

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

Form #6

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MAY 5 3 58 PM '97

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

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

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

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: \_\_\_\_\_

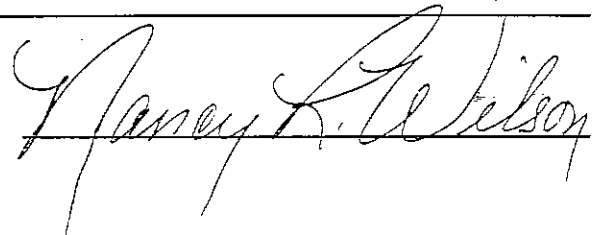
TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

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

AUTHORIZATION IS CITED IN (house or senate bill number) SB 209

SECTION 64-9-8, PASSED ON April 12, 1997

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON  
THE FOLLOWING DATE: June 1, 1997



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

May 6, 1997

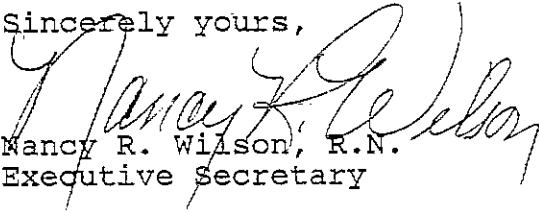
Honorable Ken Hechler  
Secretary of State  
Building 1 Suite 157K  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0770

Dear Sir:

Pursuant to direction from the West Virginia State Board of Examiners for Licensed Practical Nurses, I hereby enclose for 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 Nurses. The effective date of this Legislative Rule has been established by this agency as June 1, 1997.

Thank you for your attention to this matter.

Sincerely yours,

  
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

- February 22, 1996 - Proposed Rules approved by West Virginia State Board of Examiners for Licensed Practical Nurses
- March 25, 1996 - Notice of a Comment Period filed with Secretary of State
- May 15, 1996 - Comment Period ends. No comments received.
- July 15, 1996 - Notice of Agency Approval of a Proposed Rule and Filing with the Legislative Rule-Making Review Committee
- September 17, 1996 - Hearing on proposed rules before Legislative Rule-Making Review Committee; Rules modified and approved
- September 24, 1996 - Notice of Rule Modification of a Proposed Rule filed with Secretary of State
- April 12, 1997 - Passed Senate; Senate Bill 209
- May 2, 1997 - Bill signed by Governor Underwood
- May 6, 1997 - Final Filing of Rule with Secretary of State
- June 1, 1997 - Effective Date of Rule

FILED

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

MAY 6 3 58 PM '97

LEGAL STANDARDS OF NURSING PRACTICE FOR THE LICENSED PRACTICAL NURSE OFFICE OF WEST VIRGINIA  
 SECRETARY OF STATE

**§10-3-1. General.**

- 1.1. Scope. -- This legislative rule establishes minimum standards of safe practice of the Licensed Practical Nurse.
- 1.2. Authority. -- WV Code §30-7A-5
- 1.3. Filing Date. -- May 6, 1997 .
- 1.4. Effective Date. -- June 1, 1997

**§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:
  - 3.1.1. the condition or change in condition of a client; and
  - 3.1.2. 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:
  - 3.2.1. contributing to the identification of priorities;
  - 3.2.2. contributing to setting realistic and measurable goals; and
  - 3.2.3. 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:
  - 3.3.1. caring for clients whose conditions are stabilized or predictable;
  - 3.3.2. assisting with clients whose conditions are critical and/or fluctuating under the direct supervision of the registered professional nurse;
  - 3.3.3. implementing nursing care according to the priority of needs and established practices;
  - 3.3.4. providing an environment conducive to safety and health;
  - 3.3.5. documenting nursing interventions and responses to care; and
  - 3.3.6. 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 other qualified persons; and
- 3.5. Contribute to the evaluation of the responses of individuals and groups to nursing interventions by:
  - 3.5.1. monitoring the responses to nursing interventions;
  - 3.5.2. documenting and communicating assessment data to appropriate members of the health care team; and
  - 3.5.3. 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. function within the legal boundaries of practical nursing practice;
- 4.3. accept responsibility for individual nursing actions, competencies and behavior;
- 4.4. function under the direction of a registered professional nurse, licensed physician or licensed dentist;
- 4.5. consult with the registered professional nurse to seek guidance in delivery of nursing care as necessary;
- 4.6. obtain instruction and supervision as necessary from the registered professional nurse when implementing nursing techniques or practices;
- 4.7. supervise and retain accountability for tasks assigned to other qualified persons;
- 4.8. function as a member of the health team;
- 4.9. contribute to the formulation, interpretation, implementation and evaluation of the objectives and policies related to practical nursing practice within the employment setting;
- 4.10. participate in the evaluation of nursing through peer review;
- 4.11. report unsafe nursing practice to the Board and unsafe practice conditions to recognized legal authorities;
- 4.12. conduct practice without discrimination on the basis of age, race, religion, sex, sexual preference, national origin or handicap;
- 4.13. respect the dignity and rights of clients regardless of social or economic status, personal attributes or the nature of the health problem;
- 4.14. respect the client's right to privacy by protecting confidential information, unless obligated by law to disclose the information;
- 4.15. respect the property of employers, clients and their families; and
- 4.16. participate in relevant continuing competence activities to maintain current knowledge and skill levels in practical nursing as required in 10 CSR 6, Continuing Competence.

KEN HECHLER  
Secretary of State

MARY P. RATLIFF  
Deputy Secretary of State

JAN CASTO  
Deputy Secretary of State

CATHERINE FREROTTE  
Executive Assistant

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STATE OF WEST VIRGINIA  
SECRETARY OF STATE

Building 1, Suite 157-K  
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Charleston, WV 25305-0770

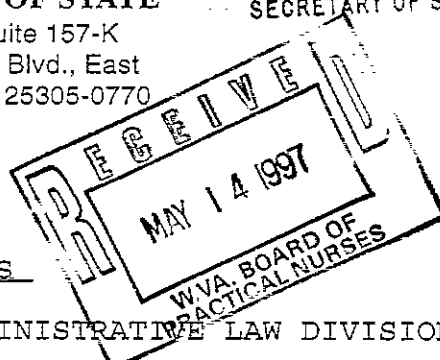
FILED  
MAY 16 9 55 AM '97  
WILLIAM H. HARRINGTON  
Chief of Staff  
JUDY COOPER  
Director, Administrative Law  
PENNEY BARKER  
Supervisor, Corporations  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE  
(Plus all the volunteer help we can get)

TO: NANCY R WILSON

AGENCY: LICENSED PRACTICAL NURSES

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: May 12, 1997



THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 3 TITLE: 10 LICENSED PRACTICAL NURSES

\* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: *Janette J. Anderson*  
TITLE OF PERSON SIGNING: *Assistant Executive Secretary*  
DATE: *5-14-97*

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\* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: \_\_\_\_\_  
TITLE OF PERSON SIGNING: \_\_\_\_\_  
DATE: \_\_\_\_\_

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.