

**WEST VIRGINIA
SECRETARY OF STATE**

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Do Not Mark In this Box

FILED

Nov 28 11 50 AM '94

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Form #4

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

West Virginia Board of Examiners for
Registered Professional Nurses
AGENCY: _____ TITLE NUMBER: _____ 19

CITE AUTHORITY §30-8-4 and §30-1-4

AMENDMENT TO AN EXISTING RULE: YES ☒ NO ☐

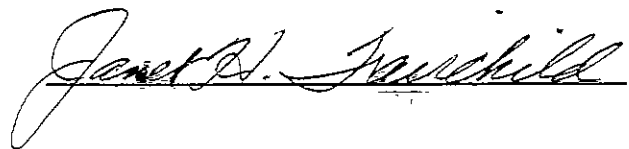
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 19CSR3

TITLE OF RULE BEING AMENDED: Requirements for Licensure
and Registration

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE RULE
MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT
BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE
FILED WITH THE SECRETARY OF STATE.



FILED

TITLE 19
LEGISLATIVE RULES
WEST VIRGINIA BOARD OF EXAMINERS FOR
REGISTERED PROFESSIONAL NURSES

May 28 11 50 AM '94
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SERIES 3

REQUIREMENTS FOR REGISTRATION AND LICENSURE

§ 19-3-1.General.

- 1.1. Scope. -- This rule establishes the requirements for registration and licensure of a registered professional nurse.
- 1.2. Authority. -- West Virginia Code §30-7-4 and §30-1-4.
- 1.3. Filing Date. -- _____.
- 1.4. Effective Date. -- _____.
- 1.5. Repeal of former rule.-- This legislative rule repeals and replaces WV 19CSR3 "Requirements for Registration and Licensure" filed December 17, 1982 and effective December 17, 1982.

§ 19-3-2.Definitions.

- 2.1. The following words and phrases as used in this rule shall have the following meanings, unless the context otherwise requires:
 - 2.1.1. "Board" means the West Virginia board of examiners for registered professional nurses;
 - 2.1.2. "Certificate of registration" means a document issued by the board upon original licensure by examination in West Virginia;
 - 2.1.3. "Licensure card" means the wallet-sized document issued annually to indicate current registration or re-registration; and

- 2.1.4. "Temporary permit" means a permit authorizing the holder to practice registered professional nursing in this state until the permit is no longer effective or the holder is granted a license by the board (West Virginia Code §30-7-1 (a)). The holder of a temporary permit is subject to all provisions of West Virginia Code § 30-7-1 *et.seq.*, and all other relevant sections of the West Virginia Code and rules promulgated by the board.

§ 19-3-3.Application for Examination.

3.1. Qualifications for application.

3.1.1. Preliminary education of applicant.

An applicant for a license to practice as a registered professional nurse in West Virginia must have completed an approved four-year high school course of study or the equivalent thereof, as determined by the appropriate educational agency.

3.1.2. Personal qualifications of applicant.

An applicant must be of good moral character.

3.1.3. Educational qualifications of applicant.

An applicant must have completed the basic curriculum in a program in nursing education approved by the board, or in a school accredited or approved by a comparable board or other recognized authority in another jurisdiction. He or she must hold a diploma from that school and be recommended to the board by the faculty of the school of nursing.

3.1.4. In lieu of the educational qualifications specified in subdivision 3.1.3. of

this rule, an applicant qualifying under West Virginia Code §30-24-1 *et seq.* shall meet the following requirements:

- a. An applicant must have served on active duty in the medical corps of any of the armed forces of the United States and must have successfully completed the course of instruction(s) required to qualify her or him for rating as a medical specialist advanced, medical service technician or advanced hospital corpsman technician, or other equivalent rating in her or his particular branch of the armed forces;
- b. The applicant must have been honorably discharged from military service.

3.2. Filing of Application.

3.2.1. Applicant educated in the United States.

- a. An applicant for licensure by examination shall submit or cause to be submitted the information as specified in the following subsections to the board office:
 - a.1. A completed board application forty-five (45) days prior to the date the applicant wishes to take the examination;
 - a.2. The required fee for licensure by examination of fifty-one dollars and fifty cents (\$51.50). Payment must be in the form of a cashier's check or money order, and made payable to the West Virginia board of examiners for

registered professional nurses. Application fees are not refundable, nor applicable to other test dates;

a.3. One (1) passport type identification photograph of the applicant signed on the front by both the applicant and the director of the nursing education program completed by the applicant; and

a.4. An official transcript shall be sent directly to the office of the board from a board approved nursing education program. The official transcript may be submitted after the forty-five (45) day filing deadline, but shall be submitted at least two weeks prior to the examination date. The application will not be considered for approval until the final, official transcript is received in the board office.

b. An applicant for licensure by examination shall submit directly to the test service a completed national council licensure examination (NCLEX-RN) application with the application fee forty-five (45) days prior to the date the applicant wishes to take the examination.

c. The authorization to test for any one application is valid for ninety (90) days, and may not be extended.

3.2.2. Applicant educated in another country.

a. An applicant who was educated in another country and who seeks licensure by examination shall submit or cause to be submitted the

information as specified in the following subsections:

- a.1. A completed board application forty-five (45) days prior to the date the applicant wishes to sit for the examination;
 - a.2. The required fee for licensure by examination of fifty-one dollars and fifty cents (\$51.50). Payment must be in the form of a cashier's check or money order, and made payable to the West Virginia board of examiners for registered professional nurses. Application fees are not refundable, nor applicable to other test dates;
 - a.3. One (1) passport type identification photograph of the applicant signed on the front by the applicant;
 - a.4. A copy of the certificate issued by the commission on graduates of foreign nursing schools (CGFNS), as specified in 19CSR4 Qualification of Graduates of Foreign Nursing Schools for Admission to the Professional Nurse Licensing Examination; and
 - a.5. A copy of the transcript from a professional nursing education program, translated in the english language, if requested by the board.
- b. An applicant for licensure by examination shall submit directly to the test service a completed national council licensure examination (NCLEX-RN) application with the application fee forty-five (45)

days prior to the date the applicant wishes to take the examination.

- c. The authorization to test for any one application is valid for ninety (90) days, and may not be extended.

3.2.3. Applicant pursuant to West Virginia Code §30-24-1 *et. seq.* (veterans).

- a. An applicant for licensure by examination who qualifies under West Virginia Code §30-24-1 *et. seq.* (veterans) shall submit or cause to be submitted the information as specified in the following subsections to the board office:

- a.1. A completed board application forty-five (45) days prior to the date the applicant wishes to take the examination;
- a.2. The required fee for licensure by examination of fifty-one dollars and fifty cents (\$51.50). Payment must be in the form of a cashier's check or money order, and made payable to the West Virginia board of examiners for registered professional nurses. Application fees are not refundable, nor applicable to other test dates;
- a.3. One (1) passport type identification photograph of the applicant signed on the front by the applicant;
- a.4. An official copy of military form DD214 directly from the national personnel records center; and
- a.5. Any additional information requested by the board including but not be limited to:

- (a). Copies of certificates of completion for military education; and
 - (b). Course outlines for military education documenting nursing science content in the training program.
- b. An applicant for licensure by examination who qualifies under West Virginia Code §30-24-1 *et. seq.* shall submit directly to the test service a completed national council licensure examination (NCLEX-RN) application with the application fee forty-five (45) days prior to the date the applicant wishes to take the examination.
- c. The authorization to test for any one application is valid for ninety (90) days, and may not be extended.

§ 19-3-4. Temporary permit to practice as a registered professional nurse.

- 4.1. A temporary permit issued to an applicant awaiting initial examination for licensure as a registered professional nurse is valid until three (3) days from the date the applicant's licensing examination results are mailed from the office of the board.
- 4.2. A temporary permit may be issued to an applicant for examination following graduation from a state approved nursing education program. The temporary permit expires ninety (90) days following graduation, or at the time licensure examination results are announced, whichever comes first. No temporary permit is renewable.

- 4.3. The board shall not issue a temporary permit which permits the holder to practice registered professional nursing while awaiting initial examination for licensure and the reporting of the results of the examination until it has received and approved an application for licensure by examination.
- 4.3. The holder of a temporary permit is subject to all provisions of West Virginia Code § 30-7-1 *et.seq.* and all other relevant provisions of the West Virginia Code and rules promulgated by the board.

§ 19-3-5.Licensure Examination.

- 5.1. The licensure examination is the national council licensure examination for registered nurses (NCLEX-RN) which is owned and controlled by the national council of state boards of nursing. The computer adaptive version of this examination (NCLEX-RN) shall be the licensure examination following its adoption and implementation by the national council of state boards of nursing.
- 5.2. The board determines the availability of the examination dates, times, and places of administration.

§ 19-3-6.Failure to pass licensure examination.

- 6.1. An applicant for licensure by examination who fails to attain a passing score on the examination shall, upon notification of examination results, immediately return any temporary permit to practice registered professional nursing to the office of the board.
- 6.2. In considering an application for licensure by examination, the number of times the applicant has taken the licensing examination shall include each time that the

applicant has taken an examination for licensure as a registered professional nurse in any jurisdiction.

- 6.3. In the event an applicant fails the licensure examination two times, he or she may petition the board for permission to repeat the licensure examination. Approval by the board to repeat an examination after two failures may be denied if more than two years has lapsed since the applicant graduated from a nursing education program. In addition, the board may deny approval to repeat the examination after two failures if the applicant cannot show in the petition to repeat the examination more than two times that any further education has been taken by the applicant to correct deficiencies in his or her nursing knowledge.
- 6.4. An examination applicant may not repeat the licensure examination more than four times per year, nor more often than every ninety (90) days, even if the examination is available from the testing service at more frequent intervals.
- 6.5. A repeat examination applicant shall complete the application for examination as specified in section 3.2. of this rule.

§ 19-3-7.Licensure by endorsement.

- 7.1. An applicant for licensure by endorsement shall complete and submit to the board an application for licensure by endorsement along with the non-refundable fee of thirty dollars (\$30.00) in the form of a money order or cashier's check. Applicants for licensure by endorsement must be currently licensed in another state and must have passed the licensure examination that was used in the state

of West Virginia at the time of his or her graduation from a professional nursing education program.

7.2. Temporary permit for endorsement applicant.

The holder of a temporary permit is subject to all provisions of West Virginia Code §30-7-1 *et. seq.* and all other relevant sections of the West Virginia Code and rules promulgated by the board.

7.2.1. A complete endorsement application shall be on file in the board office prior to the issuance of a temporary permit including the notarized form, identification photograph, and endorsement application fee of thirty dollars (\$30.00).

7.2.2. A complete board application for a temporary permit for an endorsement applicant shall be on file in the board office including the form and the ten dollar (\$10.00) fee prior to the issuance of a temporary permit.

7.2.3. The temporary permit expires ninety (90) days from the date of issuance and the expiration date shall be printed on the temporary permit.

7.2.4. The holder of the temporary permit shall immediately return the temporary permit upon request of the board. Failure to complete the endorsement application for full licensure does not entitle the temporary permit holder to an extension of the temporary permit. In the event that the ninety (90) day period expires prior to the completion of the required procedure for licensure by endorsement by an applicant licensed as a registered professional nurse in another state, territory, or foreign country,

a satisfactory explanation must be furnished to the board prior to any subsequent request for endorsement by that applicant. If the explanation is considered acceptable by the board, the applicant must repeat the process for endorsement in its entirety.

7.2.5. A temporary permit is not renewable, and the board shall not extend the initial ninety (90) day period.

7.2.6. The holder of any temporary permit to practice registered professional nursing shall furnish the board with his or her address and telephone number, and the name, address, and telephone number of his or her employer at all times while the permit is effective.

7.2.7. The board shall not issue a temporary permit if it determines upon satisfactory proof that the applicant has in any way falsified his or her qualifications for the temporary permit.

7.2.8. The board shall not issue the temporary permit if it is presented with satisfactory proof that the applicant has any action pending against his or her license to practice registered professional nursing in another state, territory, or foreign country, or if the license is encumbered in any way.

7.2.9. A temporary permit becomes void during the ninety (90) days if it is determined by the board, upon satisfactory proof, that full licensure will be denied for any of the causes set forth in West Virginia Code §30-7-6. In addition, the expiration of the temporary permit may occur prior to ninety (90) days in the event that the board revokes the permit.

§ 19-3-8.Change of name and/or address.

8.1. Change of name.

If a licensee legally changes his or her name through marriage, divorce court order or other means, he or she must send this information to the office of the board. The information shall include both the full prior name and the new name, in a properly executed affidavit. The licensee must submit this affidavit along with the fee of five dollars (\$5.00).

8.2. Change of residence/mailling address.

A licensee shall also notify the board of any change in residence and/or mailing address within thirty (30) days of the change. This notification must be submitted in writing to the board office.

§ 19-3-9.Renewal of license.

9.1. Annual renewal of license.

The renewal period for registered professional nursing licenses is annual and occurs from January 1 to December 31 of each year. The fee for licensure renewal is twenty-five dollars (\$25.00). The deadline for receipt of the renewal application and fee is thirty days after receipt of the renewal application.

9.2. Request for inactive status.

If not practicing, and in the absence of disciplinary action pending against the license, the nurse may request his or her name be entered on the inactive list by the executive secretary of the board by completing the renewal application furnished by the board and indicating his or her desire to be placed on inactive

status. The licensee's records will then be designated "inactive". The inactive licensee may, upon application and payment of the current fee, receive an active license to practice registered professional nursing in West Virginia. The board may inquire into activities and events during the term of the inactive license period. No fee is required for inactive status and no license is issued.

§ 19-3-10.Reinstatement of lapsed license.

10.1. Non-renewal of license.

The registered nurse's license lapses due to the licensee's failure to renew the license before the current license expires.

10.2. The fee to reinstate a lapsed license is fifty dollars (\$50.00), and is in addition to the regular renewal fee of twenty-five dollars (\$25.00).

§ 19-3-11.Verification of licensure to another state board of nursing.

11.1. The board will furnish a certified statement verifying West Virginia licensure to the board responsible for the licensure of registered professional nurses in another state upon submission of a written request by the licensee for the verification and payment of a thirty dollar (\$30.00) fee. If the licensee is a graduate of a school which has closed and his or her records are on file in the board office, the board will provide a copy of school records upon written request and payment of five dollars (\$5.00) for copying.

§19-3-12.Loss of certificate of registration or current licensure card.

12.1. To replace a lost or destroyed certificate of registration the nurse shall send an affidavit certifying the loss or destruction of the certificate of registration and a

fee of five dollars (\$5.00) to the board.

12.2. To replace a lost or destroyed current licensure card the nurse shall send an affidavit certifying the loss and a fee of five dollars (\$5.00) to the board.

12.3. The board may publish notice of the issuance of a duplicate certificate of registration or current licensure card.

§19-3-13. Penalty for presentation of non-negotiable check.

13.1. The board shall assess a fee not to exceed fifteen dollars (\$15.00) to any individual who presents a check payable to the board that is later returned by the bank as non-negotiable. The presenter of the non-negotiable check shall redeem the non-negotiable check within fourteen (14) days of notification by certified mail. This fee is in addition to any reinstatement or other fee which may additionally become due because the applicant or licensee submits an application or registration form after a board deadline. The applicant, licensee, or other person who presents a non-negotiable check shall redeem it with cash, money order, or cashier's check.

13.2. If fees are not paid within 14 days for a non-negotiable check submitted with an application for renewal or reinstatement or any other application form, the license or temporary permit of a registered professional nurse is no longer valid.



FILED

Nov 15 10 05 AM '94

West Virginia Legislature
Legislative Rule-Making Review Committee

Room M-152, State Capitol
Charleston, West Virginia 25305
(304) 340-3286

CLERK OF WEST VIRGINIA
SECRETARY OF STATE

Senator Joe Manchin, III, Co-Chair
Delegate Brian A. Gallagher, Co-Chair

November 14, 1994

Debra A. Graham, Counsel
Marie Nickerson, Admr. Assistant

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register

TO: Ms. Janet H. Fairchild, M.S., R.N.
Executive Secretary
Bd. Exam. Reg. Professional Nurses
101 Dee Drive
Charleston, WV 25311-1620

FROM: Legislative Rule-Making Review Committee

PROPOSED RULE: Requirements for Licensure and Registration

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative Rule
 - (a) as originally filed
 - (b) as modified by the agency X
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached. _____
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
5. Recommends that the rule be withdrawn; a statement of reasons for such recommendation is attached. _____

Pursuant to Code 29A-3-11(c), this notice has been filed in the State Register and with the agency proposing the rule.