

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #1

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MAY 9 3 26 PM '94

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF PUBLIC HEARING ON A PROPOSED RULE

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

RULE TYPE: Legislative; CITE AUTHORITY §30-7-1 et. seq.

AMENDMENT TO AN EXISTING RULE: YES ___ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: Eleven (11)

TITLE OF RULE BEING PROPOSED: Continuing Education

DATE OF PUBLIC HEARING: July 29, 1994, Friday TIME 10:00 am to 12 noon

LOCATION OF PUBLIC HEARING: Large Conference Room

adjacent to Board office at

101 Dee Drive

Charleston, WV 25311-1620

COMMENTS LIMITED TO: ORAL ___, WRITTEN ___, BOTH X

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: Attn: Janet H. Fairchild, MS, RN
Executive Secretary
WV Board of Examiners for
Registered Professional Nurses

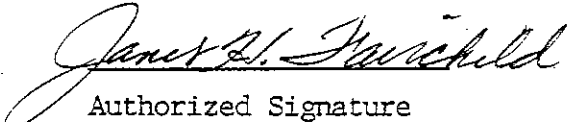
The Department requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate the review of these comments.

101 Dee Drive

Charleston, WV 25311-1620

The issues to be heard shall be limited to the proposed rule.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL


Authorized Signature

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: 19CSR11 Continuing Education

Type of Rule: X Legislative Interpretive Procedural

Agency WV Board of Examiners for Registered Professional Nurses

Address 101. Dee Drive

Charleston, WV 25311-1620

1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT 94	NEXT 95	THEREAFTER
ESTIMATED TOTAL COST	\$30,000	\$ -	\$ -0-	\$ -0-	\$ 30,000
PERSONAL SERVICES	25,000	-	-0-		25,000
CURRENT EXPENSE	5,000	-	0		5,000
REPAIRS & ALTERNATIONS	-	-	-0-		-
EQUIPMENT	-	-	-0-		-
OTHER	-	-	-		-

1996 FY

2. Explanation of above estimates:

Expenses for implementation will begin to be incurred during the license renewal period fall 1996 with required "auditing" of license renewal forms for compliance with continuing education requirements. Additional personnel/staff time will be necessary for implementation.

3. Objectives of these rules:

The objective of the rule is to require mandatory continuing education for license renewal of the registered professional nurse.

Rule Title: 19CSR11 Continuing Education

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

-none-
This Board is a special revenue agency.

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

The individual, registered professional nurse will incur expenses related to maintaining (mandatory with rule) continuing education to assure continued professional competence.

C. Economic Impact on Citizens/Public at Large.

No direct impact on citizens or public at large.

Date: May 9, 1994

Signature of Agency Head or Authorized Representative

Janet W. Fairchild

Janet H. Fairchild, M.S., R.N.
Executive Secretary



TELEPHONE:
(304) 558-3596
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STATE OF WEST VIRGINIA
BOARD OF EXAMINERS FOR REGISTERED PROFESSIONAL NURSES
101 Dee Drive
Charleston, WV 25311-1620

May 9, 1994

The Honorable Ken Heckler
Secretary of State
Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

Dear Mr. Heckler,

The Board in session May 4 - 5, 1994 approved for filing proposed legislative rule 19CSR11 titled Continuing Education.

A brief summary of the rule follows:

This legislative rule establishes requirements for continuing education for re-licensure of registered professional nurses. It defines terms used in the rule; sets forth the amount of continuing education required per phase-in year, and each reporting period thereafter; sets forth exceptions to continuing education requirements; identifies approved providers of continuing education; sets forth minimum standards for approved providers; sets forth acceptable continuing education activities; and describes activities that are not acceptable continuing education activities.

The Board's rationale for proposing this rule follows:

The Board hereby finds that with the rapidly changing technological advances in the science of nursing, with the evolutionary changes in the health care delivery system already beginning to occur, and with health care reforms being proposed both nationally and within the state, that the safety of the public will be better assured with the implementation of mandatory continuing education for re-licensure of registered professional nurses.

Sincerely,

A handwritten signature in cursive script that reads "Janet H. Fairchild".

Janet H. Fairchild M.S., R.N.
Executive Secretary

TITLE 19
LEGISLATIVE RULES
STATE BOARD OF EXAMINERS
FOR REGISTERED PROFESSIONAL NURSES

SERIES 11
CONTINUING EDUCATION

FILED

MAY 9 3 26 PM '94

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

§19-11-1.General.

- 1.1. Scope. - - This legislative rule establishes requirements for continuing education for re-licensure of registered professional nurses.
- 1.2. Authority. - - West Virginia Code §30-7-1 et.seq.
- 1.3. Filing Date. - - _____
- 1.4. Effective Date. - - _____

§19-11-2.Definition of Terms.

- 2.1. "Approved provider" means a local, state, or national agency, organization or association recognized by the Board.
- 2.2. "Audit" means the selection of licensees for verification of satisfactory completion of continuing education requirements during a specified time period; or the selection of approved providers for verification of adherence to continuing education approved provider requirements during a specified time period.
- 2.3. "Continuing education" means planned, organized learning activities engaged in following initial licensure, and designed to maintain, improve, or expand a registered professional nurse's knowledge and skills or to develop new knowledge and skills related to nursing to enhance practice, education, or theory development to the end of improving the health of the public.

- 2.4. The practice of "registered professional nursing" according the West Virginia Code §30-7-1 (b) . . . "shall mean the performance for compensation of any service requiring substantial specialized judgement 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; . .
- 2.5. "Formal offering" means an extension course, independent study, or other course which is offered, for college credit, by a recognized education institution.
- 2.6. "Informal offering" means a workshop, seminar, institute, conference, lecture, short term course, or organized independent study which is offered for credit in contact hours or continuing education units.
- 2.7. "Independent study" means a program of learning designed by an approved provider for the registered professional nurse who completes the program at the individual's pace, e.g., home study, programmed instruction.
- 2.8. "Self-study" means a program of learning designed by the licensee to enhance knowledge and skill and not approved by an approved provider.

§19-11-3. Continuing Education.

3.1. Continuing Education Requirements for Re-licensure.

3.1.1. Each applicant for renewal of a license, if the license is currently active, or reinstatement of a license if a license is lapsed or on the non-practicing list, shall verify that he or she has satisfactorily completed thirty (30) contact hours of continuing education during the prescribed two (2) year reporting period.

Units of measurement used for continuing education courses are as follows:

- (a) 1 contact hour = 50 minutes of instruction;
- (b) 1 contact hour = 50 minutes of clinical or laboratory practice in an informal offering;
- (c) 1 continuing education unit (C.E.U.) = 10 contact hours of instruction;
- (d) 1 academic semester hour = 15 contact hours of instruction;
- (e) 1 academic quarter hour = 10 contact hours of instruction.

3.1.2. During the phase-in renewal year, January 1, 1996, through December 31, 1996, each registered professional nurse with an active license to practice registered professional nursing in West Virginia shall complete a minimum of twelve (12) contact hours of continuing education as approved by this rule. The registered professional nurse shall report his or her continuing education activities to the Board no later than

December 31, 1996, with the application for renewal of his or her registered professional nurse license for the renewal year January 1, 1997 through December 31, 1997.

3.1.3. After the above one year phase-in period, each registered professional nurse with an active license to practice registered professional nursing in West Virginia shall complete thirty (30) contact hours of continuing education, as approved by this rule, every two calendar years beginning January 1, 1997. On or before December 31, 1997, and every December 31 thereafter, each registered professional nurse shall file a report of such continuing education activities with the board at the time the licensee files an application for renewal of his or her license to practice registered professional nursing in West Virginia.

3.1.4. The board shall not grant credit for identical continuing education activities submitted during any two (2) year report period. Continuing education credits from a previous two (2) year reporting period may not be used, nor shall credits be accumulated for use in a future two (2) year reporting period.

3.2. Exceptions to Continuing Education Requirements.

The Board shall exempt from the continuing education requirements a licensee who qualifies for exceptions set forth in this rule.

3.2.1. A licensee who obtains a license for the first time in West Virginia during the first twelve months of any twenty-four month reporting period shall

complete twelve (12) contact hours in approved continuing education activities, as set forth in this rule, before the end of the current reporting period. A licensee who obtains a license for the first time in West Virginia during the second twelve (12) months of any twenty-four (24) month reporting period is exempt from the continuing education requirements for the entire reporting period.

3.2.2. A licensee who resides outside of West Virginia and who holds a current active license to practice in a state other than West Virginia which also has mandatory continuing education is exempt from the continuing education requirements set forth in this rule. A licensee who claims this exception shall retain evidence of the out-of-state license including continuing education requirements. The licensee shall present such evidence to the Board upon request.

3.2.3. A licensee who is enrolled, full time, in an educational program leading to a baccalaureate degree, masters degree, or doctoral degree in nursing for at least one (1) semester during the reporting period has complied with all continuing education requirements. The licensee shall present such evidence to the Board upon request.

3.2.4. A licensee who claims the following exception shall retain evidence of Government service or active duty with the military and shall present such evidence to the board upon request. A licensee who is a government employee

working as a registered professional nurse outside the United States or who is serving on active duty with the military for more than three (3) months, but less than twelve (12) months of any twenty four (24) month reporting period is required to complete twelve (12) contact hours of approved continuing education activities as set forth in this rule, before the end of the current reporting period. A licensee who is a government employee working as a registered professional nurse outside the United States or who is serving on active duty with the military for more than twelve (12) months of any twenty-four (24) month reporting period is exempt from the continuing education requirements for the entire period.

3.2.5. The board may grant a waiver to a licensee who has a physical or mental disability or illness during all or a portion of the two (2) year reporting period. A waiver provides for an extension of time or exception from some or all of the continuing education requirements. Any licensee may request an application for a waiver from the board. The board shall approve or deny an application for waiver after review of the application. The board shall not grant an exception from continuing education requirements for more than one (1), two (2) year reporting period, as set forth in this rule.

3.3. Failure to meet requirements or exceptions to requirements.

The board may take the following actions if a licensee fails to meet the continuing education requirements or the conditions for exceptions for continuing

education requirements for renewal of licensure.

3.3.1. The Board may place the license on inactive status without penalty and may waive the continuing education requirements, providing the licensee notifies the board in writing of his or her desire to have the board place his or her license on inactive status before the last (business) day of the reporting period. This written notification must be submitted with the completed renewal application indicating the desire to place the license on inactive status. The board shall not charge a fee to place the license on inactive status.

3.3.2. The board shall lapse the license of any person who fails to notify the board, in writing, prior to the last (business) day of the reporting period that he or she wishes to place his or her license on the inactive status.

3.4. Reinstatement of a license from inactive or lapsed status.

A person wishing to reinstate a license from an inactive status or from lapsed status shall comply with the following requirements. The person shall:

- (a) make application for reinstatement of the license from an inactive status or lapsed status;
- (b) meet the continuing education requirements as set forth in this rule, and;
- (c) pay the fee for reinstatement of lapsed license as specified in West Virginia Code §30-7-8 of fifty (50) dollars.
- (d) submit legible copies of certificates of attendance at continuing education offerings, transcripts of courses taken, notices received from the board

granting special approval of informal offerings from non-approved providers, and other information as requested by the board.

3.5. Audit of licensees.

The board may select any licensee who holds a current license to audit for compliance with continuing competence requirements.

- 3.5.1. To comply with the audit request from the board, a licensee shall submit legible copies of certificates of attendance at continuing education offerings, transcripts of courses taken, notices received from the board granting special approval of informal offerings from non-approved providers, and other information as requested by the board.
- 3.5.2. The licensee shall submit the required documents within thirty (30) days of the date he or she receives notification of the audit. The board may grant an extension of time for submission of the documents, on an individual basis, and in cases of hardship, providing the licensee makes a written request for an extension of time and provides justification for such request.
- 3.5.3. Licensees are required to keep certificates of attendance at continuing education offerings, letters verifying special approval from informal offerings from non-approved providers, transcripts of courses, and documentation of compliance with exceptions for a two (2) year period following submission of continuing education activities to the board.
- 3.5.4. The board shall notify the licensee of the satisfactory completion of the audit.

- 3.5.5. If a person fails to submit the audit information requested by the board or meet standards in subparagraph 3.1.2. or 3.1.3. of this rule, the board shall not renew a license before such audit is completed.
- 3.5.6. The board shall take action as prescribed in §19CSR9, Disciplinary Action, against any licensee who submits false information to the board.
- 3.2.7. A licensee who fails to notify the board of a current mailing address is not absolved from the audit requirements. The board shall not renew a license before the audit is completed.

§19-11-4. Continuing Education Providers.

- 4.1. The board shall recognize as approved providers an agency which meets minimum provider standards in subparagraph 4.2. of this rule. Approved providers include, but are not to be limited to the following:
- (a) American Diabetes Association,
 - (b) American College of Nurse-Midwifery,
 - (c) state affiliates of the American Heart Association,
 - (d) state affiliates of the American Medical Association,
 - (e) state affiliates of the American Nurses Association,
 - (f) state affiliates of the American Psychological Association,
 - (g) state affiliates of the American Red Cross,
 - (h) any state board of nursing in the United States or U.S. Territory which licenses registered professional nurses,

- (i) West Virginia Commission on Aging,
- (j) regionally accredited Colleges or Secondary Schools,
- (k) West Virginia Council of Home Health Agencies,
- (l) West Virginia Department of Education,
- (m) West Virginia Division of Health and Human Resources,
- (n) West Virginia Health Care Association, and
- (o) and other national, regional or state nursing, medical, or allied health organizations.

The board shall accept courses and programs provided by accredited schools, colleges, or universities and programs offered by institutions accredited by the Joint Commission on Accreditation of Health Care Organization or the American Association of Osteopathic Hospitals.

The board shall consider written requests to designate other local, state or national agencies, organizations and associates as approved providers.

The board shall maintain a current list of approved providers which shall be available to the public upon request. Providers who fail to meet the minimum acceptable provider standards shall be notified, in writing, of specific deficiencies and given a limited period of time to correct deficiencies. An approved provider who does not correct deficiencies within the specified time period may be removed from the list of approved providers.

4.2. Minimum Standards for Approved Providers.

4.2.1. The duration of the activity shall be at least one (1) contact hour.

- 4.2.2. The provider shall prepare written objectives, in measurable terms, which describe what a licensee can expect to learn.
- 4.2.3. The program content shall relate to the program objectives.
- 4.2.4. The provider shall furnish the instructor's qualifications in the subject areas to be taught to the participant, in writing.
- 4.2.5. The provider shall establish a written method to determine whether the participant has achieved the stated objectives of the offering. Methods may include but are not limited to self-evaluation check lists or tests.
- 4.2.6. The provider shall furnish a written statement of completion to each participant who satisfactorily completes each continuing education activity which is signed by the instructor or an individual designated by the instructor.
- 4.2.7. The provider shall give each participant a grade indicating satisfactory completion of each continuing education activity.
- 4.2.8. The provider shall maintain a record of individuals who attend a continuing education offering for a period of not less than three (3) years.
- 4.3. Independent Study.
 - 4.3.1. Independent study activities may include learning, such as educational television, audio cassettes, and printed media, designed as programmed learning units.
 - 4.3.2. Contact hour equivalents for approved independent study shall be based on contact hours approved by the approved provider.

4.4. Self Study.

4.4.1. Self study may include activities which the licensee determines will enhance skills and knowledge of nursing, such as reading professional journals, watching educational television and listening to audio cassettes that are not designed as programmed learning units, and are not approved by an approved provider.

4.4.2. The board shall base contact hour equivalents for self study on the actual time spent by the licensee on the self study activity.

4.4.3. The board will permit credit of a total of five (5) contact hours of self study toward the continuing education requirement for any two (2) year reporting period.

4.5. Continuing Education Subjects.

4.5.1. Continuing education offerings shall reflect the educational needs for the learner in order to meet the health care needs of the consumer and may consist of one or more of the following subject areas:

4.5.1.1. Professional nursing practice and special health care problems;

4.5.1.2. The biological, physical, social and behavioral sciences;

4.5.1.3. The legal aspects of professional nursing practice;

4.5.1.4. Management of health care personnel and patient care;

4.5.1.5. Teaching and learning process for health care personnel or for patients;

4.5.1.6. Subjects relating to professional nursing practice which are required as part of a formal nursing program and which are more advanced than those completed for original licensure.

4.5.2. The following activities are not acceptable for continuing education credit:

4.5.2.1. Job related clinical practice;

4.5.2.2. Development and presentation of programs as part of the licensee's on-going job responsibilities;

4.5.2.3. Orientation and update of policies and procedures specific to the licensee's employing facility; and

4.5.2.4. Activities which are part of a licensee's usual job responsibility.