

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #3

DO NOT MARK IN THIS BOX

FILED

JUL 14 9 31 AM '94

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

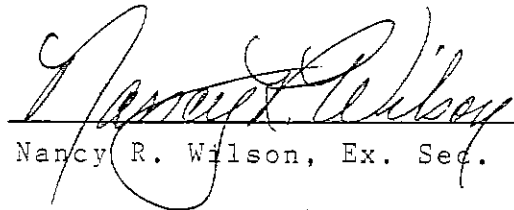
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 4

TITLE OF RULE BEING AMENDED: Fees for Services Rendered by the Board

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.



Nancy R. Wilson, Ex. Sec.

6-80

WEST VIRGINIA
STATE BOARD OF EXAMINERS
FOR LICENSED PRACTICAL NURSES

NANCY R. WILSON, R.N.
EXECUTIVE SECRETARY

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



TELEPHONE
(304) 558-3572

FAX
(304) 558-3666

101 DEE DRIVE
CHARLESTON, WEST VIRGINIA 25311-1688

July 14, 1994

Ms. Judy Cooper, Director
Administrative Law Division
Office of the Secretary of State
Building 1 Suite 157-K
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Ms. Cooper:

Enclosed please find the appropriate documentation required in the filing of an approved Rule with the Secretary of State.

These proposed amendments to Legislative Rules, 10 C.S.R. 4, Fees for Services Rendered by the Board, were previously filed with your office on May 9, 1994. The public hearing on said rules was held on June 22, 1994.

If any irregularities exist with what is submitted herein, please advise. Your assistance in this matter is appreciated.

Very truly yours,

A handwritten signature in cursive script that reads "Lanette L. Anderson, J.D., R.N.".

Lanette L. Anderson, J.D., R.N.
Assistant Executive Secretary

LLA/a

Enclosures:

WEST VIRGINIA
STATE BOARD OF EXAMINERS
FOR LICENSED PRACTICAL NURSES

NANCY R. WILSON, R.N.
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CHARLESTON, WEST VIRGINIA 25311-1688

July 14, 1994

Legislative Rule-Making Review Committee
Building 1, Suite 152
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

To All Interested Persons:

The enclosed documentation is hereby respectfully submitted in accordance with the requirements for Notice of Agency Approval of a Proposed Rule and Filing with the Legislative Rule-Making Review Committee.

These proposed amendments to Legislative Rules 10 C.S.R. 4, Fees for Services Rendered by the Board, were previously filed with the Office of the Secretary of State on May 9, 1994. The public hearing on said Rules was held on June 22, 1994.

If any irregularities exist with what is submitted herein, please advise. Your assistance in this matter is appreciated.

Very truly yours,

A handwritten signature in cursive script that reads "Lanette L. Anderson, J.D., R.N.".

Lanette L. Anderson, J.D., R.N.
Assistant Executive Secretary

LLA/a

Enclosures:

WEST VIRGINIA
STATE BOARD OF EXAMINERS
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NANCY R. WILSON, R.N.
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101 DEE DRIVE
CHARLESTON, WEST VIRGINIA 25311-1688

July 14, 1994

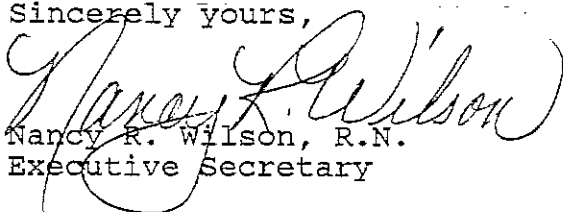
Honorable Ken Hechler
Secretary of State
Building 1 Suite 157K
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0770

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. 4, Fees for Services Rendered by the Board. Said Rules were approved by the members of the Board during its last scheduled meeting on February 15, 1994, and have previously been filed with your office on May 9, 1994. The Public Hearing on said Rules was held on June 22, 1994.

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/lla

Enclosures:

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

SERIES 4 - FEES FOR SERVICES RENDERED BY THE BOARD

STATEMENT OF CIRCUMSTANCES REQUIRING RULE

Additional costs are incurred by the Board due to the substantial increase in disciplinary matters which must be addressed by the Board. When the last increase in fees was proposed in 1990, the Board had a total of eight (8) disciplinary matters for that fiscal year. During fiscal year 1994, the Board handled a total of one hundred (100) disciplinary cases. This has created a greater need for time and resources spend on investigations, a greater number of formal disciplinary hearings, etc.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Fees for Services Rendered by the Board
 Type of Rule: XX Legislative Interpretive Procedural
 Agency West Virginia State Board of Examiners for L.P.N.
 Address 101 Dee Drive
Charleston, West Virginia 25311

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:

Increase fees charged by the Board in some areas to cover costs of increased case load of disciplinary complaints and actions

Complete projections of revenue and expenditures through FY 2000 attached

Rule Title: Fees for Services Rendered by the Board

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 with the exception of increased renewal and reinstatement fees for licensure for licensed practical nurses

C. Economic Impact on Citizens/Public at Large.-

None

Date:

5/5/94

Signature of Agency Head or Authorized Representative

James H. Wilson R.N., Executive

DATE: July 14, 1994

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: West Virginia State Board of Examiners for Licensed Practical Nurses

LEGISLATIVE RULE TITLE: Fees for Services Rendered by the Board

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

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

May 13, 1994

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

List of those provided with notice of hearing is attached

c. Date of Hearing(s) June 22, 1994

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

Attached XXX No comments received

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)

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
106 Dee Drive
Charleston, West Virginia 25311

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

George Rider, Executive Director
West Virginia Medical Association
Post Office Box 4106
Charleston, West Virginia 25364

MAILING LIST FOR INTERESTED PERSONS - PAGE 2

WV League of Nursing
Elizabeth Sproull, President
249 Harbell Drive
St. Clairsville, Ohio 43950

WV Hospital Association
3422 Pennsylvania Avenue
Charleston, West Virginia 25302

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.
Catherine Relihan, Coordinator
Route 2 Greenbrier East High School
Lewisburg, West Virginia 24901

Twyla Wallace
Post Office Box 846
Lewisburg, West Virginia 24901

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

SERIES 4 - FEES FOR SERVICES RENDERED BY THE BOARD

SUMMARY OF PROPOSAL

The number of complaints and disciplinary actions taken by the board involving licensees has increased dramatically over the past four (4) years. This has resulted in increased expenses for hearings, etc. A professional staff person was also added in November, 1992 to assist in managing this increased disciplinary case load.

During the past two (2) years, funds designated to implement continuing education have been split between continuing education and maintaining the Board's functions in the disciplinary arena. The last fees increase was effective in 1992. When the last fees increase was proposed in 1990, the Board had a total of eight (8) disciplinary cases for that fiscal year. For fiscal year 1994, the Board had a total of one hundred (100) disciplinary cases.

West Virginia State Board of Examiners
for Licensed Practical Nurses

Projected Income and Expenditures
FY 1994 through FY 2000

	Expenditures Projected 1994	Revenue Projected 1994	Fund Balance Projected 1994
FY 1993-94	260,000	245,000	233,942
FY 1994-95	273,000	248,000	208,942
FY 1995-96	286,650	250,000	172,292
	increase \$40	320,000	242,292
FY 1996-97	301,000	253,000	124,292
	Increase \$40	323,000	264,292
Increase 1996-97 @ \$40 allows unrecoverable decline in fund balance			
FY 1997-98	317,000	255,000	62,292
	Increase \$40	325,000	272,292
FY 1998-99	332,000	258,000	(11,708)
	Increase \$40	328,000	268,292
FY 1999-2000	348,500	260,000	
	Increase \$40	330,000	249,792

The fees currently charges will sustain the activities of the Board through the end of FY 95. The fund balance at the end of FY 96 will not sustain activities until the start of the renewal period in March when most of the fees are collected.

Continuing Competence requirements, although time consuming, have not contributed to increases in cost like the increasing case load of discipline has. The anticipated reduction in added costs between FY 1993 and 1996 will simply not be realized. Originally, I had projected one added professional staff member for three years, then converting the position to a clerical one to manage CE. That is just not possible with the disciplinary case load that exists.

Waiting until FY 97 to increase fees is not a sound move. Even at \$40 a satisfactory fund balance to cover possible major disciplinary cases is lost and can not be regained.

FILED

MAY 9 10 15 AM '94

TITLE 10
LEGISLATIVE RULES
STATE BOARD OF EXAMINERS
FOR LICENSED PRACTICAL NURSES
SERIES 4
FEES FOR SERVICES RENDERED BY THE BOARD

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

§10-4-1. General.

- 1.1. Scope. -- These legislative Rules establish the fees to be charged by the Board for services rendered.
- 1.2. Authority. -- WV Code §30-7A-5 & §64-9-17(g)
- 1.3. Filing Date. --
- 1.4. Effective Date. --

§10-4-2. Schedule of Fees for Services Rendered by the West Virginia State Board of Examiners for Licensed Practical Nurses:

Fees collected by the Board are not refundable.

- 2.1. Licensure Examination . . . \$75.00
- 2.2. Re-Examination . . . \$75.00
(Third attempt free)
- 2.3. Temporary Permit for New Graduate \$10.00
- 2.4. Endorsement into West Virginia . . . \$50.00
- 2.5. Endorsement out of West Virginia . . . \$30.00
- 2.6. Renewal of license . . . ~~\$25.00~~ . . . \$40.00
- 2.7. Reinstatement of a license from nonpracticing status . . . ~~\$25.00~~ . . . \$40.00
- 2.8. Limited License . . . \$10.00
Valid for 90 days - May not be renewed.
- 2.9. Duplicate License . . . \$10.00
- 2.10. Change of Name and/or Address (Duplicate license issued) . . . \$10.00
- 2.11. Transcripts . . . \$5.00
- 2.12. Framable Certificate (Free to New Graduate) . . . \$10.00
- 2.13. Reinstatement of a license from lapsed status . . . ~~\$50.00~~ . . . \$80.00
- 2.14. Insufficient Funds Penalty . . . \$10.00
- 2.15. Roster of Active Licensees . . . \$100.00
One County . . . \$5.00
- 2.16. Mailing Labels (Name and Address/per 1000) . . . \$50.00
(Minimum Charge . . . \$50.00)
- 2.17. Copy of Law . . . \$2.00
- 2.18. Rules and Regulations . . . \$5.00
- 2.19. Application Fee New School . . . \$250.00
- 2.20. Special Request for Data Listings (Minimum Programing Fee) . . . \$25.00
- 2.21. Miscellaneous copies . . . \$2.00 first page \$0.20 each additional page

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

JUL 14 9 32 AM '94

FILED

BEFORE THE WEST VIRGINIA BOARD OF EXAMINERS FOR LICENSED
PRACTICAL NURSES

Public Hearing for the Purpose of Receiving
Public Comments on Proposed Revisions to the
Legislative Rules of the Board.

TRANSCRIPT OF PROCEEDINGS had and testimony
adduced in the above-captioned matter, taken before M. K.
Comer, a Notary Public within and for the State of West
Virginia at Large, commencing at 1:00 p.m., on Wednesday,
June 22, 1994, in the West Virginia Board of Medicine
Conference Room, 101 Dee Drive, Charleston, Kanawha County
West Virginia.

PRESENT: Carol P. Miller, Chairperson
Lanette Anderson, Assistant Executive Secretary
Nancy Wilson, Executive Secretary
William D. Toney, Member
Dr. Charles D. Pruett, Member
Marguerite Marshall, Member
Orpha Swiger, Member
JoAn Smith, Member
India Hosch, Member
David G. Graham, Member
Ruth Caplinger, Randolph County Vocational School
Dinah K. Scott, President, West Virginia Licensed
Practical Nurses Association

Reporter's Certificate Page 6

Action Court Reporting

M. K. Comer

Post Office Box 4449

Charleston, WV 25364

340-1020 / 1-800-752-7064

COPY

1 CHAIRPERSON MILLER: This is a public hearing
2 of the West Virginia State Board of Examiners for Licensed
3 Practical Nurses. This hearing will now come to order.

4 I am Carol Miller, Chairperson of the Board,
5 and I want to welcome you to this hearing for the purpose of
6 receiving public comments on proposed revisions to the
7 Legislative Rules of the Board.

8 Revisions are proposed to Series 2, Policies
9 Regulating Licensure of a Licensed Practical Nurse, and
10 Series 4, Fees for Services Rendered by the Board.

11 Prior to receiving comments, I would like to
12 have members of the Board introduce themselves.

13 MS. ANDERSON: I am Lanette Anderson, I am the
14 Assistant Executive Secretary of the Board.

15 MR. GRAHAM: Dave Graham.

16 MS. HOSCH: India Hosch.

17 MS. SMITH: JoAn Smith.

18 MS. SWIGER: Orpha Swiger.

19 MS. MARSHALL: Marguerite Marshall.

20 DR. PRUETT: Charles D. Pruett.

21 MR. TONEY: William Toney.

22 MS. WILSON: Nancy Wilson, Executive Secretary
23 to the Board.

1 CHAIRPERSON MILLER: We shall proceed by asking
2 for comments relative to one series at a time. I will ask
3 if anyone has a comment, and if you desire to make a
4 statement, please raise your hand. I will recognize you one
5 at a time. Please state your name, whether your comments
6 are your own or you are a representative of a group,
7 organization, or association and the specific section within
8 the series you wish to address so that the record will be
9 clear.

10 If your comments are in writing, please provide
11 a copy to the Court Reporter for inclusion in the record.

12 We will begin with Series 2, Policies
13 Regulating Licensure of the Licensed Practical Nurse.
14 Changes reflect editorial revisions and additions to grounds
15 for discipline.

16 Additions to grounds for discipline include
17 physically or verbally abusing or failing to provide
18 adequate protection to a patient, using the nurse/patient
19 relationship to exploit or influence a patient, and impeding
20 or obstructing an investigation by the Board by failing to
21 comply or respond to requests for action or information,
22 whether such failure is intentional or merely negligent.

23 Further, additional statements regarding

1 investigations conducted by the Board have been added.
2 Statements have been added which permit the Board to
3 subpoena documents or witnesses, depose witnesses and review
4 medical records with patient identification removed from any
5 such record introduced at a hearing.

6 Penalties which may be imposed by the Board
7 have been revised to include the assessment of fees for
8 monitoring a licensee's compliance with terms and conditions
9 set forth in a disciplinary action by the Board.

10 A provision which would allow summary
11 suspension of a license, pending a hearing, in the event
12 that safety and welfare requires emergency action has also
13 been included.

14 If you have comments on Series 2 of the
15 Proposed Rules, please raise your hand?

16 MS. SCOTT: Okay, my name is Kay Scott, I am
17 the President of the LPN Association of West Virginia.

18 In regards to Series 2, Policies Regulating
19 Licensure of a Licensed Practical Nurse, these were
20 discussed at the Board meeting and there were no questions
21 or disagreements whatsoever.

22 CHAIRPERSON MILLER: Thank you.

23 Series 4, Fees for Services Rendered by the

1 Board. The proposed fee increase is based upon the added
2 cost of the implementation of continuing education and
3 increased costs occurred by the Board pursuant to an
4 increase in disciplinary complaints and actions.

5 If you have comments on Series 4, please raise
6 your hand?

7 MS. SCOTT: Again, I am Kay Scott, President of
8 the LPN Association of West Virginia.

9 The fees changes were discussed and there were
10 no questions.

11 CHAIRPERSON MILLER: Thank you.

12 For the record, there have been no written
13 comments received from anyone.

14 Are there any additional comments?

15 (No response)

16 CHAIRPERSON MILLER: If none, this hearing is
17 concluded.

18 (WHEREUPON, the hearing in the above-
19 styled matter was closed.)
20
21
22
23

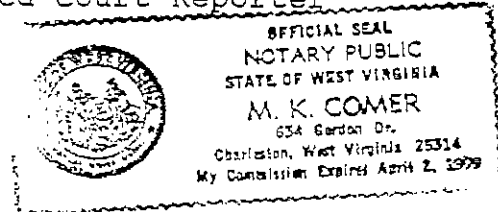
REPORTER'S CERTIFICATE

STATE OF WEST VIRGINIA,
COUNTY OF KANAWHA, to-wit:

I, M. K. Comer, Certified Court Reporter, do hereby certify that the foregoing is, to the best of my skill and ability, a true and accurate transcript of proceedings had and testimony adduced in the above-styled case at 1:00 p.m., on June 22, 1993, at a hearing held before the West Virginia Board of Examiners for Licensed Practical Nurses in the Board of Medicine Conference Room, 101 Dee Drive, Charleston, Kanawha County, West Virginia.

M. K. Comer

M. K. Comer, Certified Court Reporter





Brownie M. Dunn
Administrator

ROUTE 2, BOX 15A • LEWISBURG, WEST VIRGINIA 24901 / AREA CODE 304 645-3076

June 27, 1994

L. P. N. Licensing Board

To Whom It May Concern:

We as L. P. N.'s feel it is a little ~~much~~ to raise the licensure fee from \$25.00 to \$40.00 so quickly. They were just raised and now to go up this much is certainly going to present a hardship for many people.

We ask that you reconsider this matter.

Sincerely,

- Pearl Jackson, LPN
- Ann Boone LPN
- L. Wolcott LPN
- M. Greenman LPN
- Luci Holt LPN



CONCERNED NURSES OF WEST VIRGINIA, INC.

P.O. BOX 1233 LEWISBURG, WV 24901 (304) 645-3414 FAX: (304) 645-4357

RECEIVED

JUN 28 1994

W. STATE OF
PRACTICAL NURSES

June 24, 1994

Nancy R. Wilson, Exec. Sec.
WV State Board of Examiners
For Licensed Practical Nurses
101 Dee Drive
Charleston, WV 25311-1688

Dear Ms. Wilson:

Although the June 22 Hearing date has passed for comments on proposed amendment 10 C.S.R. 4, "Fees for Services Rendered by the Board", we respectfully ask your consideration of these comments offered by Concerned Nurses of West Virginia. As you know, this organization is composed of both LPNs and RNs and our purpose is to assure access to quality care in a cost efficient way for all citizens of West Virginia. We believe the best way to do that is to maintain a staff mix of Licensed Practical Nurses and Registered Nurses from the three routes of nursing education.

This proposed increased annual license fee for LPNs from \$25.00 to \$40.00 will place an added burden on these nurses on whom you, just this year, increased fees from \$15.00 to \$25.00, mandated 400 practice hours and 24 contact hours of continuing education in each 2 year period. In that proposal, your own calculations estimated that WV would lose 1500 LPNs who would be unable to meet your requirements for "continued competence". At that time you raised all your fees for services to help your budget, and estimated that costs for maintaining continuing competence will increase by 5%/yr. after '94-'95". Now you're justifying this increase from \$25-40 on "added costs of implementing continuing competence requirements, including audits of licensees and-- providers".

Your estimate of LPNs whom our state will lose from nursing practice is probably not exaggerated and the number will be increased if this amendment becomes law. Salaries of LPNs in West Virginia do not justify this licensure charge to practice. Already their practice/living costs have gone up to pay the costs for continuing education, travel, etc. When employers pay these costs the patients/residents in facilities also have their costs go up to compensate the one paying those fees (or employing someone to do the added paperwork involved with continuing education provided by them). Certainly with per capita income lower and taxes higher than those in neighboring states, you cannot set your rates accordingly.

We ask that you reconsider this proposal and withdraw it in the interest of not only the LPNs for whom you are an advocate, but also for all the citizens of the state whose access to quality, cost-efficient health care depends on maintaining these LPNs who serve a vital role.

Yours truly,

Twyla Wallace

Twyla Wallace, M.Ed., RN
President

BOARD OF DIRECTORS 1993-1995

Gladys Cantees, RN-Williamson, Constance Erwin, RN-St. Albans, Patricia Lane, RN-Oak Hill, Joanne Light, RN-Charleston
Nancy Marshall, LPN-Weston, Norma Martin, LPN-Princeton, Mary Mundell, RN-Huntington, Catherine Reihan, BSN-Lewisburg
Joanna Seldomridge, LPN-Fairlea, Mary Sutherland, RN, PNP-Morgantown, Twyla Wallace, MEd, RN-Lewisburg

WEST VIRGINIA
STATE BOARD OF EXAMINERS
FOR LICENSED PRACTICAL NURSES

NANCY R. WILSON, R.N.
EXECUTIVE SECRETARY

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



TELEPHONE
(304) 558-3572

FAX
(304) 558-3666

101 DEE DRIVE
CHARLESTON, WEST VIRGINIA 25311-1688

COPY

June 28, 1994

Ms. Twyla Wallace, M.Ed., R.N., President
Concerned Nurses of West Virginia, Inc.
Post Office Box 1233
Lewisburg, West Virginia 24901

Dear Ms. Wallace:

I am in receipt of your letter dated June 24, 1994 in response to the proposed amendments to 10 C.S.R. 4, "Fees for Services Rendered by the Board." Although, as your letter states, these comments have been received after the hearing date and comment period, please be assured that they are appreciated and shall be considered and included for submission in the materials accompanying the proposed amended rules.

As a matter of clarification, please note that the proposed fee increase for renewal of the practical nursing license from twenty-five dollars (\$25.00) to forty dollars (\$40.00) is primarily needed to support the ever-increasing disciplinary case load. During the past two (2) years, funds designated to implement continuing education have been split between CE and maintaining the Board's functions in the disciplinary arena. When the last increase in fees was proposed in 1990, the Board had a total of eight (8) disciplinary cases for that fiscal year.

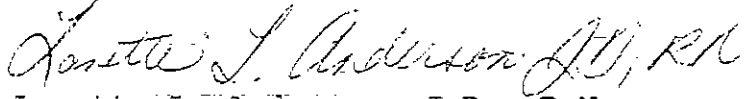
The Board received twenty-six (26) complaints against practical nurses in FY 1991, fifty-two (52) complaints in FY 1992, one hundred five (105) in FY 1993, and one hundred (100) in FY 1994. Not only has the number of discipline cases drastically increased over the past several years, the severity of the nature of professional misconduct committed by licensees has also appeared to be on the increase. These factors combined have created a greater need for time and resources spent on investigations, a larger number of formal hearings, etc.

As in the case of all licensing boards, this Board exists solely for the maintenance of the protection of the public. In order to effectively serve this purpose, the Board must have the resources to assure that those who are licensed as licensed practical nurses are practicing competently, safely, and legally.

Ms. Twyla Wallace, M.Ed., R.N. - Page 2

Again, your input is sincerely appreciated. If you have additional questions and concerns, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in cursive script that reads "Lanette L. Anderson, J.D., R.N.".

Lanette L. Anderson, J.D., R.N.
Assistant Executive Secretary

LLA/a