

WEST VIRGINIA SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #2

1/12/00
OFFICE OF THE SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia State Board of Examiners for Licensed Practical Nurses TITLE NUMBER: 10
RULE TYPE: Legislative; CITE AUTHORITY W. Va. Code 30-7A-1 et seq.

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 2

TITLE OF RULE BEING AMENDED: Policies Regulating Licensure of the Licensed Practical Nurse

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

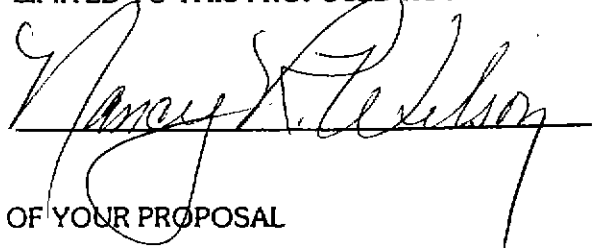
TITLE OF RULE BEING PROPOSED: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON January 7, 2000 AT 4:00 pm.

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

West Virginia State Board of Examiners for
Licensed Practical Nurses
101 Dee Drive
Charleston, West Virginia 25311-1688

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.



ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

\$5.00

WEST VIRGINIA
STATE BOARD OF EXAMINERS
FOR LICENSED PRACTICAL NURSES

NANCY R. WILSON, R.N.
EXECUTIVE SECRETARY



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101 DEE DRIVE
CHARLESTON, WEST VIRGINIA 25311-1688

November 29, 1999


Honorable Ken Hechler
Secretary of State
Building 1 Suite 157K
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0770

Dear Sir:

Pursuant to direction from the West Virginia State Board of Examiners for Licensed Practical Nurses, I hereby enclose for filing the required documentation and text of proposed amendments to Legislative Rules, 10 C.S.R. 2, Policies Regulating Licensure of the Licensed Practical Nurse. Said Rules were approved by the members of the Board during its last scheduled meeting on October 14, 1999.

Thank you for your attention to this matter.

Sincerely yours,


Nancy R. Wilson, R.N.
Executive Secretary

NRW/11a

Enclosures:

TITLE 10
LEGISLATIVE RULES
WEST VIRGINIA STATE BOARD OF
EXAMINERS FOR LICENSED PRACTICAL NURSES

SERIES 2 - POLICIES REGULATING LICENSURE OF THE LICENSED
PRACTICAL NURSE

SUMMARY OF PROPOSAL

Proposed changes are primarily editorial in nature with the exception of the addition of state and national criminal history records checks for applicants to the Board and for licensees under investigation by the Board.

TITLE 10
LEGISLATIVE RULES
WEST VIRGINIA STATE BOARD OF
EXAMINERS FOR LICENSED PRACTICAL NURSES

SERIES 2 - POLICIES REGULATING LICENSURE OF THE LICENSED
PRACTICAL NURSE

STATEMENT OF CIRCUMSTANCES REQUIRING RULE

Proposed changes to this Rule are primarily editorial in nature. In response to an increasing number of applicants and licensees of the Board who have criminal convictions, statements are included which permit the Board to conduct state and national criminal history records checks on all applicants and on licensees under investigation.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Policies Regulating Licensure of the Licensed Practical Nurse

Type of Rule: X **Legislative** **Interpretive** **Procedural**

Agency West Virginia State Board of Examiners for LPNs

Address 101 Dee Drive

Charleston, West Virginia 25311-1688

1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	HEREAFTER
<u>ESTIMATED TOTAL COST</u>	\$ NONE	\$ NONE	\$ NONE	\$ NONE	\$ NONE
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER					

2. Explanation of above estimates:

3. Objectives of these rules:

Primarily editorial changes reflecting requirements for licensure as an LPN in West Virginia.

Rule Title: Policies Regulating Licensure of the Licensed Practical Nurse

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

None

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

None

C. Economic Impact on Citizens/Public at Large.

None

Date:

11/29/99

Signature of Agency Head or Authorized Representative

Nancy R. Wilson, L.N.

DRAFT
10/14/99

TITLE 10
LEGISLATIVE RULES
WEST VIRGINIA STATE BOARD OF
EXAMINERS FOR LICENSED PRACTICAL NURSES
SERIES 2
POLICIES REGULATING LICENSURE OF THE
LICENSED PRACTICAL NURSE

§10-2-1. General.

1.1. Scope. -- This legislative rule establishes the Policies Regulating Licensure of the Licensed Practical Nurse.

1.2. Authority. -- W.V. Code §30-7A-5 & §64-9-17(e)

1.3. Filing Date. --

1.4. Effective Date. --

§10-2-2. Qualifications for Licensure

2.1. Any person who wishes to obtain a license to practice practical nursing ~~shall~~ submits to the Board satisfactory evidence that he or she:

2.1.a. is of good moral character;

2.1.b. has ~~acquired~~ at least a tenth grade education or it's equivalent;

2.1.c. ~~has~~ completed a course of study in an accredited school of practical nursing as defined by the Board, in 10 CSR 1, Policies and Procedures for Development and Maintenance of Educational Programs in Practical Nursing, and holds a diploma therefrom; and

2.1.d. ~~has~~ completed such other general education requirements as may be prescribed by the Board.

2.2. Any person who ~~has~~ served on active duty in the medical corps of any of the Armed Forces of the United States for at least one (1) year within the three (3) year period immediately preceding the date of application, ~~shall~~ submits satisfactory evidence that he or she:

2.2.a. ~~has~~ successfully completed the course of instruction required to qualify him or her for rating as a medical specialist advanced, medical service technician, advanced hospital corpsman, medical service specialist, Class "A" hospital corpsman, or other equivalent rating in his or her branch of the armed forces; and,

2.2.b. ~~has~~ received an "honorable" discharge.

§10-2-3. Examination for Licensure

3.1. All applicants pass an examination prior to ~~for~~ licensure ~~shall pass an examination.~~

3.2. The board ~~shall~~ contracts with the National Council of State Boards of Nursing, Inc. for use of the National licensure examination.

3.3. The board ~~shall~~ uses the national passing standard established by the National Council of State Boards of Nursing, Inc. as the passing score for the licensure examination.

RULES AND REGULATIONS - BPN - LICENSURE

§10-2-4. Licensure by Examination

4.1. An applicant for licensure by examination ~~shall~~ obtains an application for examination from the board and returns it to the board office with the fee required in 10 CSR 4, Fees for Services Rendered by the Board, prior to the licensure examination.

4.1.a. A graduate of an accredited program of practical nursing ~~shall~~ causes the program of practical nursing from which he or she graduated to send a copy of his or her official transcript directly to the Board office.

4.1.b. A veteran ~~shall~~ submits to the board office a photostatic copy of the certificate issued to him or her upon completion of his or her course of instruction and a copy of his or her discharge from the armed forces and ~~shall~~ causes the Personnel Records Division of the Armed Forces to provide copies of training and discharge records directly to the Board office.

4.2. Each applicant for licensure by examination is subject to a criminal history records check. Each applicant furnishes to the agency a full set of fingerprints for purposes of conducting criminal history record checks. Records are checked through the criminal identification bureau of the West Virginia State Police, a similar agency within the applicant's state of residence, and the United State Federal Bureau of Investigation. An applicant is exempt from this requirement if a criminal history records check was conducted within the 24 months preceding the date of application to the board, providing the results were unremarkable and are verified by a source acceptable to the board other than the applicant.

4.2.3. An applicant for licensure by examination who ~~is a graduate of graduates from~~ an accredited program in practical nursing, ~~may works~~ under qualified supervision and renders nursing services during the period between ~~completion of his or her education program~~ graduation and notification of the results of the first licensing examination following graduation. The board ~~shall~~ issues a temporary permit, valid for up to ninety (90) days from the date of graduation, ~~to covering~~ the period of time between graduation and notification of the results of the first licensing examination. A candidate who does not pass the licensure examination on the first attempt ~~shall~~ returns the temporary permit to the board office within three (3) days of receipt of the notice that he or she did not pass the examination. ~~The board shall not extend the temporary permit. The temporary permit is not extendable.~~

§10-2-5. Notification of Examination Results

5.1. The board ~~shall notifiesyy~~, in writing, each applicant who ~~has passed~~ the licensure examination and ~~shall~~ sends to the applicant a certificate of original licensure and a license to practice as a licensed practical nurse in West Virginia for the current year.

5.2. The board ~~shall notifiesyy~~, in writing, each applicant who ~~has does not~~ passed the licensure examination. Such applicant ~~shall not accept employment in the practice is not employable as a practical nurse, except as provided for in subsection 4.23 of this rule, until he or she passes the licensure examination.~~

5.3. The board notifies the school of practical nursing from which the candidate graduated indicating whether the candidate passed or failed the licensure examination, providing the candidate authorizes release of examination results to the school.

RULES AND REGULATIONS - BPN - LICENSURE

5.3.4. An applicant who ~~has~~ does not passed the licensure examination for practical nurses and wishes to take the licensure examination for a second time ~~shall notify~~es the board office, in writing. The board fee for the second licensure examination ~~will be~~ is the same as for the first time applicant. There ~~is no board~~ does not charge a fee to take the examination for the third time. The board fee for successive licensure examinations is the same as for the first time applicant (§30-1-6).

§10-2-6. Licensure by Waiver

6.1 The board ~~shall~~ does not issue a license by waiver.

6.2. Any person who obtained a license by waiver prior to June 30, 1968, and ~~has completed~~s extension courses equal in theory to that of a graduate of an approved practical nursing program, as determined by the Board, ~~may at any time after completion of the course,~~ takes the licensure examination prescribed by the Board for graduate practical nurses and obtains a license without the designation "Waiver" thereon.

§10-2-7. Licensure by Endorsement

7.1. The Board ~~shall~~ issues a license by endorsement to any applicant who is duly licensed or registered as a practical nurse, or who is entitled to perform similar services under the same or a different title in any other state, territory or foreign country, if the applicant meets other requirements for licensed practical nurses in this State. ~~including those continuing competence requirements contained in 10 CSR 6, Continuing Competence~~

7.2. Each applicant for endorsement is subject to a criminal history records check. Each applicant furnishes to the agency a full set of fingerprints for purposes of conducting criminal history record checks. Records are checked through the criminal identification bureau of the West Virginia State Police, a similar agency within the applicant's state of residence, and the United States Federal Bureau of Investigation. An applicant is exempt from this requirement if a criminal history records check was conducted within the 24 months preceding the date of application to the board, providing the results were unremarkable and are verified by a source acceptable to the board other than the applicant.

7.23. An applicant for endorsement ~~shall~~ completes an endorsement application and submits the fee required in 10 CSR 4, Fees for Services of the Board. The applicant for endorsement ~~shall have~~ has the board of nursing in the state of original licensure send verification of original licensure to the board office. Upon receipt of the application for endorsement, the fee, and verification of current licensure in another state, the board ~~may~~ issues a letter of intent to endorse. The applicant for endorsement ~~may~~ uses the letter of intent to endorse, in conjunction with a current license from another state, for employment as a licensed practical nurse in West Virginia for a maximum of six (6) months. ~~The board shall not renew~~ The letter of intent is not renewable.

§10-2-8. Endorsement to Another State

The Board ~~shall~~ provides verification of original licensure and verification of current licensure to another state upon receipt of a written request from the licensee, a request from a board of nursing in another state, and payment of the fee required in 10 CSR 4, Fees for Services Rendered by the Board.

§10-2-9. Annual Renewal of License

9.1. Each license issued by this Board expires on June 30 of each year. In order to continue practicing a licensee ~~must~~ renews his or her license annually.

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9.1.a. The Board ~~shall~~ renews the license of each licensee upon receipt of:

9.1.a.1. a completed application for renewal of the license,

9.1.a.2. a statement in each even year from the renewal applicant that he or she meets the continuing competence requirements specified in 10 CSR 6, Continuing Competence; and

9.1.a.3. the fee for renewal of a license as provided in 10 CSR 4, Fees for Services Rendered by the Board.

9.2. A license for which a renewal application is postmarked after June 30 is lapsed.

9.2.a. The board ~~may~~ reinstates a lapsed license ~~which has lapsed~~ upon receipt of:

9.2.a.1. a completed application for reinstatement of the lapsed license ~~which has lapsed~~,

9.2.a.2. verification that the reinstatement applicant meets the continuing competence requirements specified in 10 CSR 6, Continuing Competence, and

9.2.a.3. the fee for reinstatement of a lapsed license ~~which has lapsed~~ as provided in 10 CSR 4, Fees for Services Rendered by the Board.

9.3. Any person practicing practical nursing ~~who does not hold without~~ a current license, valid temporary permit or current letter of intent to endorse is considered an illegal practitioner and is subject to the penalties provided for in WV Code §30-7A-10.

§10-2-10. Non-Practicing Status

Any person ~~who holds with~~ a current West Virginia license may request ~~to be placed on the non-practicing list with the board non-practicing status~~. While on the non-practicing status list, the person ~~may not be employed is not employable~~ as a licensed practical nurse and is not subject to the payment of licensing fees. A person requesting non-practicing status is not subject to the continuing competence requirements in 10 CSR 6, Continuing Competence.

10.1 The board ~~may~~ reinstates a license from non-practicing status upon receipt of:

10.1.a. a completed application for reinstatement of the license from non-practicing status,

10.1.b. verification that the reinstatement applicant meets the continuing competence requirements specified in 10 CSR 6, Continuing Competence, and

10.1.c. the fee for reinstatement of a license from non-practicing status as provided in 10 CSR 4, Fees for Services Rendered by the Board.

§10.2.11. Duplicate License

A licensee ~~shall~~ notifies the board of a change in his or her name or address.

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11.1. A licensee ~~may~~ requests a duplicate license if he or she ~~has a~~ changes ~~in~~ his or her name or address. The board ~~shall~~ issues the duplicate license providing the current license is returned to the board office with the current fee required in 10 CSR 4, Fees for Services Rendered by the Board. There is no fee for name or address changes requested at the time a license is renewed or reinstated.

11.2. A licensee ~~may~~ requests a duplicate license in the event of loss of the original license. The licensee ~~must~~ completes an affidavit verifying loss and submits the affidavit to the Board with the current fee required in 10 CSR 4, Fees for Services Rendered by the Board, prior to the board issuing a duplicate license.

§10-2.12. Disciplinary Proceedings: Grounds for Discipline

12.1. The Board ~~may~~ takes disciplinary action in accordance with Chapter 29A WV Code, upon satisfactory proof that an applicant for endorsement or examination, or a licensee:

12.1.a. is guilty of fraud or deceit in procuring or attempting to procure a license to practice practical nursing which includes;

12.1.a.1. falsely represents facts on an application for licensure by examination or licensure by endorsement or on an application for renewal or reinstatement of a license; or

12.1.a.2. has another person appear in his or her place or impersonates an applicant for examination, endorsement or renewal or reinstatement of a license;

12.1.b. ~~has been~~ is convicted of a felony;

12.1.c. is habitually intemperate or is addicted to the use of habit-forming drugs;

12.1.d. is mentally incompetent;

12.1.e. is guilty of professional misconduct, which includes but is not limited to:

12.1.e.1. impersonates another licensed practitioner, permits another person to use his or her license for the purpose of nursing for compensation,

12.1.e.2. provides false or incorrect information to an employer regarding the status of a license,

12.1.e.3. practices practical nursing in the State of West Virginia without a current West Virginia license, a valid temporary permit, or a letter of intent to endorse, except as provided in WV Code §30-7A-9.

12.1.e.4. fails to report through proper channels the incompetent, unethical, or illegal practice of another person who is providing health care,

12.1.e.5. practices practical nursing with gross incompetence or gross negligence on a particular occasion, or incompetence or negligence on more than one occasion,

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12.1.e.6. ~~practicing~~ practical nursing while the ability to practice is impaired by alcohol, drugs, physical disability, or mental disability,

12.1.e.7. ~~a finding of guilt is found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state or territory where the conduct upon which the finding was is based would, if committed in this state, constitute professional misconduct under the laws of this state,~~

12.1.e.8. ~~permitting, aiding, or abetting~~ an unlicensed, uncertified, or unregistered person to perform activities requiring a license, certificate or registration,

12.1.e.9. ~~practicing~~ practical nursing while the license is suspended,

12.1.e.10. willfully ~~failing~~ to register or notify the Board of any changes of name or mailing address,

12.1.e.11. ~~is convicted conviction~~ of a felony or a misdemeanor with substantial relationship to the practice of practical nursing in a court of competent jurisdiction.

12.1.e.12. ~~failing~~ to follow established policies and procedures in the practice setting to safeguard patient care,

12.1.e.13. ~~abandoning~~ patients by terminating responsibility for nursing care, intervention, or observation without properly notifying appropriate personnel and ensuring the safety of patients,

12.1.e.14. ~~committing~~ an intentional act which could adversely affect the physical or psychological welfare of a patient,

12.1.e.15. physically or verbally ~~abusing~~, or ~~failing~~ to provide adequate protection or safety for an individual in the context of a nurse/patient relationship;

12.1.e.16. ~~using~~ the nurse/patient relationship to exploit or influence a patient.

12.1.e.17. ~~refusing~~ or ~~failing~~ to report for a physical or mental examination, including but not limited to laboratory or other tests, requested by the board.

12.1.e.18. ~~failing~~ to exercise technical competence in carrying out nursing care,

12.1.e.19. ~~misappropriating~~ medications, supplies, or personal items of a patient or the employer,

12.1.e.20. self-administering, administering to another, knowingly participating in or ~~permitting~~ the administration of, any prescription drug without a legal, valid prescription, or the use or administration of any illegal drug;

12.1.e.21. ~~falsifying~~ patient records or intentionally ~~charting~~ incorrectly,

12.1.e.22. knowingly ~~falsifying~~ an application for employment,

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12.1.e.23. ~~fail~~ing to conform to standards of nursing practice as defined in 10 CSR 3, Standards of Nursing Practice for the Licensed Practical Nurse.

12.1.e.24. knowingly ~~provid~~ing false information regarding completion of continuing competency requirements for renewal, reinstatement or endorsement of a license,

12.1.e.25. ~~fail~~ing to comply with terms and conditions as may be imposed by the board based on previous disciplinary action of the Board.

12.1.e.26. ~~impede~~ing or ~~obstruct~~ing an investigation by the board by failing to comply or respond to requests for action or information, whether such failure is intentional or merely negligent; and

12.1.e.27. other acts, which in the opinion of the Board, constitute professional misconduct.

12.1.f. ~~is~~ Practicing or ~~attempt~~ing to practice without a license or ~~continues~~ to violate any of the provisions of WV Code §30-7A-1 et seq.

§10-2-13. Investigations

13.1. Upon complaint ~~or~~ and on its own initiative, the board or its employees or designees ~~may~~ investigate conduct which is occurring or has occurred which violates West Virginia Code §30-7A-1 et seq., or rules governing the practice of licensed practical nursing.

13.2. For the purpose of conducting investigations:

13.2.a. The executive secretary or chairperson of the board ~~may~~ subpoena documents or witnesses;

13.2.b. The board deposes witnesses ~~may be deposed~~, takes sworn statements ~~taken~~, and collects other evidence ~~collected~~;

13.2.c. The board may require a criminal history records check. The licensee under investigation furnishes to the agency a full set of fingerprints for purposes of conducting criminal history record checks. Records are checked through the criminal identification bureau of the West Virginia State Police, a similar agency within the licensee's state of residence, and the United States Federal Bureau of Investigation.

13.2.3.d. The board ~~may~~ institutes proceedings in the courts of this state to enforce its subpoenas for the production of documents and witnesses and its orders and to restrain and enjoin violations of West Virginia Code §30-7A-1 et seq., or rules governing the practice of licensed practical nursing;

13.2.4.e. The board ~~shall~~ reviews medical records during the course of its investigation, and ~~shall~~ removes patient identifying information from records which are introduced as evidence at any disciplinary hearing;

13.2.5.f. The board, or its employees or designees within the limits of authority granted by the board, may employ investigators, consultants and other such employees as ~~may be~~ necessary to assist in an investigation;

13.2.6.g. All powers of the board and its employees or designees ~~may be~~ are exercised to investigate a matter, even if a hearing or disciplinary action does not result from the investigative findings; and

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13.2.7.h. Upon a finding of probable cause that a basis for disciplinary action exists, the board may require a licensed practical nurse to submit to a physical or mental examination by a practitioner approved by the board. Any individual who applies for or accepts the privilege of practicing as a licensed practical nurse in this state is considered to have given consent to submit to all such examinations when requested to do so in writing by the board and to have waived all objections to the admissibility of the testimony or examination report of any examining practitioner on the grounds that the testimony or report is privileged communication. If an applicant or licensee fails or refuses to submit to an examination under circumstances which the board finds are not beyond his or her control, such failure is prima facie evidence of his or her inability to practice as a licensed practical nurse competently and in accordance with accepted standards of practical nursing practice. A licensed practical nurse or person applying for licensure as a licensed practical nurse who is adversely affected by this provision may request a hearing before the board within thirty days of any action taken by the board.

§10-2-14. Disciplinary Proceedings: Disciplinary Action

The board ~~shall~~ affords every person subject to disciplinary proceedings an opportunity for a hearing.

If an applicant for licensure or a licensee fails to appear at a scheduled hearing or fails to reply to the notification of hearing, the charges specified ~~may be~~ are taken as true and the board may proceed with disciplinary actions.

The board may impose a single penalty or a combination of penalties upon any person found guilty of any of the grounds for discipline, set forth in subsection 12 of this rule, in the follow manner:

14.1. For applicants for examination or endorsement

14.1.a. The board may refuse to admit an applicant for the licensure examination, or

14.1.b. The board may deny licensure by endorsement.

14.2. For licensees

14.2.a. The board may revoke a license.

The board may specify the minimum length of time the revocation shall remain in effect in the final order of revocation. If the board does not specify a minimum length of time for the revocation in the final order of revocation the revocation ~~shall be~~ is effective for a minimum of five years.

An individual whose ~~has had his or her~~ license is revoked and who wishes to again become licensed as a licensed practical nurse ~~shall apply~~ as a new applicant for licensure and is subject to the same rules for original licensure as other applicants ~~who have not been~~ previously licensed. The Board ~~shall~~ considers all records pertaining to the revocation of the previously held license when considering the applicant for licensure.

14.2.b. The board may suspend a license

The board may suspend a license for a period of not less than thirty (30) days, nor more than ~~two~~ five (5) years. The board ~~shall return~~ the license to the licensee after the period of suspension ~~has expired~~, provided ~~that~~ the licensee ~~has met~~ meets all conditions set forth by the Board at the time of the suspension.

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14.2.c. The board may request voluntary surrender of a license.

The board may ask a licensee to voluntarily surrender his or her license and provide to the Board a statement concerning reasons for the surrender. The person ~~may~~ petitions for a formal hearing for reinstatement of the license one (1) year from the date of original surrender. The person ~~must~~ furnishes proof, at the hearing, that conditions leading to the voluntary surrender no longer exist.

14.2.d. The board may issue a restricted license.

The board may permit a licensee to keep his or her license under a ~~limited~~ restricted license and to work within specified guidelines. The board ~~shall~~ notes specific restrictions regarding practice on the license.

14.2.e. The board may place a licensee on probation.

The board may permit a licensee to keep his or her license and continue to work. However, the licensee ~~shall~~ is required to adhere to specific probationary conditions and the board ~~shall~~ closely monitors the licensee during the probationary period.

14.2.f. The board may issue a reprimand.

The board may issue a reprimand in writing and retain a copy in the file of the licensee.

14.2.g. The board may informally dispose of charges against a licensee by Consent Agreement.

The board may negotiate a settlement with the licensee, in the form of a consent agreement, for any charges pending against a licensee. The licensee, in accepting a consent agreement waives his or her right to a formal hearing on the charges, and accepts the terms and conditions set forth in the consent agreement. Any single penalty or a combination of penalties provided in this section may be imposed through consent between the board and the licensee.

14.2.h. The board may assess fees for monitoring a licensee's compliance with terms and conditions set forth in a consent agreement or order of the board.

Monitoring fees may be payable on a quarterly basis or may be assessed as a part of the annual renewal fee. A licensee who fails to pay monitoring fees levied by the board as a part of a disciplinary proceeding, within the time period contained in this rule or as otherwise agreed upon between the parties, is not eligible for renewal of the license until the fee is paid.

14.2.i. The Board may order a summary suspension.

If the board finds that public health, safety and welfare requires emergency action and incorporates a finding to that effect in its order, it may order summary suspension of a license, prohibiting the further practice of practical nursing, pending a hearing for revocation or other action. The board shall promptly institute and determine further disciplinary action.

14.2.j. The Board may order a suspension without hearing when a prior hearing or plea agreement has occurred in another state or federal agency, or in a court of law.

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Upon receipt of documentation from a court or agency, state or federal, that a person licensed by the Board has had his or her license to practice as a licensed practical nurse revoked or suspended in another jurisdiction and has not had his or her license reinstated within that jurisdiction, or has been convicted, or entered a plea of guilty or nolo contendere to a felony or has been adjudged legally incompetent, the Board ~~shall~~ immediately suspends, without a hearing, the license of any person so disciplined, convicted or adjudged. The Board ~~shall~~ notifies that person or his or her legal guardian, trustee, committee or other representative of the suspension in writing to his or her address on record with the Board. The notice ~~shall~~ includes a copy of the order of the court or agency, certified by the Executive Secretary as the order received from the court or agency. The licensee shall not ~~have the right to~~ practice within this state until his or her license ~~has been~~ is reinstated by the Board.

Any person whose license ~~has been~~ is suspended as provided in this section may apply to the board for reinstatement of his or her license. Such person is entitled to a hearing. The hearing ~~shall be~~ is promptly instituted and determined.