

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

Form #4

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF RULE MODIFICATION OF A PROPOSED RULE**

AGENCY: West Virginia State Board of Examiners for TITLE NUMBER: 10  
Licensed Practical Nurses  
CITE AUTHORITY WV Code 30-7A-1 et seq.

AMENDMENT TO AN EXISTING RULE: YES  NO

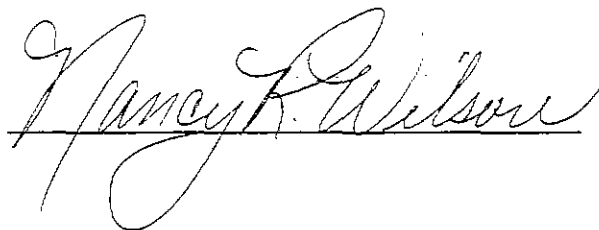
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 3

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, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.

  
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Nancy R. Wilson

*Title 10*

*obsolete  
valid  
July 1, 1981 to  
June 11, 1987*

~~WEST VIRGINIA LEGISLATIVE REGULATIONS~~  
~~WEST VIRGINIA STATE BOARD OF~~  
~~EXAMINERS FOR LICENSED PRACTICAL NURSES~~  
~~CHAPTER 30-7A~~  
SERIES ~~12~~ 2

TITLE: Policies Regulating Licensure of the Licensed Practical Nurse

Section 1. General

1.1 Scope - These Legislative Rules establish the Administrative Rules and Regulations for Policies Regulating Licensure of the Licensed Practical Nurse.

1.2 Authority and Related Code - W.V. Code 30-7A-1 et. Sec.

1.3 Filing Date - March 18, 1981

1.4 Effective Date - July 1, 1981

Section 2. Qualifications for Licensure

2.1 Any person desiring to obtain a license to practice practical nursing shall submit to the Board satisfactory evidence that he or she:

- (a) is of good moral character
- (b) has acquired at least a tenth grade education or its equivalent
- (c) has completed a course of study in an accredited school for practical nursing as defined by the Board and holds a diploma therefrom and
- (d) has completed such other general education requirements as may be prescribed by the Board (30-7A-2.)

2.2 Any person who has served on active duty in the medical corps of any of the armed forces of the United States and who has successfully completed the course of instruction required to qualify him for rating as a medical specialist advanced, medical service technician, advanced hospital corpsman, medical service specialist or class "A" hospital corpsman, or other equivalent rating in his particular branch of the armed forces, and whose service in the armed forces was under honorable conditions, may submit to the West Virginia State Board of Examiners for Licensed Practical Nurses, a photostatic copy of the certificate issued to him certifying successful completion of such course of instruction, a photostatic copy of his discharge from the armed forces, and application for licensed practical nurse and the prescribed fee.

If the certificate and discharge, as evidenced by the photostatic copies thereof, the application and prescribed fee are in order, and if the veteran meets all of the requirements of article seven-A of

this chapter, except the requirements therein specified requiring an applicant to have completed a course of study in an accredited school for practical nurses as defined by such Board, to hold a diploma therefrom and to have completed such other general educational requirements as may be prescribed by such Board, the veteran shall be permitted to take the same examination or examinations as are required...for applicants who do not apply for a license under the provisions of this article..if the veteran passes such examination or examinations he shall be licensed as a licensed practical nurse, and such veteran shall thereafter be subject to all of the provisions of article seven-A. If the veteran does not pass such examination or examinations, the provisions of said article seven-A relating to re-examination..shall apply to such veteran the same as they apply to a person who does not apply for a license under the provisions of this article twenty-four. (30-24-3).

### Section 3. Application for License

3.1 Applications must be obtained from and returned to the Board office with required fee no less than forty-five (45) days prior to the date of the examination in order for the applicant to receive thirty (30) days notice of acceptance into the examination.

3.2 Nursing services may be rendered by a graduate of an approved Practical Nursing Program working under qualified supervision during the period between completion of his or her education program and notification of the results of the first licensing examination following graduation. A temporary permit shall be issued to cover this period.

### Section 4. Scores for Licensing

4.1 Each practical nurse whose scores meet requirements set by the Board will receive official notification of such together with a certificate and license to practice as a licensed practical nurse in West Virginia for the current year.

4.2 In the event the applicant does not make a passing score on the licensing examination he/she may apply to retake the examination the next time it is scheduled. He/she may not be employed in the practice of practical nursing, except as previously stated, until the examination has been successfully completed.

4.3 The applicant wishing to repeat the State Board Test Pool Examination due to failure of a previous examination must first notify the Board in writing thirty (30) days in advance of the examination date. Fee for first repeat of the examination will be the same as for the first time candidates, the second repeat is free. The fee thereafter will be the same as for first time candidates.

Board of Practical Nursing  
Legislative Rules  
Chapter 30-7A  
Series 11. Section 5

Section 5. License by Waiver

5.1 After the thirtieth day of June one thousand nine hundred sixty-eight (1968) no license by Waiver will be issued by the Board.

5.2 Any person who has obtained a license by Waiver and has completed extension courses equal in theory to those for the graduate practical nurse, as determined by the Board, may at any time thereafter take the examination prescribed by the Board for graduate practical nurses and obtain a license without the designation "Waiver" thereon (30-7A-6).

Section 6. Licensure by Endorsement

6.1 The Board shall issue such license to any applicant who has been duly licensed or registered or to a person entitled to perform similar services under a different title in another state, territory or foreign country, if the applicant meets other requirements for licensed practical nurses in this state. (30-7A-6)

6.2 An applicant for endorsement must submit a written request and required fee and may be employed for a maximum of six (6) months while awaiting West Virginia licensure.

Section 7. Endorsement to Other States

The West Virginia Board of Examiners for Licensed Practical Nurses will endorse registrants to other states upon receipt of written request, payment of fee and request of another state Board of Nursing.

Section 8. Annual Renewal of License

8.1 The license of every person licensed by this Board shall expire on June 30 of each year.

8.2 Renewal applications postmarked after June 30 will be considered delinquent and an additional fee will be required for renewal.

8.3 Renewal applications postmarked after July 31 will be considered lapsed. An additional charge will be required to reinstate a lapsed license.

8.4 Any person practicing practical nursing on a delinquent or lapsed practical nurse license shall be considered an illegal practitioner and shall be subject to penalties as provided by law.

Section 9. Inactive Status

A registrant who holds a current West Virginia license may request inactive status with the Board. While on "inactive status" the licensed practical nurse may not be employed as an LPN and is not subject to the payment of licensing fees. A registrant wishing to change to active status from inactive status must request and complete a renewal application and submit this form with the current renewal fee. An active license will then be issued.

Section 10. Duplicate License

10.1 In requesting a name or address change the current license must be returned to the Board with the required fee prior to issuance of a corrected license.

10.2 In requesting a duplicate license due to loss of license, an affidavit must be completed and submitted to the Board with the required fee prior to issuance of a duplicate license.

Section 11. Revocation, Suspension or Denial of License

The Board shall have the right to refuse to admit and applicant for the licensure examination for the here-in-after stated reasons, and also shall have the power to revoke or suspend any license to practice or to discipline a registrant upon satisfactory proof that the person is:

- a. Guilty of fraud or deceit in procuring or attempting to procure a license.
- b. Convicted of a felony.
- c. Habitually intemperate or is addicted to the use of habit-forming drugs.
- d. Mentally incompetent.
- e. Practicing or attempting to practice without a license or who wilfully or repeatedly violates any of the provisions of this article. (30-7A-10)

Charges made in relation to violation of the licensure law must be written and forwarded to the Board office to receive consideration.

Board of Practical Nursing  
Legislative Rules  
Chapter 30-7A  
Series 11. Section 12

Section 12. Schedule of Fees for Services Rendered by the  
West Virginia State Board of Examiners for Licensed Practical  
Nurses

State Board Examination.....	\$ 50.00
Endorsement into West Virginia.....	\$ 25.00
Renewal Fee.....	\$ 10.00
Reinstatement Fee (delinquents).....	\$ 20.00
Endorsement out of West Virginia.....	\$ 25.00
Duplicate License.....	\$ 4.00
Change of Name.....	\$ 4.00
Transcripts.....	\$ 2.00
Frameable Certificate (Free to new graduates).....	\$ 8.00
Lapsed License Fee.....	\$ 25.00
Insufficient Funds Penalty.....	\$ 6.00
Roster.....	\$ 35.00
Copy of Law.....	\$ 1.00
Rules and Regulations.....	\$ 3.00
School Survey (New School).....	\$150.00

