

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

Form #4

FILED  
1991 SEP 24 PM 12:32  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF RULE MODIFICATION OF A PROPOSED RULE**

AGENCY: West Virginia State Board of Examiners for TITLE NUMBER: 10  
Licensed Practical Nurses  
CITE AUTHORITY WV Code 30-7A-1 et seq.

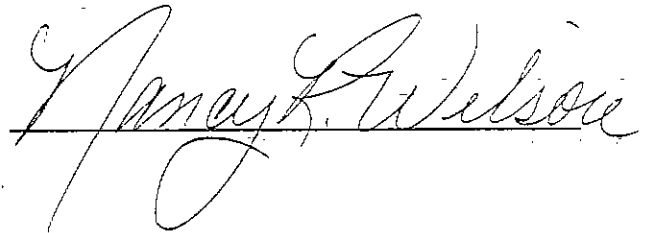
AMENDMENT TO AN EXISTING RULE: YES  NO   
Repeal existing rule and replace  
IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series 1

TITLE OF RULE BEING AMENDED: Policies and Procedures for  
Development and Maintenance of Educational Programs in  
Practical Nursing

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.



3.40

TITLE 10  
LEGISLATIVE RULES  
WEST VIRGINIA STATE BOARD OF  
EXAMINERS FOR LICENSED PRACTICAL NURSES  
SERIES 1  
POLICIES AND PROCEDURES FOR DEVELOPMENT AND MAINTENANCE  
OF EDUCATIONAL PROGRAMS IN PRACTICAL NURSING

**§10-1-1. General.**

1.1. Scope. --These legislative rules establish the administrative Rules and Regulations for development and maintenance of educational programs in practical nursing.

1.2. Authority. -- WV Code §30-7A-5

1.3. Filing Date. --

1.4. Effective Date. --

1.5. Repeal of Former Rule. -- This Legislative Rule repeals West Virginia Legislative Rule "West Virginia Board of Examiners for Licensed Practical Nurses, 10 CSR 1, Policies and Procedures for Development and Maintenance of Educational Programs in Practical Nursing, effective July 1, 1981.

**§10-1-2. Definition of Terms.**

2.1. "Practical Nursing" means the performance for compensation of selected nursing acts in the care of the ill, injured or infirm under the direction of a registered professional nurse or a licensed physician or a licensed dentist, and not requiring the substantial specialized skill, judgment and knowledge required in professional nursing.

2.2. "Practical Nurse" means a person who has met all the requirements for licensure as a practical nurse and who engages in practical nursing as defined in this section.

2.3. "Board" means the West Virginia State Board of Examiners for Licensed Practical nurses.

2.4. "Program" means an accredited program of practical nursing that has met the requirements of WV Code §30-7A-8, and of the Board as specified in this rule.

2.5. "Curriculum" means a total written plan of learning activities included during the program of practical nursing.

2.6. "Sponsoring Agency" refers to those agencies providing financial and administrative support for an accredited program in practical nursing.

2.7. An "affiliating agency" refers to a health care agency used by a sponsoring agency for clinical experience for students enrolled in the accredited program.

2.8. "Licensure examination" refers to the written examination provided to qualified applicants, as required in 10 CSR 2, Policies Regulating Licensure of the Licensed Practical Nurse.

**§10-1-3. Accreditation**

The Board shall issue a certificate of accreditation to the accredited program of a sponsoring agency which meets the requirements of WV Code §30-7A-8 and this rule. The sponsoring agency shall display the certificate of accreditation at the program site.

**3.1. Minimum requirements for accreditation**

In order for a sponsoring agency to establish or maintain an accredited program in practical nursing it must:

3.1.1. establish a practical nursing program advisory committee as required in section 5 of this rule,

3.1.2. provide classroom and clinical facilities as required by section 6 of this rule,

3.1.3. employ qualified faculty as required by section 7 of this rule,

3.1.4. provide a program of instruction as required by section 8 of this rule,

3.1.5. select students and develop student policies as required by section 9 of this rule, and

3.1.6. maintain records, reports and bulletins as required by section 10 of this rule.

### 3.2. Types of Accreditation

All programs shall have tentative, provisional or full accreditation by the Board for graduates of the program to be eligible to take the licensure examination for practical nurses.

#### 3.2.1. Tentative state accreditation

A new program for which the sponsoring agency requires time to demonstrate its eligibility for accreditation shall be known as a "State Tentatively Accredited Program." Tentative accreditation is valid for operation of the program until after the first meeting of the Board following its receipt of the licensure examination results from the first examination following graduation of the first class.

#### 3.2.2. Provisional state accreditation

A program which fails to maintain the minimum requirements and which the board has duly notified that it must meet the Board recommendations within one (1) year from date of the notice is known as a "State Provisionally Accredited Program."

#### 3.3.3. Full state accreditation

A program which has met the requirements set forth in this rule, and has demonstrated the ability to provide an adequate educational program which reflects current educational trends and current concepts in the delivery of health services, is known as a "State Accredited Program."

### 3.4. Accreditation site visits

A representative of the board shall visit each program once every three (3) years to evaluate compliance with minimum requirements for maintaining an accredited program in practical nursing. A representative of the board may make additional visits at any time depending upon the needs of the program as determined by the board, the sponsoring agency or faculty of the program. Additional visits may be announced or unannounced. Following a visit, the board representative shall send a report to the nurse coordinator stating the findings and recommendations. The board representative shall provide copies of visitation reports to the Board for approval and to continue the program's full state accreditation.

### 3.5. National accreditation

All programs are urged to seek accreditation through appropriate national organizations authorized to grant such accreditation.

### 3.6. Withdrawal of state accreditation

The board shall give written notice of deficiencies to any program which fails to meet requirements of WV Code §30-7A-1 et seq. and this rule, with a specified date by which the program is to correct the deficiencies. The letter is immediate notice that the program's accreditation status is in jeopardy. The board shall maintain the program on the list of accredited programs, as a Provisionally accredited program, for the period specified to correct deficiencies. A representative of the board shall make an on site visit at the end of the specified period to determine if the sponsoring agency and faculty have corrected specified deficiencies in the provisionally accredited program.

3.6.1. A sponsoring agency of a program placed on Provisional State Accreditation may request a hearing before the board on behalf of the program.

3.6.2. The sponsoring agency of a program that has had its accreditation withdrawn who desires to reopen a program is required to follow the established procedure for opening a new program.

3.6.3. A representative of the board shall contact a program that has a high failure rate on the licensure examination for the purpose of providing guidance in developing an evaluation mechanism to determine probable causes. The Board representative may ask that the faculty develop and present to the Board a plan for corrective action. The Board may accept the plan devised by faculty or offer alternative suggestions for corrective action.

### 3.7. Change in control of a program

When a sponsoring agency transfers a program to a new sponsoring agency, the new sponsoring agency shall notify the Board, in writing, of its intent to sponsor the program and seek Board approval prior to assuming responsibility for the program.

### 3.8. Closing a program

The sponsoring agency of a program of practical nursing scheduled to close shall inform the Board, in writing, of;

- (a) the proposed closing date,
- (b) plans for students currently enrolled in the program to complete the program, and
- (c) provisions for storage of student records.

### 3.9. Reopening a program

3.9.1. The sponsoring agency of a previously accredited program, in good standing with the board, may reopen the program within one (1) year of the date of graduation of the last class. The sponsoring agency shall notify the board, in writing, no less than eight (8) weeks prior to the proposed reopening date. The Executive Secretary or a member of the board shall visit the program prior to the opening date.

3.9.2. The sponsoring agency of a previously accredited program which has been closed for more than one (1) year from the date of graduation of the last class, shall reapply, to the board, as a new program.

## §10-1-4. Establishing a New Program

### 3.1. Contemplation of a program

An agency contemplating sponsoring a new program of practical nursing shall request a copy of the manual entitled, "Manual of Recommendations and Requirements for Education and Licensure. Sponsoring agencies should consult with board staff throughout the planning process.

### 3.2. Planning process

The following steps shall be included in planning a program of practical nursing.

#### 3.2.1 Pre-planning meetings

3.2.1.1. Representatives of a sponsoring agency and the Board shall hold a pre-planning conference to begin preliminary discussions about roles and responsibilities of faculty and administration in practical nursing education.

3.2.1.2. Representatives of the Board, the sponsoring agency, the clinical facilities, potential employers, resource people and interested citizens shall hold a community meeting to discuss;

- (a) present and the future need for additional licensed practical nurses,
- (b) the implications of the expansion of existing health services,
- (c) staffing patterns of local health care facilities, and
- (d) the use of clinical facilities for student experience.

The sponsoring agency shall plan the meeting.

#### 3.2.2. Temporary approval to plan a program of practical nursing

3.2.2.1. The sponsoring agency shall submit ten (10) copies of the application for a new program with resumes of the potential nurse coordinator and instructors to the Board with the fee required in 10 CSR 4, Fees for Services Rendered by the Board. Prior to or at the time of application the sponsoring agency shall submit;

- (a) documentation of need for graduates of the program,
- (b) verification that adequate clinical facilities are available for student experience,
- (c) the estimated number of qualified applicants for initial and future classes,
- (d) a description of classroom and laboratory facilities, and
- (e) the basis for financial support during the planning phase and for initial and future classes.

The sponsoring agency shall submit this material no less than three (3) weeks in advance of the Board meeting during which the program is scheduled to be considered for temporary approval to proceed with the planning process.

3.2.2.2. The sponsoring agency shall employ a nurse coordinator after the board has granted temporary approval to plan a program of practical nursing.

3.2.2.3. The sponsoring agency shall submit a draft copy of the curriculum and supplementary materials to the Board including;

- (a) the program philosophy,
- (b) the student terminal objectives,
- (c) the administrative structure of the sponsoring agency,
- (d) the functions and names of advisory committee members,
- (e) the faculty qualifications and job descriptions,
- (f) the program and student policies,
- (g) the rotation schedule, and
- (h) the affiliation agreements between clinical facilities and the sponsoring agency.

The sponsoring agency may submit this material all at once or in sections as it is completed. A representative of the board shall review the materials and make recommendations for revision where necessary to meet board requirements.

3.2.2.4. Representatives of the board shall conduct an official visit to review the final draft of program materials and to survey clinical facilities planned for use by the program.

#### 3.2.3. Tentative state accreditation

3.2.3.1. The sponsoring agency shall submit ten (10) copies of the curriculum and supplementary materials identified in subsection 3.2.2.3. of this rule, with necessary revisions, to the board. The sponsoring agency shall submit the materials to the board office no less than three (3) weeks in advance of the date scheduled by the board for consideration of the new program for tentative state accreditation.

3.2.3.1. The Executive Secretary of the board and/or a member of the board shall make consultation visits to a program with tentative state accreditation when:

- (a) the program has been in operation six (6) months;
- (b) the sponsoring agency or faculty of an accredited program requests a visit; or
- (c) the board determines the need for a visit.

#### §10-1-5. Practical Nursing Program Advisory Committee

The sponsoring agency offering a program in practical nursing shall appoint an advisory committee composed of members of the community interested in the education of practical nurses and the health care of individuals.

5.1. The practical nursing program advisory committee shall meet at least twice each year.

5.2. The committee should include at least one (1) of each of the following: a consumer, a director of nursing service, a hospital administrator, a licensed practical nurse, a physician, a registered nurse, and an educator not associated with the program. The nurse coordinator and sponsoring agency administrator are ex officio members of the advisory committee.

5.3. Functions of the committee

Members should:

- 5.3.1. be familiar with the relationships between the program and clinical practice areas;

- 5.3.2. assist in interpreting the program to the community, e.g., function in a liaison capacity;
- 5.3.3. be aware of the current concepts in practical nurse education and health trends in the area; and
- 5.3.4. make recommendations for improvement in the program.

**§10-1-6. Classroom and Clinical Facilities**

6.1. Classroom and office facilities

The sponsoring agency shall provide:

- 6.1.1. a nursing laboratory with sufficient numbers of modern patient care units and up-to-date equipment and training aides to meet the objectives of the program and the learning needs of students;
- 6.1.2. a classroom or a lecture room that is well lighted and well ventilated and contains desk-arm chairs or tables and chairs, a chalkboard, a bulletin board and visual aids;
- 6.1.3. a reference library containing the latest editions of practical nursing textbooks, nursing review books and periodicals;
- 6.1.4. a student lounge, lavatory facilities and space for students' personal belongings;
- 6.1.5. a separate office with a telephone for the nurse coordinator; and,
- 6.1.6. faculty offices adequate in size and number to provide the faculty with privacy for work and for student conferences.

The sponsoring agency should provide an office for the secretary, in close proximity to the nurse coordinator.

6.2. Clinical facilities

Agencies used as clinical facilities shall meet the minimum requirements set forth in this section.

6.2.1. Acute care facilities shall:

- (a) be licensed by the State Department of Health and Human Services;
- (b) be accredited or working toward accreditation by the Joint Commission of Accreditation of Health Care Organizations;
- (c) have an active in-service education program; and
- (d) be staffed by qualified service personnel.

6.2.2. Long-term care facilities shall:

- (a) be licensed by the State Department of Health and Human Services;
- (b) have an active in-service education program; and
- (c) be staffed by qualified service personnel.

6.2.3. Other inpatient and outpatient facilities and agencies shall meet appropriate state requirements for operation.

**§10-1-7. Faculty**

The sponsoring agency shall submit evidence that all faculty members meets minimum requirements of the Board as set forth in this section.

7.1. Number of faculty members

The number of faculty members in an accredited program of practical nursing will vary according to the size of the class, distribution of students in the clinical facilities and the philosophy of the educational

program. The sponsoring agency shall employ part-time instructors to assist faculties numbering less than three (3) and in other instances as considered necessary by the board or the sponsoring agency.

#### 7.2. Clinical ratio of students to faculty

The ratio of students to faculty in the clinical area shall not exceed ten (10) students to one (1) instructor. The sponsoring agency shall consider a lower ratio when clinical space and patient census are not sufficient to accommodate the ten (10) to one (1) ratio or when innovation is undertaken.

#### 7.3. Nurse coordinator

The sponsoring agency shall designate a nurse coordinator for each practical nursing program. The nurse coordinator shall be the supervisor of the program of instruction and is responsible for planning, implementing and evaluating the entire program.

#### 7.4. Instructors

Instructors are responsible for the supervision of students within the clinical areas, and for the development and teaching of theory.

#### 7.5. Qualifications of faculty

Each faculty member shall:

- 7.5.1 be a registered professional nurse currently licensed in West Virginia;
- 7.5.2. have or be working toward a baccalaureate degree, preferably in nursing;
- 7.5.3. have a minimum of three (3) years of professional experience, with the most recent experience within the three (3) years immediately preceeding employment;
- 7.5.4. have a minimum of three (3) years experience in one or more of the following areas: teaching, supervision or administration; and
- 7.5.5. show evidence of continuing education.

#### 7.6. Part-time and substitute faculty members

Each part-time and substitute faculty shall meet the same criteria as full-time faculty. The board may make exceptions for faculty employed to teach specific subject areas, i.e., nutrition.

#### 7.7. Faculty member responsibilities

Faculty members are responsible for all activities relating to classroom and clinical experience administration and organization, curriculum development, classroom and clinical instruction, student guidance and for maintaining a learning environment for the student. Faculty shall participate in a minimum of fifteen (15) contact hours of continuing education each year relating to their specific employment responsibilities as identified under faculty functions outlined in section 7.8 of this rule. Faculty members shall annually submit evidence of continuing education to the board.

#### 7.8. Faculty functions

##### 7.8.1. The nurse coordinator shall:

- (a) assume responsibility for organizing and directing the program under the jurisdiction of the sponsoring agency;
- (b) seek recommendations from the practical nursing advisory committee for establishing policies for the recruitment, selection, admission, progression, dismissal and counseling of students;
- (c) schedule regular faculty conferences and maintain a written record of discussions and decisions.
- (d) establish a system to maintain essential records that will be used to evaluate a student progress while the student is enrolled in the program and to follow up on the student after his or her graduation;
- (e) report, at least monthly, the status of the program to the sponsoring agency administrator and to the advisory committee as necessary.



FILED

1991 SEP 24 PM 12:46

WEST VIRGINIA LEGISLATURE  
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

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

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

Senator William R. Wooton, Co-Chairman  
Delegate David Grubb, Co-Chairman

Debra A. Graham, Counsel  
Michael McThomas, Associate Counsel  
Marie Nickerson, Admr. Assistant

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

September 10, 1991

TO: Ken Hechler, Secretary of State, State Register

TO: Ms. Nancy R. Wilson, Exec. Secretary  
WV State Bd. of Exam. for LPNs  
922 Quarrier Street, Room 506  
Charleston, Wv 25301

FROM: Legislative Rule-Making Review Committee

PROPOSED RULE: Policies and Procedures for Development and  
Maintenance of Educational Programs in Practical  
Nursing

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.