

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #4

Do Not Mark In this Box

FILED

Nov 28 11 52 AM '94

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

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

CITE AUTHORITY §30-7-4 and §30-1-4

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 19CSR11

TITLE OF RULE BEING PROPOSED: Continuing Education

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.

Janet W. Fairchild

4.40

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

**SERIES 11
CONTINUING EDUCATION**

FILED

NOV 28 11 52 AM '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 §30-7-4 and §30-1-4.
- 1.3. Filing Date. -- _____.
- 1.4. Effective Date. -- _____.

§19-11-2.Definition of Terms.

- 2.1. "Approved provider" means an individual, local, state, or national agency, organization or association recognized by the board to provide continuing education.
- 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 those learning activities intended to build upon the educational and experiential basis of the registered professional nurse for the enhancement of practice, education, administration, research, or theory development to the end of improving the health of the public.
- 2.4. "College credit courses" means those courses offered by a recognized educational

institution, and which may be approved as continuing education.

- 2.5. "Independent study" means a program of learning designed by an approved provider for the registered professional nurse who completes the program at his or her own pace, e.g., home study, programmed instruction.
- 2.6. "Self-study" means a program of learning designed by the licensee to enhance his or her knowledge and skill and which is not offered by an approved provider.

§19-11-3. Continuing Education.

- 3.1. Continuing education requirements for re-licensure.

- 3.1.1. Beginning January 1, 1997, 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. On or before December 31, 1999, and every other December 31 thereafter, each registered professional nurse shall file a report of his or her continuing education activities with the board at the time he or she files an application for renewal of his or her license to practice registered professional nursing in West Virginia.

- 3.1.2. 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 two (2) year reporting period prescribed in subsection 3.1.1 of this rule.

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

- a. A contact hour is a unit of measurement that describes 50 minutes of an approved, organized learning experience, either didactic or clinical experience;
- b. One (1) successfully completed academic semester hour = fifteen (15) contact hours of instruction; and
- c. One (1) successfully completed academic quarter hour = ten (10) contact hours of instruction.

3.1.3. The board shall not grant credit for identical continuing education activities submitted during any two (2) year report period. Continuing education contact hours from a previous two (2) year reporting period may not be used, nor shall contact hours 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 that 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 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 that 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 reporting period. A licensee who claims this exception shall retain evidence of government service or active duty with the military and shall present the evidence to the board upon request.
- 3.2.3. 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 required by this rule.

3.3.1. The board may place the licensee 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:

3.4.1. Make application for reinstatement of the license from an inactive status

or lapsed status;

- 3.4.2. Meet the continuing education requirements as set forth in this rule;
- 3.4.3. Pay the fee for reinstatement of lapsed license as specified in West Virginia Code §30-7-8 of fifty dollars (\$50.00); and
- 3.4.4. Submit legible copies of certificates of attendance at continuing education programs, 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 programs, 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 the request.

- 3.5.3. Licensees are required to keep certificates of attendance at continuing education programs, letters verifying special approval from informal offerings from non-approved providers, transcripts of courses, or are required to keep evidence or documentation of compliance with the exceptions to continuing education requirements as stated in subsection 3.2. of this rule 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 subdivision 3.1.1. or 3.1.3. of this rule, the board shall not renew a license before the 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 may recognize as approved providers an agency which meets minimum provider standards as outlined in subsections 4.2. and 4.5. of this rule.
- 4.1.1. The board shall consider written requests to designate other individuals, local, state or national agencies, organizations and associates as approved

providers.

4.1.2. The board shall maintain a current list of approved providers which shall be available to the public upon request. The board shall notify providers who fail to meet the minimum acceptable provider standards, in writing, of specific deficiencies and give them a limited period of time to correct deficiencies. The board may remove an approved provider who does not correct deficiencies within the specified time period from the list of approved providers.

4.1.3. The board recognizes the West Virginia nurses association or any other provider accredited by the American nurses credentialing center as an approved provider of continuing education programs for purposes of meeting the requirements of this rule.

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 to the participant the instructor's qualifications in the subject areas to be taught, 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 continuing education program. 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 completes each continuing education program. The statement shall be signed by the instructor or an individual designated by the instructor, and shall contain the following information: the name of the continuing education program, the number of contact hours, the date of the continuing education program, and the name of the participant.

4.2.7. The provider shall maintain a record of individuals who attend a continuing education program for a period of not less than three (3) years.

4.3. Independent study.

4.3.1. Independent study activities may include any learning activity as defined in subsection 2.6. of this rule that has been designed or planned as an individual study activity. This may include educational television, video or audio cassettes, and professional journal articles developed as continuing education programs and printed media units. These independent study activities are designed as programmed learning units meaning that there are educational objectives related to the content, and a mechanism to evaluate what has been learned.

4.3.2. Contact hour equivalents for approved independent study shall be based on contact hours awarded 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 programs shall reflect the educational needs of the licensee in order to meet the health care needs of the consumer and may consist of one or more of the following subject areas:

- a. Professional nursing practice and special health care problems;
- b. The biological, physical, social and behavioral sciences;
- c. The legal aspects of professional nursing practice;
- d. Management of health care personnel and patient care;
- e. Teaching and learning process for health care personnel or for patients; and
- f. 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:

- a. Job related clinical practice;
- b. Development and presentation of programs as part of the licensee's on-going job responsibilities;
- c. Orientation and update of policies and procedures specific to the licensee's employing facility; and
- d. Activities which are part of a licensee's usual job responsibility.



FILED

Nov 15 10 05 AM '94

West Virginia Legislature
Legislative Rule-Making Review Committee

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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

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: Continuing Education

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.