

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

FILED

MAR 25 3 55 PM '96

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

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


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 May 15, 1996 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.


Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

3-60

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

March 25, 1996

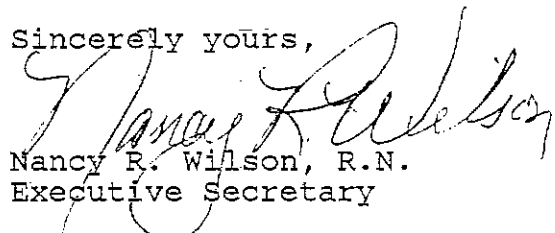
Honorable Ken Hechler
Secretary of State
Building 1 Suite 157K
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0770

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. 3, Legal Standards of Nursing Practice for the Licensed Practical Nurse. Said Rules were approved by the members of the Board during its last scheduled meeting on February 22, 1996.

Thank you for your attention to this matter.

Sincerely yours,


Nancy R. Wilson, R.N.
Executive Secretary

NRW/lla

Enclosures:

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

SERIES 3 - LEGAL STANDARDS OF NURSING PRACTICE
FOR THE LICENSED PRACTICAL NURSE

SUMMARY OF PROPOSAL

Proposed changes to this Rule better define the role of the licensed practical nurse as a member of the health care team. Changes reflect modifications in the delivery of health care which have occurred as a result of restructuring of facilities and the changes in types of health care providers with whom the practical nurse must interact.

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

SERIES 3 - LEGAL STANDARDS OF NURSING PRACTICE
FOR THE LICENSED PRACTICAL NURSE

STATEMENT OF CIRCUMSTANCES REQUIRING RULE

It is necessary for the legal standards of practical nursing to reflect what is currently occurring in terms of the scope of practice for licensed practical nurses. It is necessary for these standards to address the manner in which a practical nurse fits into the health care team in light of restructuring and other changes in health care delivery.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Legal Standards of Practice for the Licensed Practical Nurse
Type of Rule: X Legislative Interpretive Procedural
Agency West Virginia State Board of Examiners for L.P.N.
Address 101 Dee Drive
Charleston, West Virginia 25311-1688

1. Effect of Proposed Rule

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

2. Explanation of above estimates:

3. Objectives of these rules:

Editorial changes and clarify the role of the licensed practical nurse as a member of the health care team.

Rule Title: Legal Standards of Practice for 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: 3/25/96

Signature of Agency Head or Authorized Representative

J. Nancy K. Ellisor

Telephone Number (304) 558-3572

FILED

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

MAR 25 3 55 PM '96

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

LEGAL STANDARDS OF NURSING PRACTICE FOR THE LICENSED PRACTICAL NURSE

§10-3-1. General.

- 1.1. Scope. -- These legislative Rules establish minimum standards of safe practice of the Licensed Practical Nurse.
- 1.2. Authority. -- WV Code §30-7A-5 & §64-9-17(f)
- 1.3. Filing Date. --
- 1.4. Effective Date. --

§10-3-2. Purpose of Standards.

~~The purpose of this rule is:~~

- 2.1. To establish minimum acceptable levels of safe nursing practice for the Licensed Practical Nurse.
- 2.2. To serve as a guide for the Board to evaluate ~~safe and effective nursing care~~ 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 ~~shall~~ practicing under the direction of a Registered Nurse, licensed physician or dentist shall:

- 3.1. contribute to the nursing assessment by ~~3.1.1:~~ collecting, reporting and recording objective and subjective data in an accurate and timely manner. Data collection includes, but is not limited to;
 - 3.1.1.1: ~~observing~~ observation about the condition or change in condition of a client, and
 - 3.1.1.2. ~~reporting and recording~~ signs and symptoms of deviation from normal health status.
- 3.2. Participate in the development of the strategy of care by in consultation with other nursing personnel. Participation in the development of a strategy of care includes:
 - ~~3.2.1:--providing data;~~
 - 3.2.2:1. contributing to the identification of priorities.
 - 3.2.3:2. contributing to setting realistic and measurable goals, and
 - 3.2.4:3. ~~assisting in the identification of~~ 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. ~~Participate in the implementation of the strategy of care by:~~ Provide nursing care by:
 - 3.3.1. ~~providing care~~ ing for clients whose conditions are stabilized or predictable, under the direction of a registered professional nurse,
 - 3.3.2. ~~providing nursing care for~~ assisting with clients whose conditions are critical and/or fluctuating under the direction and direct supervision of the registered professional nurse,
 - 3.3.3. implementing nursing care according to the priority of needs and established practices,
 - 3.3.3:4. providing an environment conducive to safety and health,
 - 3.3.4:5. documenting nursing interventions and responses to care, and
 - 3.3.5:6. communicating nursing interventions and responses to care to appropriate members of the health team.

RULES AND REGULATIONS - RHM - STANDARDS OF PRACTICE

3.4. Assign components of nursing care to qualified others, and

3.4-5. Contribute to the evaluation of the responses of individuals and groups to nursing interventions by:

3.5.1. monitoring the responses to nursing interventions,

3.4-1-5.2. documenting and communicating evaluation assessment data to appropriate members of the health care team, and

3.4-2-5.3. contributing to the modification of the strategy of care on the basis of the evaluation 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 regulations governing nursing,
- 4.2. function within the legal boundaries of practical nursing practice,
- 4.3. accept responsibility for individual nursing actions, and competencies and behavior,
- 4.4. function under the direction of a registered nurse, licensed physician or licensed dentist,
- 4.5. consult with the registered nurse to seek guidance in delivery of nursing care as necessary,
- 4.6. obtain instruction and supervision as necessary from the registered nurse when implementing nursing techniques or practices,
- 4.7. supervise and retain accountability for tasks assigned to qualified persons;
- 4.7-8. function as a member of the health team,
- 4.8-9. contribute to the formulation, interpretation, implementation and evaluation of the objectives and policies related to practical nursing practice within the employment setting,
- 4.9-10. participate in the evaluation of nursing through peer review,
- 4.10-11. report unsafe nursing practice to the Board and unsafe practice conditions to recognized legal authorities,
- 4.11-12. conduct practice without discrimination on the basis of age, race, religion, sex, sexual preference, national origin or handicap,
- 4.12-13. respect the dignity and rights of clients regardless of social or economic status, personal attributes or nature of health problem,
- 4.13-14. respect the client's right to privacy by protecting confidential information, unless obligated by law to disclose such information,
- 4.14-15. respect the property of employers, clients and their families, and
- 4.15-16. participate in relevant continuing competence activities to maintain current knowledge and skill levels in practical nursing as required in 10 CSR 6, Continuing Competence.