

WEST VIRGINIA

SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #3

FILED

JUL 15 1 26 PM '96

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

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

CITE AUTHORITY W. Va. Code 30-7A-1 et seq.

AMENDMENT TO AN EXISTING RULE: YES NO

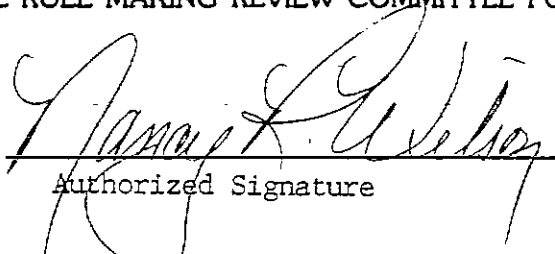
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 3

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: _____

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.



Authorized Signature

4.20

WEST VIRGINIA
STATE BOARD OF EXAMINERS
FOR LICENSED PRACTICAL NURSES

NANCY R. WILSON, R.N.
EXECUTIVE SECRETARY



TELEPHONE
(304) 558-3572

LANETTE L. ANDERSON, J.D., R.N.
ASSISTANT EXECUTIVE SECRETARY

FAX
(304) 558-4367

101 DEE DRIVE
CHARLESTON, WEST VIRGINIA 25311-1688

July 15, 1996

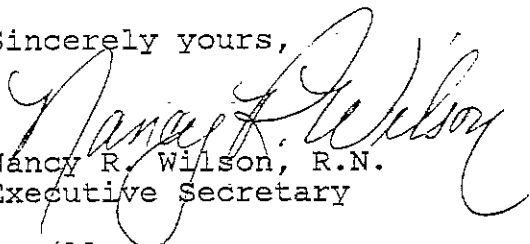
Honorable Ken Hechler
Secretary of State
Building 1 Suite 157K
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0770

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 June 19, 1996, and have previously been filed with your office on March 25, 1996. The Comment Period on said Rules ended May 15, 1996.

Said Rules are being submitted concurrently to the Legislative Rule Making Review Committee. Thank you for your attention to this matter.

Sincerely yours,


Nancy R. Wilson, R.N.
Executive Secretary

NRW/11a

Enclosures:

DATE: July 15, 1996
TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: West Virginia State Board of Examiners for Licensed Practical Nurses
LEGISLATIVE RULE TITLE Legal Standards of Nursing Practice for the Licensed
Practical Nurse

1. Authorizing statute(s) citation W. Va. Code 30-7A-1 et seq.

2. a. Date filed in State Register with Notice of Hearing

March 25, 1996

b. What other notice, including advertising, did you give of the hearing?

List of those provided with notice of comment period is attached

c. Date of Hearing(s) Comment period ended May 15, 1996 at 4:00 pm

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached _____ No comments received X

e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

f. Name and phone number(s) of agency person(s) to contact for additional information:

Nancy R. Wilson 558-3572

Lanette L. Anderson 558-3572

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

N/A

b. Date of hearing: _____

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

d. Attach findings and determinations and reasons:

Attached _____

MAILING LIST FOR INTERESTED PERSONS

Administrative Law Division
Secretary of State's Office
Attn: Judy Cooper, Director
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

WV LPN SCHOOLS

HOSPITALS (With Notice to Post)

NURSING HOMES (With Notice to Post)

HOME HEALTH AGENCIES (With Notice to Post)

WV Division of Health
Building 3 Room 206
State Capitol Complex
Charleston, West Virginia 25305

Honorable Gaston Caperton
Governor, State of West Virginia
Office of the Governor
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

WVLPN Association
Kay Scott, President
Post Office Box 415
Crown City, Ohio 45623

Capitol News Service
State Capitol Complex
Charleston, West Virginia 25305

ADDNE
Jean M. Hoff
School of Nursing
WVU Health Sciences Center
3110 MacCorkle Ave., S.E.
Charleston, WV 25304

WV Nurses Association
Post Office Box 1946
Charleston, West Virginia 25327

WV Council of Home Health Agencies, Inc.
PO Box 1096
Fairmont, West Virginia 26554

West Virginia Medical Association
Post Office Box 4106
Charleston, West Virginia 25364

MAILING LIST FOR INTERESTED PERSONS - PAGE 2

WV Hospital Association
100 Association Drive
Charleston, West Virginia 25311

WV Health Care Association
#8 Capitol Street
Charleston, West Virginia 25301

WV Board of Examiners for Registered Professional Nurses
101 Dee Drive
Charleston, West Virginia 25311

Concerned Nurses of West Virginia, Inc.
Twyla Wallace, President
Post Office Box 1233
Lewisburg, West Virginia 24901

Theresa Cox, Reporter
Charleston Daily Mail
1001 Virginia Street, East
Charleston, West Virginia 25301

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 are primarily editorial in nature. This Rule describes the role of the licensed practical nurse in terms of responsibility and contribution as a member of the health care team.

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

Proposed changes to this Rule are primarily editorial in nature. It is necessary for the legal standards of practical nursing to accurately reflect the scope of practice for licensed practical nurses.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Legal Standards of Nursing Practice for the Licensed Practical Nurse

Type of Rule: X Legislative Interpretive Procedural

Agency West Virginia State Board of Examiners for Licensed Practical Nurses

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:

Primarily editorial changes in standards of practice for the L.P.N. in terms of responsibility and contribution as a part 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.

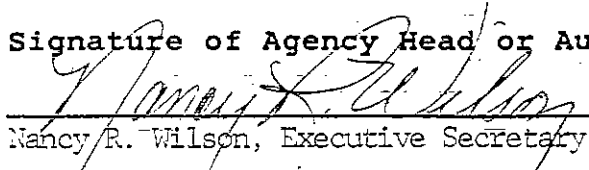
None

C. Economic Impact on Citizens/Public at Large.

None

Date: July 15, 1996

Signature of Agency Head or Authorized Representative


Nancy R. Wilson, Executive Secretary

Telephone Number (304) 553-3572

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

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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.
 - 3.2.2.2. 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 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 - BPM - 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.