

**WEST VIRGINIA
SECRETARY OF STATE**

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

FILED

2001 APR 24 P 3: 52

Form #6

OFFICE WEST VIRGINIA
SECRETARY OF STATE

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

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

AMENDMENT TO AN EXISTING RULE: YES X, NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 6

TITLE OF RULE BEING AMENDED: Continuing Competence

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED:

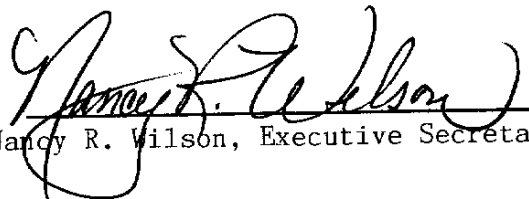
TITLE OF RULE BEING PROPOSED:

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

AUTHORIZATION IS CITED IN (house or senate bill number) SB 299

SECTION 64-9-13(d), PASSED ON April 13, 2001

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON
THE FOLLOWING DATE: May 24, 2001


Nancy R. Wilson, Executive Secretary

WEST VIRGINIA
STATE BOARD OF EXAMINERS
FOR LICENSED PRACTICAL NURSES



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April 24, 2001

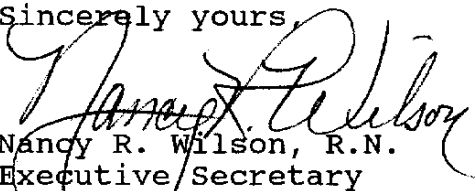
Honorable Joe Manchin, III
Secretary of State
Building 1 Suite 157K
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0770

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. 6, Continuing Competence. The effective date of this Legislative Rule has been established by this agency as May 24, 2001.

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. 6
CONTINUING COMPETENCE

- October 14, 1999 - Proposed Rules approved by West Virginia State Board of Examiners for Licensed Practical Nurses
- November 29, 1999 - Notice of a Comment Period filed with Secretary of State
- January 7, 2000 - Comment Period ends
- March 21, 2000 - Notice of Agency Approval of a Proposed Rule and Filing with the Legislative Rule-Making Review Committee
- April 17, 2000 - Hearing on proposed rules before Legislative Rule-Making Review Committee; Rules modified and approved
- April 28, 2000 - Notice of Rule Modification of a Proposed Rule filed with Secretary of State
- April 13, 2001 - Passed Senate; Senate Bill 299
- April 23, 2001 - Bill signed by Governor Wise
- April 24, 2001 - Final Filing of Rule with Secretary of State
- May 24, 2001 - Effective Date of Rule

**TITLE 10
LEGISLATIVE RULES
STATE BOARD OF EXAMINERS
FOR LICENSED PRACTICAL NURSES
SERIES 6
CONTINUING COMPETENCE**

FILED

2001 APR 24 P 3:52

§10-6-1. General.

1.1. Scope. -- This legislative rule establishes requirements for continuing competence to practice practical nursing. They set forth both continuing education requirements and minimum practice requirements.

1.2. Authority. -- WV Code §30-7A-5

1.3. Filing Date. -- April 24, 2001

1.4. Effective Date. -- May 24, 2001

§10-6-2. Definition of Terms. Continuing Competence

2.1. "Approved provider" means a local, state or national agency, organization or association recognized by the board.

2.2. "Audit" means the selection of licensees for verification of satisfactory completion of continuing education and practice requirements during a specified time period; or the selection of approved providers for verification of adherence to continuing education approved provider requirements during a specified time period.

2.3. "Continuing education" means planned, organized learning activities engaged in following initial licensure that is designed to maintain, improve, or expand a practical nurses' knowledge and skills or to develop new knowledge and skills related to nursing to enhance practice, education, or theory development to the end of improving the health of the public.

2.4. "Practical nursing practice" means performance of nursing acts under the direction of a registered nurse, licensed physician or licensed dentist, for which a license to practice is required.

2.5. "Formal offering" means an extension course, independent study, or other course which is offered, for college credit, by a recognized educational institution.

2.6. "Informal offering" means a workshop, seminar, institute, conference, lecture, short term course, or organized independent study which is offered for credit in contact hours or continuing education units.

2.7. "Independent study" means a program of learning designed by an approved provider for the practical nurse who completes the program at the individual's pace, e.g., home study, programmed instruction.

2.8. "Self study" means a program of learning designed by the licensee to enhance knowledge and skill and not approved as a continuing education activity for nurses.

§10-6-3. Continuing Competence - a Prerequisite for Renewal**3.1. Continuing Competence****3.1.a. Continuing Education Requirements**

3.1.a.1. Each applicant for renewal of a license, if the license is currently active, or reinstatement of a license if a license is lapsed or on the non-practicing list, shall verify that he or she satisfactorily completed twenty-four (24) contact hours of continuing education during the prescribed two (2) year reporting period.

3.1.a.2. Units of measurement used for continuing education courses are:

3.1.a.2.A. 1 contact hour = 50 minutes of instruction

3.1.a.2.B. 1 contact hour = 50 minutes of clinical or laboratory practice in an informal offering

3.1.a.2.C. 1 continuing education unit (CEU) = 10 contact hours of instruction

3.1.a.2.D. 1 academic semester hour = 15 contact hours of instruction

3.1.a.2.E. 1 academic quarter hour = 10 contact hours of instruction

3.1.a.3. Each licensed practical nurse with an active license to practice practical nursing shall complete twenty four (24) contact hours of continuing education, as approved by this rule. On or before June 30, in each even numbered year each licensed practical nurse shall file a report of his or her continuing education activities with the board at the time the licensee files an application for renewal of his or her license.

3.1.a.4. The board shall not grant credit for identical continuing education activities submitted during any single two (2) year reporting period. The board shall not accept continuing education credits from a previous two (2) year reporting period, nor shall credits be accumulated for use in a future two (2) year reporting period.

3.1.b. Practical Nursing Practice Requirements

3.1.b.1. Each applicant for renewal of a license, if the license is currently active, or reinstatement of a license, if the license is lapsed or on the non-practicing list, shall verify that he or she engaged in four hundred (400) clock hours of practical nursing practice within the prescribed two (2) year reporting period.

3.1.b.2. Each licensed practical nurse with an active license to practice practical nursing shall engage in a minimum of four hundred (400) clock hours of practical nursing practice, as approved by this rule. On or before June 30, in each even numbered year, each licensed practical nurse shall file a report certifying that he or she has met the minimum practical nursing practice requirements, at the time the licensee files the application for renewal of his or her license.

OFFICE WEST VIRGINIA
SECRETARY OF STATE

3.1.c. The board shall exempt from the continuing competence requirements in subdivision 3.1.a. and 3.1.b. of this section, a licensee who qualifies for exceptions set forth in this subdivision.

3.1.c.1. A licensee who obtains a license for the first time in West Virginia during the first twelve months of any twenty-four (24) month reporting period shall complete twelve (12) contact hours in approved continuing education activities, as set forth in this rule, before the end of the current reporting period. A licensee who obtains a license for the first time in West Virginia during the second twelve (12) months of any twenty-four (24) month reporting period is exempt from the continuing education requirements for the entire reporting period.

3.1.c.2. A licensee who obtains a license for the first time in West Virginia during the first twelve months of any twenty-four (24) month reporting period shall engage in two hundred (200) clock hours of practical nursing practice, as set forth in this rule, before the end of the current reporting period. A licensee who obtains a license for the first time in West Virginia during the second twelve (12) months of any twenty-four (24) month reporting period is exempt from the minimum practice requirements for the entire reporting period.

3.1.c.3. A licensee who is enrolled, full time, in an educational program leading to an associate degree, diploma, or baccalaureate degree in nursing has complied with all continuing competence requirements.

3.1.c.4. A licensee who is a government employee working as a licensed practical nurse and assigned to duty outside the United States during the entire reporting period, or who is serving on active duty in the military during the entire reporting period has complied with the all continuing competence requirements during the period of service with the government or on active duty with the military. A licensee who claims this exception shall retain evidence of Government service or active duty with the military and shall present this evidence to the board upon request. A licensee who is a government employee working as a licensed practical nurse outside the United States or who is serving on active duty with the military for more than three (3) months, but less than twelve (12) months of any twenty-four (24) month reporting period shall complete twelve (12) contact hours of approved continuing education activities and engage in two hundred (200) clock hours of practical nursing practice, as set forth in this rule, before the end of the current reporting period. A licensee who is a government employee working as a licensed practical nurse outside the United States or who is serving on active duty with the military for more than twelve (12) months of any twenty-four (24) month reporting period is exempt from the continuing education requirements and the minimum practical nursing practice requirements for the entire reporting period.

3.1.c.5. The board may grant a waiver to a licensee who has a physical or mental disability or illness or who is providing direct care to a member of his or her immediate family during all or a portion of the two (2) year reporting period. A waiver provides for an extension of time or exception from some or all of the continuing competence requirements. Any licensee may request an application for a waiver from the board. The board shall approve or deny an application for waiver after review of the application. The board shall not grant an exception from continuing competence requirements for more than one (1), two (2) year reporting period, as set forth in this rule.

3.1.d. The board may take the following actions if a licensee fails to meet the continuing competence requirements or the conditions for exceptions for renewal set forth in subdivision 3.1.a., 3.1.b. and 3.1.c. of this section.:

3.1.d.1. The board may place the license on non-practicing status without penalty and may waive the continuing competency requirements, providing that the licensee notifies the board in writing of his or her desire to have the board place his or her license on non-practicing status before the last day of the reporting period. The Board shall not charge a fee to place the license on non-practicing status; or

3.1.d.2. The board shall lapse the license of any person who fails to notify the board, in writing, prior to the last day of the reporting period that he or she wishes to place his or her license on the non-practicing status.

3.1.e. Reinstatement of a license on non-practicing or lapsed status or issuance of a limited license.

3.1.e.1. A person wishing to reinstate a license from non-practicing status or from lapsed status shall comply with the following requirements. The person shall:

3.1.e.1.A. make application for reinstatement of the license from non-practicing status or lapsed status;

3.1.e.1.B. meet the continuing competence requirements as set forth in this rule; and

3.1.e.1.C. pay the fee for reinstatement of non-practicing or lapsed license as specified in West Virginia State Board of Examiners for Licensed Practical Nurses Rules, Fees for Services Rendered by the Board, 10 CSR 4.

3.1.e.2. A person who wishes to reinstate a license but is not able to meet requirements for reinstatement of a non-practicing or a lapsed license shall request a limited license.

3.1.e.2.A. A limited license is a license which is valid for ninety (90) days, during which time the licensee shall:

3.1.e.2.A.1. satisfactorily complete a refresher course of at least eighty (80) clock hours of theory and eighty (80) clock hours of clinical practice recognized by an approved provider and designed for practical nurses returning to practice after a period of absence from the work setting; or

3.1.e.2.A.2. engage in a minimum of two hundred (200) clock hours of practical nursing practice under the direct supervision of a qualified supervisor and secure twelve (12) contact hours of continuing education.

3.1.e.2.B. The board shall issue a fully reinstated license when a licensee provides verification that he or she meets one of the requirements in paragraph 3.1.e.2.A of this section.

3.1.e.2.C. The board shall not renew a limited license issued for non compliance with continuing competence requirements.

3.1.e.2.D. A licensee who does not meet requirements provided under this section for limited license within the ninety (90) day licensure period is required to meet the full continuing competence requirements in subdivision 3.1.a and 3.1.b of this rule or is required to pass the national licensure examination for

practical nurses which tests competency for beginning practical nursing practice.

3.2. The board may select any licensee who holds a current license to audit for compliance with continuing competence requirements.

3.2.a. To comply with the audit request from the board, a licensee shall submit legible copies of certificates of attendance at continuing education offerings, transcripts of courses taken, notices received from the board granting special approval of informal offerings from non-approved providers, and the name, telephone number and mailing address of his or her employer to verify practical nursing practice. The board may require the licensee to submit a job description to verify his or her employment in a nursing position which meets the requirements of paragraph 3.1.b.1. of this rule.

3.2.b. The licensee shall submit the required documents within thirty (30) days of the date he or she received notification of the audit. The board may grant an extension of time of an additional 30 days for submission of the documents, on an individual basis, in cases of hardship, if the licensee makes a written request for an extension of time and provides justification for the request.

3.2.c. Licensees shall keep certificates of attendance at continuing education offerings, letters verifying special approval for informal offerings from non-approved providers, transcripts of courses, and documentation of compliance with exceptions for a two (2) year period following submission of continuing education activities to the board.

3.2.d. The board shall notify the licensee of the satisfactory completion of the audit.

3.2.e. If a licensee fails to submit the audit information requested by the board or meet the standards in subdivision 3.1.a. or 3.1.b. of this rule, the board may institute disciplinary proceedings and shall not renew a license before the audit is completed.

3.2.f. The board shall take action as prescribed in West Virginia State Board of Examiners for Licensed Practical Nurses Rule, Policies Regulating Licensure of the Licensed Practical Nurse, 10 CSR 2, against any licensee who submits false information to the board.

3.2.g. A licensee who fails to notify the board of a current mailing address is not absolved from the audit requirements. The board shall not renew a license before the audit is completed.

§10-6-4. Continuing Education - Providers

4.1. The Board shall recognize as an approved provider, an agency which meets the minimum provider standards in subdivision 4.2.a. through 4.2.g. of this rule. Approved providers include, but are not be limited to:

American Diabetes Association - State Affiliates
American Heart Association - State Affiliates
American Medical Association - State Affiliates
American Nurses Association - State Affiliates
American Psychological Association - State Affiliates
American Red Cross - State Affiliates
Boards of Nursing - United States and Territories
Commission on Aging

Licensed Practical Nurses Association of West Virginia
Medicare/Medicaid Certified Long Term Care Facilities
National Association for Practical Nurse Education and Service
National Federation of Licensed Practical Nurses
National League for Nursing - State Affiliates
North Ctrl Association of Colleges & Secondary Schools
West Virginia Council of Home Health Agencies
West Virginia Department of Education
West Virginia Department of Health
West Virginia Health Care Association
West Virginia Hospital Association
West Virginia Nurses Association
West Virginia Vocational and Technical Education Centers
Other West Virginia health-related licensing boards
Other national, regional, or state nursing, medical, or allied health organizations

4.1.a. The board shall accept courses and programs provided by accredited schools, colleges or universities and programs offered by institutions accredited by the Joint Commission on Accreditation of Health Care Organization or the American Association of Osteopathic Hospitals as well as facilities and agencies certified to receive medicare and medicaid reimbursement.

4.1.b. The Board shall consider written requests to designate other local, state or national agencies, organizations and associations as approved providers.

4.1.c. The board shall maintain a current list of approved providers which shall be available to the public upon request. The board shall notify in writing a provider who fails to meet the minimum acceptable standards, of specific deficiencies and give a reasonable period of time to correct deficiencies. The board may remove an approved provider from the list of approved providers who does not correct deficiencies within the specified time period.

4.2. Minimum Standards for Approved Providers

4.2.a. The duration of the activity shall be at least one (1) contact hour.

4.2.b. The provider shall prepare written objectives, in measurable terms, which describe what a licensee can expect to learn.

4.2.c. The program content shall relate to the program objectives.

4.2.d. The provider shall furnish the instructor's qualifications in the subject areas to be taught to the participant, in writing.

4.2.e. The provider shall establish a written method to determine whether the participant has achieved the stated objectives of the activity. Methods may include but are not limited to self-evaluation check lists or tests.

4.2.f. The provider shall furnish a written statement of completion to each participant who satisfactorily completes each continuing education activity which is signed by the instructor or an individual designated by the instructor.

4.2.g. The provider shall maintain a record of individuals who attend a continuing education activity for a period of not

less than four (4) years.

4.3. Independent Study

4.3.a. Independent study activities may include educational television, audio cassettes, and printed media, designed as programmed learning units.

4.3.b. Contact hour equivalents for approved independent study shall be based on contact hours approved by the approved provider.

4.4. Self Study

4.4.a. Self study, may include activities which the licensee determines will enhance his or her skills and knowledge of nursing, such as reading professional journals, watching educational television and listening to audio cassettes that are not designed as programmed learning units, and are not approved by an approved provider.

4.4.b. The board shall base contact hour equivalents for self study on the actual time spent by the licensee.

4.4.c. The board shall permit credit of a total of five (5) contact hours of self study toward the continuing education requirement for any two (2) year reporting period.

4.5. Continuing Education Subjects

4.5.a. Continuing education offerings shall reflect the educational needs for the licensee in order to meet the health care needs of the consumer and may consist of one or more of the following subject areas:

4.5.a.1. nursing practice areas and special health care problems;

4.5.a.2. the biological, physical, social and behavioral sciences;

4.5.a.3. the legal aspects of health care;

4.5.a.4. management of health care personnel and patient care;

4.5.a.5. teaching and learning process for health care personnel and patients; and

4.5.a.6. subjects relating to nursing practice which are required as part of a formal nursing program and which are more advanced than those completed for original licensure.

4.5.b. The following activities are not acceptable for continuing education credit:

4.5.b.1. job related clinical practice;

4.5.b.2. development and presentation of programs as part of the licensee's on-going job responsibilities;

4.5.b.3. orientation and update of policies and procedures specific to the licensee's employing facility; and

4.5.b.4. activities which are part of a licensee's usual job responsibility.