENT Executive Director reported that the delegation document addresses delegation of nursing tasks, particularly pertaining to unlicensed assistive personnel. Any comments or concerns regarding this document can be forwarded to the Executive Director for discussion at NCSBN's Annual Meeting.

7E

DELEGATE ASSEMBLY APPOINTMENT OF REPRESENTATIVES The NCSBN Annual Meeting/Delegate assembly will be held in Washington, DC August 2-5, 2005. The theme of the meeting this year is "Mission Possible: Building a Safer Nursing Workforce through Regulatory Excellence." Issues to be discussed at the meeting include nursing education and a regulatory model for unlicensed assistive personnel. National Council is covering all expenses for two (2) representatives from each Board of Nursing. A motion was made by Joan Smith that the Board authorize the attendance of two (2) individuals to attend the NCSBN Annual Meeting/Delegate Assembly. Motion was seconded by Gregory Chiartas. Motion carried.

8

WV NURSING CENTER Executive Director reported that appointments have been made to the Center for Nursing. These appointments have been approved by the Senate. Duane Napier and Tammy Crookshanks attended a meeting held May 24, 2005. A verbal report was provided by Duane Napier to members of the Board.

9

MISSION & INITIATIVES STATEMENT JULY 2004-JUNE 2007 Executive Director reported that only minor revisions have been made to the Mission and Initiatives Statement to reflect current operations, specifically including the statements addressing Board activities with regards to online license renewal, NURSIS participation, and the Center for Nursing. A motion was made by Duane Napier that the Mission and Initiatives Statement be approved as presented. Motion was seconded by Gregory Chiartas. Motion carried.

10

NCLEX PN TEST RESULTS Executive Director reported that the passing average for NCLEX-PN for WV was 94.44%, down slightly from 95.62% for the previous period ending December 31, 2004. The national passing average for the quarter ending March 31, 2005 is 90.59%, up from 88.59% for the period ending December 31, 2004.

11 SCHOOLS OF PRACTICAL NURSING

11A

ANNUAL REPORTS 2004 Executive Director reported that all annual reports from the twenty one (21) LPN programs have been received. Data compiled from these reports for 2004 graduating classes still continues to show that attrition is a major concern state-wide. Numbers of applicants and qualified applicants were up from the previous year.

11B

NEW GRAD
EMPLOYMENT

Executive Director reported that a slightly higher percentage of new graduates went to work initially in acute care settings than in the previous year. Fewer are also unemployed than last year.

12

ACT SCHOOL
OF PRACTICAL
NURSING

A site visit was made to the Academy of Careers and Technology School of Practical Nursing on April 8, 2005. After discussions of the findings resulting from this visit, a motion was made by Joan Smith that the Academy of Careers and Technology School of Practical Nursing be granted continued Full State Accreditation for a period of three (3) years, ending June 30, 2008. Motion was seconded by Gregory Chiartas. Motion carried.

13

GREENBRIER
COUNTY
SCHOOL OF
PRACTICAL
NURSING

A site visit was made to the Greenbrier County School of Practical Nursing on April 15, 2005. After discussions of the findings resulting from this visit, a motion was made by Gregory Chiartas that the Greenbrier County School of Practical Nursing be granted continued Full State Accreditation for a period of three (3) years, ending June 30, 2008. Motion was seconded by Catherine Vance. Motion carried.

14

FAYETTE
PLATEAU
SCHOOL OF
PRACTICAL
NURSING

Cyndy Sundstrom, Coordinator of this new program reported to the Board that all is going well early in their first class, which began in early March.

15

RANDOLPH
COUNTY
SCHOOL OF
PRACTICAL
NURSING
STATUS REPORT

Executive Director reported that this program was reinstated from Provisional to Full Accreditation status at the February 2005 meeting. Results are in for the February graduating class; the program had 100% pass rate on the NCLEX-PN exam.

16

REVISED DRUG
POLICY FOR
SCHOOLS/
METHADONE
MAINTENANCE

Executive Director reported that during the February meeting that the issue of Methadone maintenance in nursing program applicants and students has arisen over the past several months. Research with regards to other Boards of Nursing has revealed that they do not address it at the Board level, but leave it to the schools to decide what to do. We have for several years has a policy with regards to drug screening and drug use that we have recommended to the schools. A motion was made by Joan Smith that the Board approve the revised drug policy including methadone maintenance as presented for distribution to the LPN programs. Motion was seconded by Vickie Bennett. Motion carried.

17

**REVISION TO
CRIMINAL
HISTORY
RECORDS
CHECK PRO-
CEDURES**

Executive Director reported that the Board has authority in Legislative Rule to obtain federal criminal history records checks on applicants for licensure by exam or endorsement, as well as during the course of a discipline investigation. The process that we use is to send applicants and accepted students into our LPN programs a fingerprint card. The cards are very time consuming and are expensive. Lanette Anderson reported that this office has been in contact with Accurant, a Lexis-Nexis company which conducts detailed background screening and explained how the system may be more cost and time efficient to obtain the records that the Board needs on applicants. A motion was made by Joan Smith that the Board approve the use of Accurant for obtaining criminal history records checks for applicants. Motion was seconded by Joseph Kessel. Motion carried.

18

2005

**LEGISLATIVE
SESSION
REPORT**

Executive Director reported that members were provided with copies of legislation relevant to the Board which passed during the 2005 session. These include SB 757, which changes some aspects of the disciplinary process for all Chapter 30 Boards, SB 450 which prohibits Board members from receiving per diems for travel days, and SB 524 which creates changes in the Department of Administration.

19

**REVISIONS TO
LEGISLATIVE
RULES 10 C.S.R. 2,
LICENSURE &
PROCEDURAL
RULES, 10 C.S.R. 5,
OPEN MEETINGS
& BYLAWS**

Executive Director reported that the comment period for these Rules ended on April 13, 2005, with only one comment received. A motion was made by Gregory Chirtas that the Board approve Legislative Rules 10 C.S.R.2, and Procedural Rules, 10 C.S.R. 5, as revised and authorize the filing of the Rules as agency approved with the Legislative Rule-Making Committee and Secretary of State. Motion was seconded by Duane Napier. Motion carried.

20

**REVISIONS TO
SCOPE OF
PRACTICE/
DELEGATION
DOCUMENT**

Executive Director reported that the information regarding these revisions is contained in the materials for the joint RN and LPN Board meeting. The Committee which has been working on revisions to these documents has met on several occasions over the past few months, and has also received input from interested parties. Proposed revision to the Scope and Delegation models were included for comment in the Spring LPN Newsletter. No negative comments were received by the Board; two positive comments from licensees were received by phone.

21

**MUTUAL
RECOGNITION
NURSE
LICENSURE
COMPACT**

Executive Director reported that this information is contained in the materials for the joint RN and LPN meeting. Members were invited to discuss this topic prior to the meeting and were provided with provide background information regarding the history of the compact, current status of Boards' participation, and previous issues raised by this Board.

22

NURSYS UPDATE Executive Director reported that the Board became part of the NURYS data base as maintained by the National Council on April 12, 2005. We are currently uploading data on a weekly basis.

23

ONLINE
LICENSURE
RENEWAL
UPDATE Executive Director reported that the online renewals went live on March 1, 2005 with the assistance of the Treasurer's Office. Volume started out fairly low, however at this time we are seeing an increase in the number of licensees who are taking advantage of this opportunity. After the renewal period is over, we will assess the numbers and percentage of licensees who utilized this service. Very few problems have been experienced.

24

ASSOCIATION
OF LICENSING
BOARDS Executive Director reported that members were provided with copies of the minutes of the meeting of this group held in March 2005. The next scheduled meeting is September 8, 2005 at the Summit Conference Center in Charleston.

25

RECESS
OPEN MEETING Jean Yates, Chairperson, announced that "Chapter 6, Article 9A, Section 4(2)(B) of the Code of West Virginia provides for Executive Sessions to be held by governmental agencies to discuss any matter which, by express provisions of federal law or state statute or rule of court is rendered confidential, or which is not considered to be a public record within the meaning of the freedom of information act as set forth in article one, chapter twenty-nine-b of this code." Further, Jean Yates announced that "Chapter 6 Article 9A Section 4(2)(A) of the Code of West Virginia provides for Executive Sessions to be held by governmental agencies to consider personnel matters. All motions arising from the discussion during the Executive Session shall be made and voted upon in an open meeting immediately following an executive session."

A motion was made by Joan Smith that in accordance with Chapter 6, Article 9A, Section 4(2)(B), that the Board recess and reconvene in an Executive Session for the purpose of discussing personnel matters. Motion was seconded by Vickie Bennett. Motion carried.

The regular meeting recessed at 11:00 a.m. in order to begin the Executive Session.

26

CALL TO ORDER
EXECUTIVE SESSION

27

STAFF CONSIDERATIONS

28

ADJOURN EXECUTIVE
SESSION

29

CALL TO ORDER The regular meeting reconvened at 11:25 a.m.
REGULAR
MEETING

30

MOTIONS FROM EXECUTIVE SESSION

30A

EXECUTIVE
DIRECTOR
EVALUATION/
EMPLOYMENT

After discussion and evaluation, a motion was made by Gregory Chiartas to continue the employment of the Executive Director for the coming fiscal year. Motion was seconded by Joan Smith. Motion carried.

30B

STAFF
COMPENSATION
FISCAL YEAR 06

By unanimous vote, members of the Board authorized a maximum of 5% increase for all Board Staff effective August 1, 2005.

31

MISCELLANEOUS

31A

TAMMY
CROOKSHANKS,
MSN

Congratulations to Tammy Crookshanks for completion of her education. She has been awarded a Masters in Nursing in the Nurse Practitioner Track at WVU.

31B

TRAVEL
REGULATIONS

Members of the Board were provided with a letter received from the Travel Management Office dated March 2, 2005 pertaining to reimbursement for meals on travel days.

31C

REQUEST TO TAKE
NCLEX-PN EXAM

Executive Director reported that the office has received a request from an individual who graduated from nursing school in 1997 to take the NCLEX-PN. She was unsuccessful on the exam on one prior occasion. A motion was made by Joan Smith that the Board approve the eligibility of this individual to test only after she has completed a course of study and/or testing in an accredited LPN program designed to test her knowledge, skills, and ability to perform at a beginning graduate LPN level. Motion was seconded by Catherine Vance. Motion carried.

31D

DIALYSIS
TECHNICIANS

Members were provided information concerning recent legislation which placed the regulation of these individuals within the RN Board. They

have inquired as to whether this Board has any interest regarding this matter. Members determined that staff will provide any information requested by the RN Board regarding the role of LPNs in dialysis settings, but that no other involvement in this matter is needed.

31E
SUPREME
COURT CASE

Members were provided information concerning a decision from the February 2005 of the West Virginia Supreme Court regarding an LPN employed in the Randolph County school system. The utilization of LPNs in the school setting has recently been increasingly discussed among those in the school nurse community. LPNs currently have no personnel classification in the school laws.

31F
FARB

The FARB Attorney Certification Course will be held at the Breakers in Palm Beach, FL in October 2005. Cost of attending the meeting will be approximately \$1,600.00 per person. A motion was made by Duane Napier that the authorize the attendance of Gregory Chiantas to attend the FARB Attorney Certification Course in October 2005. Motion was seconded by Joan Smith. Motion carried.

31G
CNA/LPN
ARTICULATION

Members were provided a copy of a letter from Rebecca Davis from the State Department of Education regarding this matter. Preliminary work has taken place by a committee to evaluate the feasibility of developing a core curriculum for CNA training which would provide those individuals with advanced standing in LPN programs. Members will be kept apprized of any additional information.

31H
NCSBN CALL FOR
COMMITTEE
MEMBERS

Members were provided information regarding volunteering for various NCSBN committees. Board staff was available to respond to any questions regarding this process.

31I
OTHER
MISCELLANEOUS

No contact from the Governor's Office has been received as of yet with regards to appointments/reappointments of Board Members. The Executive Director contacted the Governor's Office in late January regarding this matter.

Members discussed the possibility of webcasting the Board meetings, particularly with regards to schools of practical nursing which are located long distances from Charleston. Staff will investigate this possibility and report to the Board at the October meeting.

32

ADJOURNMENT Chairperson Jean Yates adjourned the meeting at 12:00 pm.

APPROVED BY:

Jean Hunter Yates, Chairperson Date

PREPARED BY:

Elsie S. Patterson, Administrative Asst. Date