

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
KEN HECHLER  
**ADMINISTRATIVE LAW DIVISION**

Form #6

Do Not Mark In this Box

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APR 5 9 34 AM '95

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE.**

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

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: 19CSR11

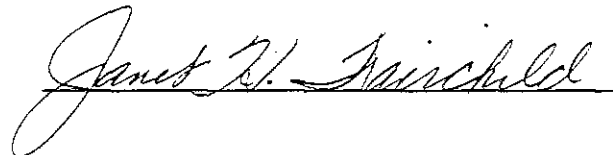
TITLE OF RULE BEING PROPOSED: Continuing Education

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) SB64

SECTION 64-9-6(a), PASSED ON March 11, 1995

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON  
THE FOLLOWING DATE: April 5, 1995



KEN HECHLER  
Secretary of State

MARY P. RATLIFF  
Deputy Secretary of State

A. RENEE COE  
Deputy Secretary of State

CATHERINE FREROTTE  
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**STATE OF WEST VIRGINIA**

**SECRETARY OF STATE**

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1900 Kanawha Blvd., East  
Charleston, WV 25305-0770

WILLIAM H. HARRINGTON  
Chief of Staff

JUDY COOPER  
Director, Administrative Law

DONALD R. WILKES  
Director, Corporations

(Plus all the volunteer  
help we can get)

FAX: (304) 558-0900

March 27, 1995

Janet Fairchild  
Registered Prof. Nurses  
101 Dee Drive  
Charleston, WV 25311-1620

**SB 64** authorizing, **Title 19, Series 11, Continuing Education**, passed the Legislature on **March 11, 1995**. It is was signed by the Governor on March 23, 1995.

You have sixty (60) days after the Governor signs SB 64, to final file the legislative rule with the Secretary of State's office. To final file your legislative rule, fill in the blanks on the enclosed form #6, the "Final Filing" form and file the form with our office with a promulgation history of the rule. Authorization for your legislative rule is cited in **SB 64** section **64-9-6(a)**. The agency may set the effective date of the legislative rule up to ninety (90) days from the date the legislative rule is final filed with the Secretary of State's office. Please have an authorized signature on the bottom line.

**\*\*\*IMPORTANT: YOUR AGENCY MUST SUBMIT A CLEAN COPY OF THE LEGISLATIVE RULE ON DISK, WITH ALL UNDERLINING, STRIKE-THROUGHS AND HEADERS/FOOTERS TAKEN OUT, TO OUR OFFICE WHEN FINAL FILING THE RULE. THE DISK MUST BE ON A WORD PERFECT (5.1 OR 5.2 VERSION) OR WORD PERFECT COMPATIBLE COMPUTER SYSTEM 3 1/2" DOUBLE DENSITY DISK. STATE ON THE DISK THE FORMAT THE RULE IS IN AND THE TITLE IT IS FILED UNDER. THIS WILL ENABLE US TO ENTER YOUR RULES ON THE LEGISLATIVE DATA BASE. REMEMBER THE TEXT OF THE COMPUTER FILED RULE MUST BE IDENTICAL - WORD FOR WORD, COMMA FOR COMMA, WITH ALL UNDERLINING, STRIKE-THROUGHS AND HEADERS/FOOTERS TAKEN OUT, AS THE HARD COPY AUTHORIZED BY THE LEGISLATURE.**

After the final rule is entered into the legislative data base, the rule will be sent to the agency for review and proofing. Following confirmation or corrections, as the case may be, the Secretary of State shall submit to the agency a final version of the rule for their records.

If you have any questions or need any assistance, please do not hesitate to call our office.

Thank You  
Administrative Law Division

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APR 5 9 34 AM '95

HISTORY  
TITLE 19, SERIES 11  
CONTINUING EDUCATION

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

1. On October 21-22, 1993 the West Virginia Board of Examiners for Registered Professional Nurses met in Board office, Charleston, WV to conduct a Regular Board Meeting. The Board drafted a proposal for Continuing Education.
2. The West Virginia Board of Examiners for Registered Professional Nurses held a regular meeting on March 24-25, 1994 and discussed a time line and strategies for implementation of Continuing Education, Series 11.
3. The West Virginia Board of Examiners for Registered Professional Nurses, in session May 4-5, 1994, approved the proposed rule on Continuing Education, Series 11 and set the Hearing date of July 29, 1994 for Series 11.
4. Form 1 was filed for Title 19 Series 11 on May 9, 1994 with the Secretary of State's office.
5. The Board published the full text of the proposed rule, Continuing Education, in the in a Special Edition of the RN NEWSLETTER, Spring 1994 and announced the date of the Public Hearing.
6. On July 29, 1994 a Public Hearing was held to review the new proposed Series 11 and accept any comments.
7. The Board reviewed the comments received during the Public Hearing on August 11-12, 1994 during the Regular Board Meeting.
8. Form 3 was filed on August 15, 1994 in the Secretary or State's office and the Legislative Review Committee.
9. On November 14, 1994 the Legislative Review Committee approved the proposed Continuing Education Series 11.
10. On November 28, 1994 the Board Submitted Form #4 for Series 11.
11. During the December 9, 1994 Regular Board Meeting the Board received a report of the status of the proposed series on Continuing Education.
12. Series 11 was passed by the Legislature on March 11, 1995
13. March 23, 1995 was the date the Governor signed the new rule into law.

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

SERIES 11  
CONTINUING EDUCATION

**§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.

SENATE BILL NO. 79

(By Senators Anderson, Boley, Grubb and Macnaughtan)

[Introduced January 20, 1995; referred to the  
Committee on Health and Human Resources; then to the  
Committee on Finance and then to the Committee  
on the Judiciary]

19-11

9

10 A BILL to amend and reenact section eighteen, article nine,  
11 chapter sixty-four of the code of West Virginia, one thousand  
12 nine hundred thirty-one, as amended, relating to authorizing  
13 the board of examiners for registered professional nurses to  
14 promulgate legislative rules relating to continuing  
15 education.

16 Be it enacted by the Legislature of West Virginia:

17 That section eighteen, article nine, chapter sixty-four of  
18 the code of West Virginia, one thousand nine hundred thirty-one,  
19 as amended, be amended and reenacted, to read as follows:

20 ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND BOARDS TO  
21 PROMULGATE LEGISLATIVE RULES.

22 §64-9-18. Board of examiners for registered professional nurses.

23 (a) The legislative rules filed in the state register on the  
24 thirteenth day of September, one thousand nine hundred

1 eighty-three, relating to the board of examiners for registered  
2 professional nurses (qualifications of graduates of foreign  
3 nursing schools for admission to the professional nurse licensing  
4 examination), are authorized.

5 (b) The legislative rules filed in the state register on the  
6 third day of August, one thousand nine hundred ninety, modified  
7 by the board of examiners for registered professional nurses to  
8 meet the objections of the legislative rule-making review  
9 committee and refiled in the state register on the twenty-eighth  
10 day of September, one thousand nine hundred ninety, relating to  
11 the board of examiners for registered professional nurses  
12 (announcement of advanced nursing practice), are authorized.

13 (c) The legislative rules filed in the state register on the  
14 tenth day of September, one thousand nine hundred ninety-two,  
15 modified by the board of examiners for registered professional  
16 nurses to meet the objections of the legislative rule-making  
17 review committee and refiled in the state register on the  
18 nineteenth day of January, one thousand nine hundred  
19 ninety-three, relating to the board of examiners for registered  
20 professional nurses (limited prescriptive authority for nurses in  
21 advanced practice), are authorized.

22 (d) The legislative rules filed in the state register on the  
23 sixteenth day of August, one thousand nine hundred ninety-three,  
24 modified by the board of examiners for registered professional  
25 nurses to meet the objections of the legislative rule-making



1 review committee and refiled in the state register on the  
2 eleventh day of January, one thousand nine hundred ninety-four,  
3 relating to the board of examiners for registered professional  
4 nurses (disciplinary action), are authorized.

5 (e) The legislative rules filed in the state register on the  
6 sixteenth day of August, one thousand nine hundred ninety-three,  
7 modified by the board of examiners for registered professional  
8 nurses to meet the objections of the legislative rule-making  
9 review committee and refiled in the state register on the  
10 eleventh day of January, one thousand nine hundred ninety-four,  
11 relating to the board of examiners for registered professional  
12 nurses (standards for professional nursing practice), are  
13 authorized.

14 (f) The legislative rules filed in the state register on the  
15 fifteenth day of August, one thousand nine hundred ninety-four,  
16 modified by the board of examiners for registered professional  
17 nurses to meet the objections of the legislative rule-making  
18 review committee and refiled in the state register on the twenty-  
19 eighth day of November, one thousand nine hundred ninety-four,  
20 relating to the board of examiners for registered professional  
21 nurses (continuing education), are authorized.

22

23 NOTE: The purpose of this bill is to authorize the Board of  
24 Examiners for Registered Professional Nurses to promulgate  
25 legislative rules relating to continuing education.

26

27 Strike-throughs indicate language that would be stricken from  
28 the present law, and underscoring indicates new language that  
29 would be added.

Bill-RNs, Cont Ed

LB12

19-11

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H. B. 2197

(By Delegates Gallagher, Douglas, Compton,  
Linch, Faircloth and Riggs)

(Introduced January 23, 1995; referred to the  
Committee on Health and Human Resources then the  
Judiciary)

A BILL to amend and reenact section eighteen, article nine,  
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promulgate legislative rules relating to continuing  
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Be it enacted by the Legislature of West Virginia:

That section eighteen, article nine, chapter sixty-four of  
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KEN HECHLER  
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**STATE OF WEST VIRGINIA  
SECRETARY OF STATE**

Building 1, Suite 157-K  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0770

(Plus all the volunteer help we can get)

TO: Janet Fairchild

AGENCY: Registered Prof. Nurses

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: October 13, 1995

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 11 TITLE: 19 Registered Prof. Nurses

\* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: Nancy Wickline

TITLE OF PERSON SIGNING: Secretary II Accounting Assistant II

DATE: October 30, 1995

\*\*\*\*\*

\* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: \_\_\_\_\_

TITLE OF PERSON SIGNING: \_\_\_\_\_

DATE: \_\_\_\_\_

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

OCT 30 9 28 AM '95

FILED