

BOARD OF EXAMINERS FOR REGISTERED PROFESSIONAL NURSES 10:45

SUITE 309, EMBLETON BUILDING

922 QUARRIER STREET

SECRETARY OF STATE



Garnette Thorne, B.S.N., M.S., R.N.
Executive Secretary

TELEPHONE
(304) 348-3596

CHARLESTON, WEST VIRGINIA 25301

NOTICE OF AGENCY APPROVAL

Legislative Rules Title:

- ✓ SERIES I: Policies Requirements and Recommendations for Accredited Programs of Professional Nursing in West Virginia.
- SERIES II: Criteria For The Evaluation and Accreditation of Professional Nursing Programs in West Virginia.
- SERIES III: Requirements For Registration and Licensure As A Registered Professional Nurse in West Virginia.
- SERIES IV: Legal Standards of Nursing Practice for The Registered Professional Nurse in West Virginia.

The attached legislative rules constitutes the official rules approved by the West Virginia Board of Examiners for Registered Professional Nurses on the ninth day of August, 1985, and filed pursuant to law with the West Virginia Secretary of State and the Legislative Rule-Making Review Committee.

Garnette Thorne, M.S.N., R.N.
Miss Garnette Thorne, M.S., R.N.
Executive Secretary

FILED
1985 AUG 28 AM 10:45
SECRETARY OF STATE

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Policies, Requirements and Recommendations for Accredited Programs of Professional Nursing in West Virginia

Type of Rule: X Legislative Interpretive Procedural

Agency: WV BOARD OF EXAMINERS FOR REGISTERED PROFESSIONAL NURSES Address: SUITE 309-Embleton Bldg. 922 Quarrier Street Charleston, WV 25301

| 1. Effect of Proposed Rule | ANNUAL | | FISCAL YEAR | | |
|----------------------------|----------|----------|-------------|------|------------|
| | Increase | Decrease | Current | Next | Thereafter |
| Estimated Total Cost | \$ | \$ | \$ | \$ | \$ |
| Personal Services | 976,475 | | 976,475 | + | + |
| • Current Expense | 37,675 | | 37,675 | 10% | 10% |
| Repairs and Alterations | 2,100 | | 2,100 | | |
| Equipment | 51,770 | | 51,770 | | |
| Other | | | | | |

2. Explanation of above estimates.

The above estimates are based on the current cost of a typical two year nursing program times 5 programs and the cost for implementing a typical baccalaureate program times 5 programs. There would be no decrease in cost but the colleges would lose vocational money now being paid for educating the associate degree students.

3. Objectives of these rules:

1. To improve the quality of nursing care in West Virginia in order to safeguard life and health.
2. To enable the Board to carry out its function to:
 - (1) prescribe standards for educational programs preparing persons for licensure as registered professional nurses;
 - (2) provide for surveys of such educational programs;
 - (3) accredit such programs; and to
 - (4) deny or withdraw accreditation of educational programs.
3. To implement a cost effective way of educating nurses.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

It would increase the cost of nursing education. Although if we only educated nurses in 2 types of programs one type of program for the R.N. and one type of program for the L.P.N., it should decrease the cost to the State.

B. Economic Impact on Political Subdivisions: Specific Industries; Specific groups of citizens.

The nurse desiring to become a registered professional nurse would have to graduate from a four (4) year program. Registered professional nurses are now educated in 2, 3, and 4 year programs although they do not obtain the same education. Some of the students would have the cost of 1 or 2 more years of college. The Board of Regents would be responsible for establishing programs in the State Colleges.

C. Economic Impact on Citizens/Public at Large.

None

Date May 28, 1985

Signature of Agency Head or Authorized Representative

Garnette Thorne, MSN, R.N.

Miss Garnette Thorne, R.N., M.S.
Executive Secretary

STATE OF WEST VIRGINIA

BOARD OF EXAMINERS FOR REGISTERED PROFESSIONAL NURSES

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Executive Secretary

CHARLESTON, WEST VIRGINIA 25301

TELEPHONE
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FILED
1985 AUG 28 AM 10 45
STATE OF WEST VIRGINIA

Date: August 28, 1985

To: Legislative Rule-Making Review Committee

From: West Virginia Board of Examiners for Registered Professional Nurses

Legislative Rule Title:

Series I: Policies, Requirements and Recommendations for Accredited Programs of Professional Nursing in West Virginia

Series II: Criteria for the Evaluation and Accreditation of Professional Nursing Programs in West Virginia

Series III: Requirements for Registration and Licensure as a Registered Professional Nurse

Series IV: Legal Standards of Nursing Practice for the Registered Professional Nurse in West Virginia

1. Authorizing Statute: 30-7-4 (a) (b) ... "The board is hereby authorized and empowered to:

(a) Adopt and, from time to time, amend such rules and regulations, not inconsistent with this article, as may be necessary to enable it to carry into effect the provisions of this article.

(b) Prescribe standards for educational programs preparing persons for licensure to practice registered professional nursing under this article;"

2. (a) Date Filed in State Register with Notice of Hearing:
May 29, 1985

(b) What other notice, including advertising, did you give of the hearing?

Notice of Public Hearing to Capitol News Service and through the R.N. Newsletter to all licensed registered professional nurses in West Virginia, health care agencies and associations, legislators and the Governor's Office.

(c) Date of Hearing: July 9, 1985

(d) Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.
List and comments are attached.
There were no amendments.

(e) Date filed in State Register the agency approved proposed Legislative Rule following public hearing:
August 28, 1985

(f) Name and phone number of agency person to contact for additional information.
Miss Garnette Thorne, M.S., R.N., Executive Secretary
Telephone Number: (304) 348-3596

3. If the statute under which you promulgated the submitted rules require certain findings and determinations to be made as a condition precedent to their promulgation:
Not applicable.

WEST VIRGINIA LEGISLATIVE RULES
WEST VIRGINIA BOARD OF EXAMINERS FOR
REGISTERED PROFESSIONAL NURSES
CHAPTER 30 - 7
SERIES I

Title: Policies, Requirements and Recommendations for Accredited
Programs of Professional Nursing in West Virginia

- Section 1. General
2. Definition of terms
 3. Purposes of the Law. Who may practice
 4. Powers of the Board
 5. Purpose of Accreditation
 6. Policies for Accreditation of Professional
Nursing Programs
 7. Establishment of a New Program of Professional
Nursing
 8. Accreditation of Nursing Program
 9. Loss of Accreditation
 10. Closing of a Program
 11. Reports from Nursing Programs to the Board

SECRETARY OF STATE

1985 AUG 28 AM 10:46

FILED

WEST VIRGINIA LEGISLATIVE RULES
WEST VIRGINIA BOARD OF EXAMINERS FOR
REGISTERED PROFESSIONAL NURSES
CHAPTER 30 - 7
SERIES I

TITLE: Policies, Requirements and Recommendations for
Accredited Programs of Professional Nursing in
West Virginia

Section 1. General

1.1 Scope - These Legislative Rules establishes the Administrative Rules and Regulations for Registered Professional Nurses Education, Licensure and Practice in the State of West Virginia.

1.2 Authority - W.Va. Code 30-7-4 (a)(b)

1.3 Filing Date -

1.4 Effective Date - July 1, 1992

1.5 Repeal of Former Rule - These Legislative Rules repeals West Virginia Board of Examiners for Registered Professional Nurses rules filed December 17, 1982.

Section 2. Definition of terms:

2.1 The term "Board" means the West Virginia Board of Examiners for Registered Professional Nurses.

2.2 The term "professional nursing program" means an education unit charged with responsibility to prepare its graduates for practice as professional nurses, with a minimum of a baccalaureate degree in nursing, and qualified to meet licensing requirements in West Virginia. This unit shall be structured in a university, or college.

2.3 An "accredited professional nursing program" is one which has met the requirements of the law and of the Board, as outlined in this MANUAL, and is currently approved by the Board.

2.4 A "provisionally accredited professional nursing program" is one which either has been temporarily approved but has not been in operation long enough to qualify for full accreditation, or one which fails to meet the requirements of the law and of the Board, and has received notification of its deficiencies.

2.5 A "professional nursing program or school" is one conducted by a college or university, or in cooperation with a college or university, and which leads to the minimum of a baccalaureate degree.

2.6 "Requirements" are mandatory conditions which a professional nursing program must meet in order to be accredited.

2.7 "Recommendations" are suggestions for the guidance of programs of professional nursing in the development of their programs.

2.8 A "credit hour" is that credit assigned for one hour of lecture per week, or two to four hours of lab per week, per semester.

2.9 "Registered professional nursing", Article 7, Chapter 30, Section 1, Code of West Virginia states: "... (b) The "practice of registered professional nursing" shall mean the performance for compensation of any service requiring substantial specialized judgment and skill based on knowledge and application of principles of nursing derived from the biological, physical and social sciences, such as responsible supervision of a patient requiring skill in observation of symptoms and reactions and the accurate recording of the facts, or the supervision and teaching of other persons with respect to such principles of nursing, or in the administration of medications and treatments as prescribed by a licensed physician or a licensed dentist, or the application of such nursing procedures as involve understanding of cause and effect in order to safeguard life and health of a patient and others." (1945,c.96, §1; 1965,c.120)

Section 3. Purposes of the Law. Who May Practice

3.1 Article 7, Chapter 30, Section 2, Code of West Virginia states: "...in order to safeguard life and health, any person practicing or offering to practice registered professional nursing in this state for compensation shall hereafter be required to submit evidence that he or she is qualified so to practice, and shall be licensed as hereinafter provided. After the thirtieth day of June, one thousand nine hundred sixty-five, it shall be unlawful for any person not licensed under the provisions of this article to practice or to offer to practice registered professional nursing in this state, or to use any title, sign, card or device to indicate that such person is a registered professional nurse." (1945,c.96,§2; 1965,c.120)

3.2 ONLY PERSONS HOLDING A CURRENT WEST VIRGINIA LICENSE MAY PRACTICE REGISTERED PROFESSIONAL NURSING IN WEST VIRGINIA.

Section 4. Powers of the Board

4.1 Article 7, Chapter 30, Section 4, Code of West Virginia states "...The board is hereby authorized and empowered to:

(a) Adopt and, from time to time, amend such rules and regulations, not inconsistent with this article as may be necessary to enable it to carry into effect the provisions of this article;

(b) Prescribe standards for educational programs preparing persons for licensure to practice registered professional nursing under this article;

(c) Provide for surveys of such educational programs at such times as it may deem necessary;

(d) Accredit such educational programs for the preparation of practitioners of registered professional nursing as shall meet the requirements of this article and of the board;

(e) Deny or withdraw accreditation of educational programs for failure to meet or maintain prescribed standards required by this article and by the board;

(f) Examine, license and renew the license of duly qualified applicants;

(g) Conduct hearings upon charges calling for discipline of a licensee or revocation or suspension of a license..."
(1945, c.96, §6; 1965, c.120)

Section 5. Purpose of Accreditation

5.1 Protection of the public through evaluation of pre-service professional nursing programs in terms of the criteria hereinafter set forth.

5.2 Improvement in the quality of nursing care through the improvement of nursing education.

5.3 Guidance of prospective students in the selection of approved nursing programs.

5.4 Assurance of eligibility for state licensure to graduates of state accredited nursing programs.

Section 6. Policies for Accreditation of Professional Nursing Programs

6.1 Philosophy, Purpose and Objectives

There shall be no standardization. Each program shall be expected to have a clearly stated educational philosophy, purposes, and objectives which are realistic, educationally and socially acceptable, and which meet public expectation.

6.1.1 A program shall be expected to show that its program is designed to achieve the purposes stated, and that the faculty is competent to carry out the program.

6.2 Curriculum

A professional nursing program shall be judged by the total curriculum offered. The adequacy of instruction shall be evaluated on the basis of the methods used, the grading system, the performance of students on standardized tests and the state licensing examinations. The faculty shall endorse and teach ethical practices which are in keeping with the American Nurses' Association Code of Ethics, the philosophy and purposes of the school, and the expectations of students and the public.

6.3 Administration

The administration of the professional nursing program shall be evaluated in terms of the general system of administrative control, administration of the curriculum, and business administration, including financial accounting, projected expenditures, and the system of records and reports.

6.4 Faculty

Faculty competency shall be evaluated in terms of the individual's general and professional education and experience, and also in terms of the ability and adequacy of the group. Instructors should be prepared in their chosen fields, and well grounded in teaching techniques and functions. Such factors as professional, social and civic interests and activities, contributions to the nursing literature, and professional growth will be given consideration.

6.5 Students

Policies for students shall be evaluated by consideration of: the criteria for admission, promotion and graduation; provisions for orienting and counseling students; extra-professional activities; disciplinary procedures; and financial assistance.

6.6 Resources, Facilities and Services

6.6.1 The physical facilities shall be evaluated in terms of the adequacy and maintenance of offices, classrooms, laboratories, auditorium, and recreational facilities and resources.

6.6.2 The facilities of the library shall be evaluated on the basis of the number and variety of authoritative up-to-date general and special reference and other books, journals and periodicals. Evidence of their use shall be considered.

6.6.3 Clinical facilities shall be evaluated (1) in terms of their potential for implementation of the curriculum, (2) the ratio of patients to students, and (3) standards of nursing care.

6.7 Evaluation

The evaluation of a nursing program shall include attention to the policies adopted by the faculty for self-study and improvement.

Section 7. Establishment Of A New Program of Professional Nursing

7.1 Application for Legal Accreditation

7.1.1 An institution desiring to be accredited by the Board for the preparation of practitioners of registered professional nursing shall file an application with the Board, together with the information required and a fee of fifty dollars.

7.1.2 The institution shall submit written evidence that:
(a) it is prepared to give a program of nursing education which meets the standards prescribed by the Board and (b) it is prepared to meet all other standards prescribed in this article and by the Board.

7.2 Instruction and Practice in the Nursing Program

7.2.1 Instruction and practice may be secured in one or more institutions approved by the Board.

7.2.2 The institution or institutions with which the school is to be affiliated shall be surveyed by the executive secretary of the board.

7.2.3 If, in the opinion of the Board, the requirements for an accredited school to prepare practitioners of registered professional nursing are met, it shall approve the school as an accredited school.

Section 8. Accreditation of Nursing Program

8.1 Visits and Surveys

8.1.1 The Board shall establish dates for the executive secretary to survey all nursing programs.

8.1.2 The executive secretary shall prepare a written report of the visit to submit to the Board.

8.2 Maintenance of Accreditation Standards

If the Board determines that an accredited program is not maintaining the standards required by the Board, notice thereof in writing specifying the defect or defects shall be immediately given to the school.

8.3 Accreditation of an Existing Program When Ownership and Control Are Changed

8.3.1. When a change of ownership and control of a program is contemplated, a ninety day notice of such intended change shall be sent to the Board.

8.3.2 The controlling body expecting to assume responsibility for the program shall immediately make application for accreditation according to the procedure outlined in the law.

8.3.3. If the information submitted is satisfactory to the Board and if the owner or controlling body which will be responsible for the new program desires to comply with the recommendations of the Board, it may be provisionally accredited.

Section 9. Loss of Accreditation

9.1 Loss of Accreditation Through Failure to Meet Standards

A school which fails to correct deficiencies to the satisfaction of the Board within a reasonable time shall be removed from the list of accredited schools.

9.2 Loss of Accreditation Through Change of Organization

When a program changes ownership or control, accreditation will be automatically withdrawn. (For procedure whereby program may be continued see 8.3)

9.3 Loss of Accreditation When Last Student Graduates

The accreditation of a program will be automatically withdrawn on the day the last student completes curriculum requirements of the program that is closing.

Section 10. Closing of a Program

10.1 The Board shall be advised in writing of the intent to close the program by those responsible for it.

10.2 A plan which will safeguard the quality of instruction and practice during the closing period, and provide for transfer of students and custody of records shall be submitted to the Board for consideration and approval.

Section 11. Reports from Nursing Programs to the Board

11. The following reports are to be submitted to the Board:

11.1 Qualifications of Faculty and The Nurse Administrator.

At the time of appointment the school shall submit to the Board on special forms, a record of the qualifications of the faculty member or the nurse administrator.

11.2 Major Changes in the Nursing Curriculum or the Nursing Program.

11.2.1 Nine copies of the proposed major changes in the curriculum or nursing program pattern currently approved by the Board shall be sent to the Board office one month in advance of a regular Board meeting.

11.2.2 Changes shall not be effected unless and until official approval is received.

11.2.3 Whenever possible the nurse administrator should plan to be present at the board meeting to explain and clarify points as they come up for discussion and consideration.

11.2.4 Major changes are considered to be:

(1) Changes in philosophy, purposes, objectives, conceptual framework and implementation thereof, other than sentence structure.

(2) Change in total number of credits of the nursing program.

(3) Change, addition, or deletion of clinical facilities.

11.2.5 The copies of the request for major changes in the curriculum or program are to include:

(1) Old curriculum and/or program

(2) New curriculum and/or program.

(3) Rationale for change.

11.3 Annual Report of Nursing Program

An annual report is required from each program on forms furnished by the Board. The original and eight copies of the report should be submitted to the Board. Included in the report shall be data on:

11.3.1 Progress toward achievement of plans and objectives of the program as stated in previous annual report.

11.3.2 Description of the preparation and qualifications of faculty members. The continued professional development and other accomplishments of the faculty.

11.3.3 Policies used for selection, promotion, and graduation of students.

11.3.4 Policies followed in safeguarding the health and well being of students.

11.3.5 Data on current student enrollment (including admissions, graduations, and attrition); and faculty responsibilities.

11.3.6 Development, evaluations, and changes in the school curriculum plan.

11.3.7 Annual fiscal report for the nursing program.

11.4 Self-Evaluation Study

11.4.1 At the request of the Board the faculty of a nursing program shall engage in a thorough evaluation of the nursing program. The study shall be based on the rules and regulations, "Criteria for the Evaluation and Accreditation of Professional Nursing Programs."

11.4.2 The Self-Evaluation activities shall include:

11.4.2.1 An evaluation of the validity of the philosophy and the objectives in terms of current trends and needs in nursing education.

11.4.2.2 An evaluation of the extent to which the nursing program is achieving the objectives, based on an analysis of all of its activities.

11.4.2.3 Identification of the methods by which the objectives may be more fully attained.

11.5 The Written Self-Evaluation Report

11.5.1 The Self-Evaluation Report shall follow the format provided by the Board.

11.5.2 Submit nine copies of the written Self-Evaluation Report along with nine copies of the current catalog to the Board one month prior to the scheduled Board visit.

11.5.3 The Self-Evaluation Report and the Visitors' Report will be used by the Board for the evaluation of the nursing program for accreditation status.

ANALYSIS OF PROPOSED LEGISLATIVE RULES

Agency: Board of Examiners for Registered Professional Nurses

The proposed legislative rule consists of four separate series which are to be considered as one rule. The fiscal impact, pertinent dates and authority stated below are relevant to the proposed legislative rule as a whole. While each series is separately abstracted, only one analysis has been done for the proposed legislative rule.

PERTINENT DATES

Filed for public comment: May 29, 1985
Public comment period ended: July 9, 1985
Filed following public comment period: August 28, 1985
Filed LRMRC: August 28, 1985
Filed as emergency:

Fiscal Impact: \$1,068,020.00

AUTHORITY

Statutory authority: W.Va. Code, §30-7-4(a) and (b) which reads as follows:

... The board is hereby authorized and empowered to:

- (a) Adopt and, from time to time, amend such rules and regulations, not inconsistent with this article, as may be necessary to enable it to carry into effect the provisions of this article;
- (b) Prescribe standards for educational programs preparing persons for licensure to practice registered professional nursing under this article;
- (f) Examine, license and renew the licenses of duly qualified applicants.

Subject: Proposed rules and regulations governing the policies, requirements and recommendation for accredited programs of professional nursing in West Virginia (Series I)

ABSTRACT

Section 1 is a general section setting forth the scope of the rules, the authority for the rules, the filing and effective date of the rules and the repeal of the former rules. The proposed legislative rules are to go into effect on July 1, 1992 and repeal the Board's rules which were filed December 17, 1982.

Section 2 defines terms. The terms "professional nursing program" and "professional nursing program or school" are defined to require a minimum of a baccalaureate degree in nursing.

Section 3 states that, as provided by law, only those persons holding a current West Virginia license may practice registered professional nursing in West Virginia.

Section 4 delineates the powers of the Board. It merely quotes the law word for word. Among the powers delegated to the Board is the power to prescribe standards for educational programs preparing persons for licensure to practice registered professional nursing.

Section 5 sets forth the purposes of accreditation which include the improvement in the quality of nursing care through the improvement of nursing education.

Section 6 specifies the policies for accreditation of professional nursing programs. This section outlines the guidelines which the Board will be using in evaluating a program's philosophy, purpose and objectives; curriculum; administration; faculty; students and resources, facilities and services.

Section 7 outlines the procedures necessary for an institution to acquire accreditation. An institution must file an application with the Board along with a fee of fifty dollars. Instruction and practice may be split among several approved institutions. After a survey of the institution or institutions by the Executive Secretary of the Board, the Board is to approve it or them if all requirements have been met.

Section 8 relates to accreditation of nursing programs. The Board is to establish dates for the Executive Secretary to survey all nursing programs. The Executive Secretary is to submit to the Board a written report for each visit. An accredited program which is not maintaining required standards is to receive written notice of the deficiencies. When there is a change in ownership or control of a program, ninety days notice of the intended change must be given to the Board and application for accreditation must be made immediately.

Section 9 provides three ways in which an institution may lose its accreditation. They are (1) failure to correct deficiencies to the Board's satisfaction within a reasonable time, (2) change of ownership or control or (3) graduation of the last student for a program which is closing.

Section 10 requires written notification to the Board of the intent to close a program. A plan is also to be submitted to the Board for its approval which would safeguard the quality of instruction and practice during the closing period and provide for the transfer of students and custody of records.

Section 11 lists those reports which must be submitted to the Board from nursing programs.

Subject: Proposed rules and regulations setting forth
criteria for the evaluation and accreditation
of professional nursing programs in West Virginia.
(Series II)

ABSTRACT

Section 1 is a general section setting forth the scope of the rules, the authority for the rules, the filing and effective date of the rules and the repeal of the former rules. The proposed legislative rules are to go into effect on July 1, 1992 and repeal the Board's rules which were filed December 17, 1982.

Section 2 requires each nursing program to have a stated philosophy and purpose and to carry out its purposes.

Section 3 requires that a nursing program be administered by a registered professional nurse with a BSN, a MSN and a doctorate in nursing or education, who has five years of professional experience including two years as a nurse administrator or an instructor in a nursing program. This section also requires a written agreement between an institution and an agency providing clinical practice, which agency must be accredited by the appropriate accrediting body.

Section 4 relates to faculty. All faculty members must have, as a minimum, an MSN degree and two years professional nursing experience.

Section 5 concerns students in the nursing program. Criteria is to be established regarding the selection and

admission of students. Completion of high school or an equivalent is required for admission to a nursing program.

Section 6 outlines general concepts which should be included in the curriculum of a professional nursing program. Areas from which courses must be offered include nursing, physical and biological science, behavioral sciences, humanities and supportive courses.

Section 7 requires that programs have access to adequate resources, facilities and services. Agreements with facilities providing clinical practice are to ensure that faculty members have control of the students and freedom to select the area of practice.

Section 8 requires that accurate and suitable records be kept, including records on every student.

Section 9 states that graduation signifies that the candidate has satisfied all requirements of the college or university granting the degree.

Section 10 requires the faculty to recommend the eligible graduates to the Board for admission to the state licensure examination.

Subject: Proposed rules and regulations outlining requirements for registration and licensure as a registered professional nurse in West Virginia. (Series III)

ABSTRACT

Section 1 is a general section setting forth the scope of the rules, the authority for the rules, the filing and effective date of the rules and the repeal of the former rules. The proposed legislative rules are to go into effect on July 1, 1992 and repeal the Board's rules which were filed December 17, 1982.

Section 2 relates to the procedure for applying for the licensure examinations and the qualifications which an applicant must possess. An applicant must have a high school degree or its equivalent, and must have a diploma from an accredited school as well as a recommendation by the faculty. Applicants who are graduates of foreign nursing schools must submit evidence of certification by the Commission on Graduates of Foreign Nursing Schools that the applicant passed the CCFNS examination. Qualifications for veterans are also listed.

Application forms are to be completed and returned to the Board at least forty-five days in advance of the examination. The school is to submit a transcript of the student's record at least thirty days in advance of the examination date.

Section 3 concerns examination dates and admission to an examination. The Board is to specify dates for the examinations and is required to mail a notice of the time and place to the directors of schools of nursing, ninety days prior to the examination. Candidates will receive an admission card with an attached photograph. The candidate must present the card in order to be admitted to the examination.

Section 4 allows the Board to determine that score which is necessary to pass the licensure examination. Those who pass the examination will receive an official report along with a certificate and license for the current year. Those who do not pass the examination will receive an official report and a request to return the temporary permit.

Section 5 allows the examination to be repeated.

Section 6 requires the Board to issue a temporary permit to candidates taking the licensure examination, upon receipt of a completed application and an official transcript. The temporary permit is not renewable.

Section 7 requires RNs wishing to endorse into the state to meet the qualifications required of RNs in West Virginia at the time of graduation.

Section 8 requires a nurse to renew her license annually.

Section 9 allows a nurse to replace a lost or destroyed certificate of licensure or certificate of annual re-registration.

Section 10 merely refers to the section of the code relating to licensure of nurse-midwives.

Subject: Proposed rules and regulations outlining the legal standards of nursing practice for the registered professional nurse in West Virginia. (Series IV)

ABSTRACT

Section 1 outlines the scope of the proposed rules, the authority under which they are promulgated, their filing date and their effective date. The proposed rules are to go into effect on July 1, 1992.

Section 2 states that the purpose of the standards is to establish minimal acceptable levels of safe practice for the registered professional nurse.

Section 3 outlines standards to be used by the registered professional nurse in applying the nursing process.

Section 4 sets forth standards relating to the responsibilities of the registered professional nurse as a member of the nursing profession.

ANALYSIS

I. HAS THE AGENCY EXCEEDED THE SCOPE OF ITS STATUTORY AUTHORITY IN APPROVING THE PROPOSED LEGISLATIVE RULE?

No. Under the above-cited code provision, the Board has the authority to promulgate rules and regulations, to prescribe standards for nursing programs, and to accredit nursing programs.

II. IS THE PROPOSED LEGISLATIVE RULE IN CONFORMITY WITH THE INTENT OF THE STATUTE WHICH THE RULE IS INTENDED TO IMPLEMENT, EXTEND, APPLY, INTERPRET OR MAKE SPECIFIC?

Yes. The Legislature clearly intended that the Board set the standards for the registration and licensing of registered professional nurses in this State and that the Board set standards for nursing programs and accredit those programs meeting the standards.

III. DOES THE PROPOSED LEGISLATIVE RULE CONFLICT WITH OTHER CODE PROVISIONS OR WITH ANY OTHER RULE ADOPTED BY THE SAME OR A DIFFERENT AGENCY?

There is no actual conflict between the proposed legislative rule and other code provisions or any other rule. However, there are two issues, which relate to other rules, of which the Committee should be aware. First, the proposed legislative rule would repeal the Board's current rules, which repeal would occur on the effective date of the legislation.

But, the proposed legislative rule does not become operational until 1992. In effect, the Board would be without rules in the interim. Since it is doubtful that this is the Board's intent, this language needs to be rewritten.

Second, there may be a need to coordinate the legislative rules of this Board and the Board of Licensed Practical Nurses. The Board in proposing these rules is only implementing one half of the national plan which envisions not one, but two levels of nursing. The national plan contemplates professional nurses (BSNs) and technical nurses (ADNs), whereas the proposed legislative rules only speak to the professional nurse. The LPN would in effect be the technical nurse, but what of the requirement that the technical nurse have an associate degree as a minimum? Should half of the national plan be implemented; should the LPN Board revise its educational and licensing standards; or has the need for both boards been eliminated if the national plan is implemented? These questions need to be answered before the proposed legislative rules are promulgated.

IV. IS THE PROPOSED LEGISLATIVE RULE NECESSARY TO FULLY ACCOMPLISH THE OBJECTIVES OF THE STATUTE UNDER WHICH THE PROPOSED RULE WAS PROMULGATED?

The necessity of this rule to fully accomplish the objectives of the statute depends on whether or not the Legislature agrees with the concept of requiring all RNs to have a baccalaureate degree. If the Legislature does not agree with this concept, the rules are not necessary because the Board currently has rules implementing the statute.

V. IS THE PROPOSED LEGISLATIVE RULE REASONABLE, ESPECIALLY AS IT AFFECTS THE CONVENIENCE OF THE GENERAL PUBLIC OR OF PERSONS AFFECTED BY IT?

This question is very debatable, as evidenced by the testimony presented at a public hearing held by the Board on July 9, 1985 and by correspondence received by the Board. The following comments excerpted from the transcript of the hearing and the correspondence show the drastic division which these rules have caused within the nursing profession.

COMMENTS IN FAVOR

1. The revised standards are to become effective July 1, 1992 and are to affect only future nursing students. They would not affect anyone taking the examination prior to February 1992.
2. The rules do not affect LPNs.

3. Nursing is the only health discipline that does not require a baccalaureate degree as a minimal level of entry. It is only one of the few which does not require some type of internship.
4. There are three main areas of change in the nursing profession: (1) an increasing knowledge base; (2) increasing technology and (3) increasing complexity. It is impossible to prepare nurses to function in this capacity in two or three years.
5. Under current health care trends, nurses must be able to function autonomously, use sophisticated decision-making skills and independently operationalize nursing care and health education programs with individuals and groups in a variety of settings.
6. There is a market demand for BSNs.
7. The quality of nursing care improves in relation to educational background but the cost of nursing care does not increase.
8. There is currently minimal to no salary differential between nurses with baccalaureate degrees and those with associate or diploma degrees.
9. There would be some decreased cost attributable to less downtime and more independent role actions.
10. It is actually cheaper to go to basic four-year programs than the two plus two programs.
11. The maximum productivity of each employee at the bedside is determined by licensure and the legal accountabilities associated with that licensure. There is a need to have one level of professional nurse.
12. In answer to the argument that associate degree nurses and diploma degree nurses have higher passing rates on the examinations, it is argued that the examination is written with the diploma and associate degrees in mind.

COMMENTS OPPOSED

1. The public will be faced with the increased health care costs.
2. Higher numbers of diploma and associate degree nurses pass the licensing examination on the first try.

3. For the 1984 National Council Licensure Examination for RNs the passing scores were as follows:

| | <u>Mean Score</u> | <u>% Passing first time</u> |
|---------|-------------------|-----------------------------|
| AD grad | 1988.7 | 90 |
| Diploma | 1979.7 | 92 |
| BSN | 1917.6 | 86 |

4. Down the road, diploma and associate degree nurses will be considered second-class nurses.
5. There are no empirical studies proving BSNs make better nurses.
6. The educational program toward the BSN decreases the hours of nursing classes in favor of liberal arts classes.
7. Seventy percent of RNs in West Virginia are not BSNs.
8. There would be an escalation in cost of nursing education by as much as 83%.
9. Restricting entry into nursing is most likely to affect those in rural areas, those of a lower socio-economic class and minorities.
10. The proposed legislative rules are inconsistent with the national plan and with the professional organization's position on nursing education, both of which provide for two levels of entry for nursing, registered professional nurses and technical nurses. The proposed legislative rule would limit professional and educational mobility for those being current LPSs as well as associate degree and diploma nurses.
11. There would be endorsement problems for nurses wishing to enter the State.
12. The current educational system is not in place to accommodate this change.
13. Licensure data for West Virginia from June of 1985 shows that 35.8% of the RNs have an associate degree, 47.4% of the RNs have a diploma degree, 13.8% of the RNs have a BSN degree, 2.7% of the RNs have an MSN degree and .3% of the RNs have their doctorate.
14. LPNs will be forced to start over since colleges will not give credit for vocational technical courses.

15. Annual tuition and fees currently for an ADN degree are \$1,600, for a BSN at a state school, \$4,800 and for a BSN at a private school is \$20,000.
16. A national poll of nurses showed that in 1980, 70% were opposed to the BSN as entry level and in 1981, 80% were opposed.
17. There is a lack of nurse educators. There is currently only one masters program and no doctoral program in West Virginia.
18. A systematic plan of implementation needs to be projected, including a cost analysis.
19. The Board of Regents was asked to review the proposed legislative rules and the effect they would have upon the education system in this state. In its report, The Board of Regents stated that since no other state has adopted this proposal, there is no objective experience available to allow assessment of the concept. The Board of Regents reported that there are currently eight (8) BSN and eight (8) ADN programs in this state which typically graduate and register 450 nurses annually, which is 63% of the professional nurses currently educated in West Virginia. Increasing the number of years of training will have a negative impact on the number of nurses that could be educated.

The Board of Regents pointed out that there would be a need of legislative approval and appropriation of funds to implement the additional system and that the output of nurses would be drastically reduced during the transition.

In estimating the total cost of conversion, the Board of Regents determined there would be \$436,575 in one time start-up costs and \$869,650 in continuing annual increases, as well as a potential loss of \$1.3 million in federal vocational education funds.

The Board of Regents recommended beginning by converting ADN program to BSN program at the various institutions and that the implementation be extended by at least two to four years.

In the absence of agreement among the members of the nursing profession as to the reasonableness of the proposed legislative rules, the Committee must make the determination as to whether or not the rules are reasonable. The proposed rules would affect not only members of the nursing profession

but also the general public which could face increased health care cost and would through taxes be required to pay the costs of upgrading the nursing programs.

VI. CAN THE PROPOSED LEGISLATIVE RULE BE MADE LESS COMPLEX OR MORE READILY UNDERSTANDABLE BY THE GENERAL PUBLIC?

Definitely. To begin with a large part of the proposed legislative rule merely restates the code. This unnecessary language could be removed, making the proposed legislative rule more concise. There are also instances of ambiguous terms and language which is not specific enough, all of which is too time consuming to set forth in this abstract. Should the Committee agree to the concept envisioned by the Board, counsel would be available to assist the Board in rewriting the rules to make them less complex and more understandable to the general public.

VII. WAS THE PROPOSED LEGISLATIVE RULE PROMULGATED IN COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 29A, ARTICLE 3 AND WITH ANY REQUIREMENTS IMPOSED BY ANY OTHER PROVISION OF THE CODE?

The proposed legislative rules were not accompanied by a brief summary of content and a statement of circumstances which require the rule as required by W.Va. Code, §29A-3-11 (a) and (3).

STATE OF WEST VIRGINIA
BOARD OF EXAMINERS FOR REGISTERED PROFESSIONAL NURSES

SUITE 309, EMBLETON BUILDING

922 QUARRIER STREET



Garnette Thorne, B.S.N., M.S., R.N.
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CHARLESTON, WEST VIRGINIA 25301

PROPOSED ADMINISTRATIVE RULES AND REGULATIONS
FOR
REGISTERED PROFESSIONAL NURSES
EDUCATION, LICENSURE, AND PRACTICE
IN
WEST VIRGINIA

FILED
1985 AUG 28 AM 10:46
SECRETARY OF STATE

STATE OF WEST VIRGINIA

BOARD OF EXAMINERS FOR REGISTERED PROFESSIONAL NURSES

SUITE 309, EMBLETON BUILDING

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PROPOSED RULES

STATE REGISTER FILING

AGENCY: WEST VIRGINIA BOARD OF EXAMINERS FOR REGISTERED PROFESSIONAL NURSES

CONTACT PERSON: MISS GARNETTE THORNE, M.S., R.N., PHONE: (304) 348-3596

TYPE OF RULE: LEGISLATIVE

TITLE OF RULES:

- SERIES I: POLICIES, REQUIREMENTS AND RECOMMENDATIONS FOR ACCREDITED PROGRAMS OF PROFESSIONAL NURSING IN WEST VIRGINIA
- SERIES II: CRITERIA FOR THE EVALUATION AND ACCREDITATION OF PROFESSIONAL NURSING IN WEST VIRGINIA
- SERIES III: REQUIREMENTS FOR REGISTRATION AND LICENSURE AS A REGISTERED PROFESSIONAL NURSE
- SERIES IV: LEGAL STANDARDS OF NURSING PRACTICE FOR THE REGISTERED PROFESSIONAL NURSE IN WEST VIRGINIA

CHAPTER 30 ARTICLE 7 SERIES I - II - III - IV

AUTHORITY 30-7-4- (a) (b)

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|---|--|
| <input checked="" type="checkbox"/> NEW RULE | <input type="checkbox"/> NOTICE OF HEARING |
| <input type="checkbox"/> AMENDMENTS TO EXISTING RULE | <input checked="" type="checkbox"/> NOTICE OF AGENCY APPROVAL (legislative rules only) |
| <input checked="" type="checkbox"/> REPEAL OF EXISTING RULE | <input type="checkbox"/> NOTICE OF AGENCY ADOPTION (interpretive & procedural rules only) |
| | <input type="checkbox"/> FINAL FILING |
| | <input type="checkbox"/> FIRST EMERGENCY FILING |
| | <input type="checkbox"/> SECOND EMERGENCY FILING |

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PROMULGATION HISTORY ABSTRACT

Rule Title:

- SERIES I: Policies, Requirements and Recommendations for Accredited Programs of Professional Nursing in West Virginia.
- SERIES II: Criteria For The Evaluation and Accreditation of Professional Nursing Programs in West Virginia.
- SERIES III: Requirements For Registration and Licensure as a Registered Professional Nurse in West Virginia.
- SERIES IV: Legal Standards of Nursing Practice for the Registered Professional Nurse in West Virginia.

Rule Type: Legislative

Filed Notice for Public Hearing: May 29, 1985

Public Hearing Held: July 9, 1985

Filed Agency Approved Rules with Secretary of State: August 28, 1985

Filed Agency Approved Rules with Legislative Rule Making Committee:
August 28, 1985

Garnette Thorne, M.S.N., R.N.
Miss Garnette Thorne, M.S., R.N.
Executive Secretary

Date Filed: August 28, 1985

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