

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

Form #6

FILED

2001 APR 24 P 3:52

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

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

West Virginia State Board of Examiners for  
 AGENCY: Licensed Practical Nurses TITLE NUMBER: 10

AMENDMENT TO AN EXISTING RULE: YES X, NO     

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 3

TITLE OF RULE BEING AMENDED: Legal Standards of Nursing Practice for  
the Licensed Practical Nurse

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED:     

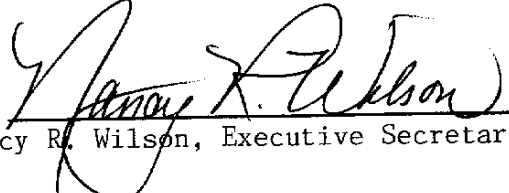
TITLE OF RULE BEING PROPOSED:     

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

AUTHORIZATION IS CITED IN (house or senate bill number) SB 299

SECTION 64-9-13(c), PASSED ON April 13, 2001

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON  
 THE FOLLOWING DATE: May 24, 2001

  
 Nancy R. Wilson, Executive Secretary

WEST VIRGINIA  
STATE BOARD OF EXAMINERS  
FOR LICENSED PRACTICAL NURSES



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April 24, 2001

Honorable Joe Manchin, III  
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 Final Filing the required documentation and text of amendments to Legislative Rules 10 C.S.R. 3, Legal Standards of Nursing Practice for the Licensed Practical Nurse. The effective date of this Legislative Rule has been established by this agency as May 24, 2001.

Thank you for your attention to this matter.

Sincerely yours,

A handwritten signature in cursive script that reads "Nancy R. Wilson".

Nancy R. Wilson, R.N.  
Executive Secretary

NRW/lla

Enclosures:

WEST VIRGINIA  
STATE BOARD OF EXAMINERS  
FOR LICENSED PRACTICAL NURSES



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PROMULGATION HISTORY OF PROPOSED RULE  
WEST VIRGINIA STATE BOARD OF EXAMINERS FOR  
LICENSED PRACTICAL NURSES

10 C.S.R. 3  
LEGAL STANDARDS OF NURSING PRACTICE  
FOR THE LICENSED PRACTICAL NURSE

- October 14, 1999 - Proposed Rules approved by West Virginia State Board of Examiners for Licensed Practical Nurses
- November 29, 1999 - Notice of a Comment Period filed with Secretary of State
- January 7, 2000 - Comment Period ends
- March 21, 2000 - Notice of Agency Approval of a Proposed Rule and Filing with the Legislative Rule-Making Review Committee
- April 17, 2000 - Hearing on proposed rules before Legislative Rule-Making Review Committee; Rules modified and approved
- April 28, 2000 - Notice of Rule Modification of a Proposed Rule filed with Secretary of State
- April 13, 2001 - Passed Senate; Senate Bill 299
- April 23, 2001 - Bill signed by Governor Wise
- April 24, 2001 - Final Filing of Rule with Secretary of State
- May 24, 2001 - Effective Date of Rule

10 CSR 3  
TITLE 10  
LEGISLATIVE RULES  
STATE BOARD OF EXAMINERS  
FOR LICENSED PRACTICAL NURSES  
SERIES 3

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**LEGAL STANDARDS OF NURSING PRACTICE**

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**§10-3-1. General.**

1.1. Scope. -- This legislative rule establishes minimum standards of safe practice for the Licensed Practical Nurse.

1.2. Authority. -- WV Code §30-7A-5

1.3. Filing Date. -- April 24, 2001

1.4. Effective Date. -- May 24, 2001

**§10-3-2. Purpose of Standards.**

The purpose of this rule is:

2.1. to establish minimum acceptable levels of nursing practice for the licensed practical nurse; and

2.2. to serve as a guide for the board to evaluate the practice of the licensed practical nurse to determine if the practice is safe and effective.

**§10-3-3. Standards Related to the Licensed Practical Nurses' Contribution to, and Responsibility for, the Nursing Process.**

The licensed practical nurse practicing under the direction of a registered professional nurse, licensed physician or licensed dentist shall:

3.1. contribute to the nursing assessment by collecting, reporting and recording objective and subjective data in an accurate and timely manner. Data collection includes, but is not limited to observations of:

3.1.a. the condition or change in the condition of a client; and

3.1.b. signs and symptoms of deviation from normal health status;

3.2. participate in the development of the strategy of care in consultation with other nursing personnel. Participation in the development of a strategy of care includes:

3.2.a. contributing to the identification of priorities;

3.2.b. contributing to setting realistic and measurable goals; and

3.2.c. contributing to the selection of nursing interventions which include measures to maintain comfort, support human functions and responses, maintain an environment conducive to well being, and provide health teaching and counseling;

3.3. provide nursing care under the direction of a registered professional nurse by:

3.3.a. caring for clients whose conditions are stabilized or predictable;

3.3.b. assisting with clients whose conditions are critical and/or fluctuating under the direct supervision of the registered professional nurse;

3.3.c. implementing nursing care according to the priority of needs and established practices;

3.3.d. providing an environment conducive to safety and health;

3.3.e. documenting nursing interventions and responses to care; and

3.3.f. communicating nursing interventions and responses to care to appropriate members of the health team.

3.4. Assign components of nursing care to other qualified persons; and

3.5. Contribute to the evaluation of the responses of individuals and groups to nursing interventions by:

3.5.a. monitoring the responses to nursing interventions;

3.5.b. documenting and communicating assessment data to appropriate members of the health care team; and

3.5.c. contributing to the modification of the strategy of care on the basis of the assessment data.

**§10-3-4. Standards Relating to the Licensed Practical Nurse's Responsibilities as a Member of the Health Care Team.**

The Licensed Practical Nurse shall:

4.1. be familiar with the statutes and rules governing nursing;

4.2. clearly display on his or her name tag or other identification badge their licensing credential (LPN);

4.3. function within the legal boundaries of practical nursing practice;

4.4. accept responsibility for individual nursing actions, competencies and behavior;

4.5. function under the direction of a registered professional nurse, licensed physician or licensed dentist;

4.6. consult with the registered professional nurse to seek guidance in delivery of nursing care as necessary;

4.7. obtain instruction and supervision as necessary from the

registered professional nurse when implementing nursing techniques or practices;

4.8. retain accountability for the timely and accurate completion of tasks assigned to other qualified persons;

4.9. function as a member of the health team;

4.10. contribute to the formulation, interpretation, implementation and evaluation of the objectives and policies related to practical nursing practice within the employment setting;

4.11. participate in the evaluation of nursing through peer review;

4.12. report unsafe nursing practice to the Board and unsafe practice conditions to recognized legal authorities;

4.13. conduct practice without discrimination on the basis of age, race, religion, sex, sexual preference, national origin or handicap;

4.14. respect the dignity and rights of clients regardless of social or economic status, personal attributes or the nature of the health problem;

4.15. respect the client's right to privacy by protecting confidential information, unless obligated by law to disclose the information;

4.16. respect the property of employers, clients and their families; and

4.17. participate in relevant continuing competence activities to maintain current knowledge and skill levels in practical nursing as required in West Virginia State Board of Examiners for Licensed Practical Nurses Rule, Continuing Competence, 10 CSR 6.