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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

OFFICE OF THE WEST VIRGINIA
SECRETARY OF STATE

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April 17, 2000

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register

TO: Nancy R. Wilson
Licensed Practical Nurses, WV State Board of Examiners for
101 Dec Drive
Charleston, WV 25311

FROM: Legislative Rule-Making Review Committee

Proposed Rule: **Policies and Procedures for Development and Maintenance of Educational Programs in Practical Nursing, 10CSR1**

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 Recommends that the Legislative rule be withdrawn; a statement of reasons for such recommendation is attached. _____

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APR 7 9 42 AM '00

ANALYSIS OF PROPOSED LEGISLATIVE RULES

OFFICE OF WEST VIRGINIA
SECRETARIES STATE

Agency: West Virginia State Board of Examiners for Practical Nurses

Subject: Policies and Procedures for Development and Maintenance of Educational Programs in Practical Nursing, 10CSR1

PERTINENT DATES

Filed for public comment: November 29, 1999
Public comment period ended: January 7, 2000
Filed following public comment period: March 21, 2000
Filed LRMRC: March 21, 2000
Filed as emergency:

Fiscal Impact: None

ABSTRACT

The proposed rule amends a current legislative rule. The following is a synopsis of the substantive amendments.

Section 3 relating to accreditation has been amended to set forth goals for accreditation. It sets forth a primary goal of graduating safe, competent practitioners with a skill mix adequate to meet employer demands. It also sets forth several contributing goals.

Subsection 3.6 relating to provisional state accreditation has been amended to provide that representatives of the sponsoring agency of a program placed on provisional state accreditation may request a hearing before the Board on behalf of the program.

Subsection 3.7 relates to withdrawal of state accreditation. Language that required the Board to specify a date by which a program is to correct deficiencies in its Written Notice of Deficiency has been deleted. New language has been added requiring the Board to review findings from the site visit which is conducted at the end of the specified period. It also requires the Board to withdraw state accreditation, if criteria for full state accreditation has not been met. It also requires the sponsoring agency of a program that has had

its accreditation withdrawn to follow established procedures for closing the program.

Section 4 relates to establishing new programs. It requires representatives of the Board, sponsoring agency, the clinical facilities, potential employers, resource people and interested citizens to hold a community meeting, and it lists items for discussion. A new topic has been added for discussion - "the role and function of the LPN in that geographic area".

Section 5 relates to the Practical Nursing Program Advisory Committee. Language has been added requiring that committee members represent acute and long-term care facilities and community health agencies.

Section 6 relates to classroom and clinical facilities. It has been amended to require the sponsoring agency to provide access to a computer lab for development of computer skills.

Section 7 relates to faculty. It requires each faculty member to have a minimum of three years experience as an RN. The current rule requires these three years to be in teaching, supervision or administration. The proposed rule would require two years experience in those areas and one year of patient-side nursing care experience in an acute, intermediate or long-term care clinical facility.

Section 8 relates to the program of instruction.

Subsection 8.4 lists suggested subjects and combined classroom and clinical instruction hours. Language has been added to expound upon several of the suggested subjects.

Subsection 8.9 relating to curriculum evaluation is new. It requires the faculty to evaluate the program of instruction at least once every two years and to utilize a variety of resources when evaluating the program.

Section 9 relates to students. It has been amended to recommend that a criminal history records check be done as a part of the admission requirements. A new subsection 9.3 has been added recommending that the sponsoring agency develop a written policy providing for random drug screening during the course of the instructional year.

Section 10 relates to records, reports and bulletins. A new subsection 10.5 has been added requiring the nurse coordinator to indicate, on the application to the Board for examination for each program graduate, whether or not a criminal history records check was conducted upon admission to the program or during the course

of the program. It also requires the nurse coordinator to submit a true copy of all documents received from any law enforcement agency indicating any conviction of a crime.

AUTHORITY

Statutory authority: W.Va. Code, §30-7A-5, which provides, in part, as follows:

...The board is authorized to adopt and, from time to time, to revise such rules and regulations not inconsistent with this article, as may be necessary to enable it to carry into effect the provisions hereof. The board shall prescribe curricula and standards for schools and courses preparing persons for licensure under this article...

ANALYSIS

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

No.

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.

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

No.

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

Yes.

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

Yes.

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

No.

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 PROVISIONS OF THE CODE?

Yes.

VIII. OTHER.

Counsel has technical modifications to suggest.