

**WEST VIRGINIA
SECRETARY OF STATE**

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #3

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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

WEST VIRGINIA BOARD OF EXAMINERS FOR
REGISTERED PROFESSIONAL NURSES
AGENCY: _____ TITLE NUMBER: 19

CITE AUTHORITY §30-7-4 AND §30-1-4

AMENDMENT TO AN EXISTING RULE: YES X NO _____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 19CSR3

TITLE OF RULE BEING AMENDED: Requirements for Licensure and
Registration

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

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: 19CSR3 Requirements for Licensure and Registration

Type of Rule: Legislative Interpretive Procedural

Agency WV Board of Examiners for Registered Professional Nurses

Address 101 Dee Drive
Charleston, WV 25311-1620

1. Effect of Proposed Rule

| | ANNUAL FISCAL YEAR | | | | |
|-----------------------------|--------------------|----------|---------|------|-----------|
| | INCREASE | DECREASE | CURRENT | NEXT | HEREAFTER |
| <u>ESTIMATED TOTAL COST</u> | \$ NONE | \$ - | \$ - | \$ - | \$ - |
| PERSONAL SERVICES | - | - | - | - | - |
| CURRENT EXPENSE | - | - | - | - | - |
| REPAIRS & ALTERNATIONS | - | - | - | - | - |
| EQUIPMENT | - | - | - | - | - |
| OTHER | - | - | - | - | - |

2. Explanation of above estimates:

This rule repeals and replaces 19CSR3 Requirements for Licensure and Registration and will not result in additional expenses to the Board.

3. Objectives of these rules:

This rule has not been revised or updated since December 1982. The overall format has been changed. There has been updating of licensure and registration procedures.

Rule Title: 19CSR3 Requirements for Licensure and Registration

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

C. Economic Impact on Citizens/Public at Large.

Date: May 9, 1994

Signature of Agency Head or Authorized Representative

Janet H. Fairchild

DATE: AUGUST 15, 1994

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: WEST VIRGINIA BOARD OF EXAMINERS FOR REGISTERED NURSES

LEGISLATIVE RULE TITLE: Requirements for Licensure and Registration

1. Authorizing statute(s) citation §30-7-4 and §30-1-4

2. a. Date filed in State Register with Notice of Hearing
June 29, 1994

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

Advertised in the Special Edition of the RN NEWSLETTER

c. Date of Hearing(s) JULY 29, 1994

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

Attached YES No comments received

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

AUGUST 15, 1994

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

JANET H. FAIRCHILD, MS, RN

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.

JUNE 29, 1994

b. Date of hearing: JULY 29, 1994

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

AUGUST 15, 1994

d. Attach findings and determinations and reasons:

Attached YES



STATE OF WEST VIRGINIA
BOARD OF EXAMINERS FOR REGISTERED PROFESSIONAL NURSES

101 Dee Drive
Charleston, WV 25311-1620

May 9, 1994

The Honorable Ken Heckler
Secretary of State
Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

Dear Mr. Heckler,

The Board in session May 4 - 5, 1994 approved for filing proposed legislative rule 19CSR3 titled Requirements for Registration and Licensure. This is a repeal and replacement of the rule by the same title and name.

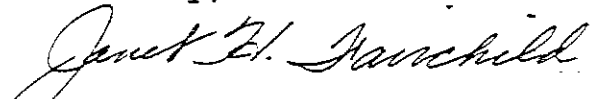
A brief summary of the rule follows:

This legislative rule establishes requirements for licensure and registration of registered professional nurses. It defines terms used in the rule; sets forth examination application procedures and fees; sets forth conditions for temporary permit for first-time examination applicant; establishes the examination used for licensure of registered professional nurses; sets forth conditions for re-testing of candidates who previously failed the licensure examination; sets forth requirements for licensure by endorsement and the issuance of a temporary permit to an applicant for licensure by endorsement; requires notification of Board of change in name and/or address; sets forth license renewal requirements, reinstatement of lapsed license, verification of licensure to another state board of nursing, replacement of lost certificate or licensure card; and establishes a penalty for presentation of a non-negotiable check.

The Board's rationale for proposing a repeal and replacement of this rule follows:

This rule has not been revised or updated since December 1982. The overall format has been changed. There has been updating of licensure and registration procedures.

Sincerely,


Janet H. Fairchild M.S., R.N.
Executive Secretary

**TITLE 19
LEGISLATIVE RULES
WEST VIRGINIA BOARD OF EXAMINERS FOR
REGISTERED PROFESSIONAL NURSES**

SERIES 3

REQUIREMENTS FOR REGISTRATION AND LICENSURE

§ 19-3-1.General.

- 1.1. Scope. -- This rule establishes the requirements for registration and licensure of a registered professional nurse.
- 1.2. Authority. -- West Virginia Code §30-7-4 and §30-1-4.
- 1.3. Filing Date. -- _____.
- 1.4. Effective Date. -- _____.
- 1.5. Repeal of former rule.-- This legislative rule repeals and replaces WV 19CSR3 "Requirements for Registration and Licensure" filed December 17, 1982 and effective December 17, 1982.

§ 19-3-2.Definitions.

- 2.1. The following words and phrases as used in this rule shall have the following meanings, unless the context otherwise requires:
 - 2.1.1. "Board" shall mean the West Virginia board of examiners for registered professional nurses;
 - 2.1.2. "Certificate of registration" means a document issued by the board upon original licensure by examination in West Virginia;
 - 2.1.3. "Licensure card" means the wallet-sized document issued annually to indicate current registration or re-registration; and

2.1.4. "Temporary permit" means a permit authorizing the holder to practice registered professional nursing in this state until such permit is no longer effective or the holder is granted a license by the board (West Virginia Code §30-7-1 (a)). The holder of a temporary permit shall be subject to all provisions of West Virginia Code § 30-7-1 *et.seq.*, and all other relevant sections of the West Virginia Code and rules.

§ 19-3-3.Application for Examination.

3.1. Qualifications for application.

3.1.1. Preliminary education of applicant.

An applicant for a license to practice as a registered professional nurse in West Virginia must have completed an approved four-year high school course of study or the equivalent thereof, as determined by the appropriate educational agency.

3.1.2. Personal qualifications of applicant.

An applicant must be of good moral character.

3.1.3. Educational qualifications of applicant.

An applicant must have completed the basic curriculum in a program in nursing education approved by the West Virginia board of examiners for registered professional nurses, or in a school accredited or approved by a comparable board or other recognized authority in another jurisdiction. He/she must hold a diploma from that school and be recommended to the board by the faculty of the school of nursing.

3.1.4. In lieu of the educational qualifications specified in paragraph 3.1.3. of this rule, an applicant qualifying under West Virginia Code §30-24 shall meet the following requirements:

- a. An applicant must have served on active duty in the medical corps of any of the armed forces of the United States and must have successfully completed the course of instruction(s) required to qualify her/him for rating as a medical specialist advanced, medical service technician or advanced hospital corpsman technician, or other equivalent rating in her/his particular branch of the armed forces.
- b. The applicant must have had extensive military education in nursing science while serving on active duty in any branch of the armed forces. Military education courses in non-nursing fields are not credited toward eligibility requirements. Non-military (civilian) courses in nursing science are not credited toward the eligibility requirements. Military education courses in the field of nursing science will be evaluated on the basis of length of study, course content and comparability to state approved nursing education programs for registered professional nursing.
- c. The applicant must have had extensive military service in the field of nursing while serving on active duty in any branch of the armed forces. Military service in the field of nursing will be evaluated

on the basis of length of time served and/or type of nursing service experience for comparability to professional nursing practice authorized by West Virginia Code §30-7.

- d. The applicant must have been honorably discharged from military service.

3.2. Filing of Application.

3.2.1. Applicant educated in the United States.

- a. An applicant for licensure by examination shall submit or cause to be submitted the information as specified in the following subparagraphs to the board office:
 - a.A. A completed board application forty-five (45) days prior to the date the candidate wishes to sit for the examination.
 - a.B. The required fee for licensure by examination of fifty-one dollars and fifty cents (\$51.50). Payment must be in the form of a cashier's check or money order, and made payable to the West Virginia board of examiners for registered professional nurses. Application fees are not refundable, nor applicable to other test dates.
 - a.C. One (1) passport type identification photograph of applicant signed on the front by both the applicant and the director of the nursing education program.
 - a.D. An official transcript shall be sent directly to the office of

the board from a board approved nursing education program. The official transcript may be submitted after the forty-five (45) day filing deadline, but at least two weeks prior to the examination date. The application will not be considered for approval until the final, official transcript is received in the board office.

b. An applicant for licensure by examination shall submit the information as specified in the following subparagraph directly to the test service:

b.A. A completed national council licensure examination (NCLEX-RN) application with the application fee forty-five (45) days prior to the date the candidate wishes to sit for the examination.

b.B. The authorization to test for any one application will be valid for ninety (90) days, and may not be extended.

3.2.2. Applicant educated in another country.

a. An applicant who was educated in another country and who seeks licensure by examination shall submit or cause to be submitted the information as specified in the following subparagraphs:

a.A. A completed board application forty-five (45) days prior to the date the candidate wishes to sit for the examination.

a.B. The required fee for licensure by examination of fifty-one

dollars and fifty cents (\$51.50). Payment must be in the form of a cashier's check or money order, and made payable to the West Virginia board of examiners for registered professional nurses. Application fees are not refundable, nor applicable to other test dates.

- a.C. One (1) passport type identification photograph of applicant signed on the front by the applicant.
 - a.D. A copy of the certificate issued by the commission on graduates of foreign nursing schools (CGFNS), as specified in West Virginia 19CSR4.
 - a.E. A copy of the transcript from a professional nursing education program, translated in the english language, is to be submitted, if requested by the board.
- b. An applicant for licensure by examination shall submit the information as specified in the following subparagraph directly to the test service:
- b.A. A completed national council licensure examination (NCLEX-RN) application with the application fee forty-five (45) days prior to the date the candidate wishes to sit for the examination.
 - b.B. The authorization to test for any one application will be valid for ninety (90) days, and may not be extended.

3.2.3. Applicant pursuant to West Virginia Code §30-24 (veterans).

- a. An applicant for licensure by examination who qualifies under West Virginia Code §30-24 (veterans) shall submit or cause to be submitted the information as specified in the following subparagraphs to the board office:
 - a.A. A completed board application forty-five (45) days prior to the date the candidates wishes to sit for the examination.
 - a.B. The required fee for licensure by examination of fifty-one dollars and fifty cents (\$51.50). Payment must be in the form of a cashier's check or money order, and made payable to the West Virginia board of examiners for registered professional nurses. Application fees are not refundable, nor applicable to other test dates.
 - a.C. One (1) passport type identification photograph of applicant signed on the front by the applicant.
 - a.D. An official copy of military form DD214 shall be submitted directly from the national personnel records center.
 - a.E. Additional information may be requested by the board to include but not be limited to:
 - (a). Copies of certificates of completion for military education.
 - (b). Course outlines for military education documenting

nursing science content in training program.

b. An applicant for licensure by examination who qualifies under West Virginia Code §30-24 shall submit the information as specified in the following subparagraph directly to the test service:

b.A. A completed national council licensure examination (NCLEX-RN) application with the application fee forty-five (45) days prior to the date the candidates wishes to sit for the examination.

b.B. The authorization to test for any one application will be valid for ninety (90) days, and may not be extended.

§ 19-3-4. Temporary permit to practice as a registered professional nurse.

4.1. Section six, article seven, chapter thirty, Code of West Virginia states: "...The board shall, upon receipt of a duly executed application for licensure and of the accompanying fee, issue a temporary permit to practice registered professional nursing to any applicant who has received a diploma from a school of nursing approved by the board pursuant to this article after the date the board last scheduled a written examination for persons eligible for licensure: *Provided however*, That no such temporary permit shall be renewable nor shall any such permit be valid for any purpose subsequent to the date the board has announced the results of the first written examination given by the board following the issuance of such permit."

4.1.1. A temporary permit issued to an applicant awaiting initial examination for

licensure as a registered professional nurse shall be valid until three (3) days from the date the applicant's licensing examination results are mailed from the office of the board.

4.1.2. A temporary permit may be issued to a candidate for examination following graduation from a state approved nursing education program. Such temporary permit shall expire ninety (90) days following graduation, or at the time licensure examination results are announced, whichever comes first. No temporary permit is renewable.

4.1.3. No temporary permit which permits the holder to practice registered professional nursing while awaiting initial examination for licensure and the reporting of the results of such examination shall be issued until an application for licensure by examination has been received and approved by the board.

4.1.4. The holder of a temporary permit is subject to all provisions of West Virginia Code § 30-7-1 *et.seq.* and all other relevant provisions of West Virginia Code and rules.

§ 19-3-5.Licensure Examination.

5.1. Board may determine licensure examination.

West Virginia Code §30-7-6 states: . . . "The applicant shall also be required to pass a written examination in such subjects as the board may determine. Each written examination may be supplemented by an oral examination. Upon successfully passing such examination or examinations, the board shall issue to

the applicant a license to practice registered professional nursing. The board shall determine the times and places for examinations. . ."

- 5.2. The licensure examination shall be the national council licensure examination for registered nurses (NCLEX-RN) which is owned and controlled by the national council of state boards of nursing. The computer adaptive version of this examination (NCLEX-RN) shall be the licensure examination following its adoption and implementation by the national council of state boards of nursing.
- 5.3. The board determines the availability of the examination dates, times, and places of administration.

§ 19-3-6.Failure to pass licensure examination.

- 6.1. An applicant for licensure by examination who fails to attain a passing score on the examination shall, upon notification of examination results, immediately return any temporary permit to practice registered professional nursing to the office of the board.
- 6.2. Conditions for repeating an examination following failure.
West Virginia Code §30-7-6 states: . . ."In the event an applicant shall have failed to pass examinations on two occasions, the applicant shall, in addition to the other requirements of this section, present to the board such other evidence of his or her qualifications as the board may prescribe."
- 6.3. In considering an application for licensure by examination, the number of times the applicant has taken the licensing examination shall include each time that the applicant has taken an examination for licensure as a registered professional nurse

in any jurisdiction.

- 6.4. In the event a candidate fails the licensure examination two times, he or she may petition the board for permission to repeat the licensure examination. Approval by the board to repeat an examination after two failures may be denied if more than two years has lapsed since the candidate graduated from a nursing education program. In addition, approval to repeat the examination after two failures may be denied if the candidate cannot show in petition to repeat the examination more than two times that any definitive action has been taken by the candidate to correct deficiencies in nursing knowledge.
- 6.5. An examination candidate may not repeat the licensure examination more than four times per year, nor more often than every ninety (90) days, even if such examination may be available from the testing service at more frequent intervals.
- 6.6. A repeat examination candidate shall complete the application for examination as specified in section 3.2. of this rule.

§ 19-3-7.Licensure by endorsement.

- 7.1. Licensure by endorsement.

Pursuant to West Virginia Code § 30-7-6, "The board, may upon application, issue a license to practice registered professional nursing by endorsement to an applicant who has been duly licensed as a registered professional nurse under the laws of another state, territory or foreign country if in the opinion of the board the applicant meets the qualifications required of registered professional nurses at the time of graduation."

7.1.1. An application for licensure by endorsement must be completed and submitted to the office of the board;

7.1.2. A non-refundable fee of thirty dollars (\$30.00) in the form of a money order or cashier's check must be submitted to the board at the time of application.

7.2. Licensure by endorsement of a person not a citizen of the United States.

Pursuant to West Virginia Code § 30-7-7, "The board may, upon application, issue a license to practice registered professional nursing by endorsement to any person who is not a citizen of the United States of America if such person (a) has been duly licensed as a registered professional nurse under the laws of another state, territory or foreign country, and (b) shall, in any such state, territory or foreign country have passed a written examination in the English language which, in the opinion of the board, is comparable in content and scope to the type of written examination which is authorized in the second paragraph of section six, [§ 30-7-6] of this article. All other provisions of this article shall be applicable to any application for or license issued pursuant to this section."

7.2.1. West Virginia 19CSR4, titled Qualifications of graduates of Foreign Nursing Schools for Admission to the Professional Nurse Licensing Examination, provides for the non-comparability of the licensing examination.

7.3. Temporary permit for endorsement candidate.

West Virginia Code §30-7-6 states: . . . "The board may, upon application and

proper identification determined by the board, issue a temporary permit to practice registered professional nursing by endorsement to an applicant who has been duly licensed as a registered professional nurse under the laws of another state, territory or foreign country. Such temporary permit authorizes the holder to practice registered professional nursing in this state while the temporary permit is effective. A temporary permit shall be effective for ninety days, unless the board revokes such permit prior to the expiration, and such permit may not be renewed. Any person applying for a temporary license under the provisions of this paragraph shall, with his or her application, pay to the board a non-refundable fee of ten dollars." The holder of a temporary permit is subject to all provisions of West Virginia Code §30-7-1 *et. seq.* and all other relevant sections of West Virginia Code and rules.

7.3.1. A complete endorsement application shall be on file in the board office prior to the issuance of a temporary permit including the notarized form, identification photograph, and endorsement application fee of thirty dollars (\$30.00).

7.3.2. A complete board application for a temporary permit for an endorsement applicant shall be on file in the board office including the form and the ten dollar (\$10.00) fee prior to the issuance of a temporary permit.

7.3.3. Said temporary permit shall expire ninety (90) days from the date of issuance and said expiration date shall be printed on the temporary permit.

7.3.4. The holder of said temporary permit shall immediately return said

temporary permit upon request of the board. Failure to complete the endorsement application for full license does not entitle the temporary permit holder to an extension of the temporary permit. In the event that the ninety (90) day period expires prior to the completion of the required procedure for licensure by endorsement by an applicant licensed as a registered professional nurse in another state, territory, or foreign country, a satisfactory explanation must be furnished to the board prior to any subsequent request for endorsement by that applicant. If said explanation is deemed acceptable by the board, the applicant must repeat the process for endorsement in its entirety.

- 7.3.5. A temporary permit shall not be renewable, and the initial ninety (90) day period shall not be extended.
- 7.3.6. The holder of any temporary permit to practice registered professional nursing shall furnish the board with his or her address and telephone number, and the name, address, and telephone number of his or her employer at all times while said permit is effective.
- 7.3.7. A temporary permit shall not be issued if it is determined by the board upon satisfactory proof that the applicant has in any way falsified his or her qualifications for said permit.
- 7.3.8. Said temporary permit shall not be issued if the board is presented with satisfactory proof that the applicant has any action pending against his or her license to practice registered professional nursing in another state,

territory, or foreign country, or if said license is encumbered in any way.

7.3.9. A temporary permit will become void during said ninety (90) days if it is determined by the board upon satisfactory proof that full licensure will be denied for any of the causes set forth in section six, article seven, chapter thirty, Code of West Virginia. In addition, the expiration of said temporary permit may occur prior to ninety (90) days in the event that the board revokes the permit.

§ 19-3-8.Change of name and/or address.

8.1. Change of name.

If a nurse licensed in West Virginia legally changes his or her name through marriage, divorce court order or other means, he or she must send this information to the office of the Board, including both the full prior name and the new name, in a properly executed affidavit. The licensee must submit this affidavit along with the fee of five dollars (\$5.00).

8.2. Change of residence/ mailing address.

A licensee shall also notify the board of any change in residence and/or mailing address within thirty (30) days of the change. This notification must be submitted in writing to the Board office.

§ 19-3-9.Renewal of license.

9.1. West Virginia Code §30-7-8 states "The license of every person licensed and registered under the provisions of this article shall be annually renewed except as hereinafter provided. At such time or times as the board in its discretion may

determine, the board shall mail a renewal application to every person whose license was renewed during the previous year and every such person shall fill in such application blank and return it to the board with a renewal fee of twenty-five dollars within thirty days after receipt of said renewal application: Provided, That the board in its discretion by rule may increase or decrease the renewal fee. Upon receipt of the application and fee, the board shall verify the accuracy of the application and, if the same be accurate, issue to the applicant a certificate of renewal for the current year. Such certificate of renewal shall entitle the holder thereof to practice registered professional nursing for the period stated on the certificate of renewal. . ."

9.2. Annual renewal of license.

Annual renewal of license is required of all nurses who practice in West Virginia. Such renewal shall be accomplished by filing an application together with the fee, prior to December 31, each year.

9.3. Request for inactive status.

West Virginia Code §30-7-8 states ". . . A person licensed under the provisions of this article desiring to retire from practice temporarily shall send a written notice of such desire to the board. Upon receipt of such notice the board shall place the name of such person upon the inactive list. While remaining on this list the person shall not be subject to the payment of any renewal fees and shall not practice registered professional nursing in this state. When the person desires to resume active practice, application for renewal of license and payment of the

renewal fee for the current year shall be made to the board." If not practicing, and in the absence of disciplinary action pending against the license, the nurse may request his/her name be entered on the inactive list by the executive secretary of the West Virginia board of examiners for registered professional nurses by completing the renewal application furnished by the board and indicating his or her desire to be placed on inactive status. His or her records will then be designated "inactive". The inactive licensee may, upon application and payment of current fee, receive an active license to practice registered professional nursing in West Virginia. The board may inquire into activities and events during the term of the inactive license period. No fee is required for inactive status and no license is issued.

§ 19-3-10.Reinstatement of lapsed license.

10.1. West Virginia Code §30-7-8 states " . . . Any licensee who allows his or her license to lapse by failing to renew the license as provided above may be reinstated by the board on satisfactory explanation for such failure to renew his or her license and on payment to the board of the renewal fee hereinabove provided and a reinstatement fee of fifty dollars. Any person practicing registered professional nursing during the time his or her license has lapsed shall be considered an illegal practitioner and shall be subject to the penalties provided for violation of this article."

10.1.1. Non-renewal of license.

A nurse who does not have in her/his possession a current license to

practice nursing for the upcoming year upon expiration of the current year's license shall be considered delinquent or lapsed. To be reinstated, a nurse whose license has lapsed must pay an additional fee of fifty dollars (\$50.00).

§ 19-3-11.Verification of licensure to another state board of nursing.

11.1. The Board will furnish a certified statement verifying West Virginia licensure to the board responsible for the licensure of registered professional nurses in another state upon submission of a written request by the licensee for said verification and payment of a thirty dollar (\$30.00) fee. If the licensee is a graduate of a school which has closed and his/her records are on file in the board office, the board will provide a copy of school records upon written request and payment of five dollars (\$5.00) for copying.

§19-3-12.Loss of certificate of registration or current licensure card.

- 12.1. To replace a lost or destroyed certificate of registration the nurse shall send an affidavit certifying the loss or destruction and a fee of five dollars (\$5.00) to the West Virginia board of examiners for registered professional nurses.
- 12.2. To replace a lost or destroyed current licensure card the nurse shall send an affidavit certifying the loss and a fee of five dollars (\$5.00) to the board.
- 12.3. The board may publish notice of the issuance of a duplicate certificate of registration or current licensure card.

§19-3-13.Penalty for presentation of non-negotiable check.

13.1. A fee not to exceed fifteen dollars (\$15.00) shall be assessed to any individual

who presents a check payable to the board that is later returned by the bank. The non-negotiable check shall be redeemed by payment of the amount of the check and the aforementioned fee made by cash, cashier's check, or money order within fourteen (14) days of notification by certified mail of the returned check. This fee is in addition to any reinstatement or other fee which may additionally become due because the applicant or licensee submits an application or registration form after a board deadline.

- 13.2. If fees are not paid within 14 days for a check submitted with an application for renewal or reinstatement, the license of a registered professional nurse is no longer valid. The status of the license will be returned to the status that existed prior to the submission of the non-negotiable check. If a license for the current year was issued prior to acknowledgement of the non-negotiable check, this license will not be valid. The status of the license will be returned to what it would have been had this license not been issued.

ORIGINAL

BEFORE
THE WEST VIRGINIA BOARD OF EXAMINERS FOR
REGISTERED PROFESSIONAL NURSES

PUBLIC HEARING

SERIES 3

REQUIREMENTS FOR REGISTRATION AND LICENSURE

FRIDAY, JULY 29, 1994

8:30 A.M.

101 DEE DRIVE

CHARLESTON, WEST VIRGINIA

DATE: Aug. 2, 1994

NINETY DAYS FROM THE ABOVE DATE THE
TAPES OF THIS MATTER WILL BE ERASED
SO THAT THEY MAY BE REUSED UNLESS
WE HEAR FROM YOU INDICATING YOUR
REASONS WHY THIS SHOULDN'T BE DONE.

JANET T. SURFACE
ALUM CREEK, WEST VIRGINIA 25003
PHONE (304) 756-3302 756-3611

JANET T. SURFACE

COURT REPORTERS
62 MUIRFIELD DRIVE
HURRICANE, WEST VIRGINIA 25526-9018
PHONE (304) 757-0622

APPEARANCES:

JANET H. FAIRCHILD, MS, RN,
Executive Secretary,
West Virginia Board of Examiners
for Registered Professional Nurses,
101 Dee Drive,
Charleston, West Virginia 25311-1620;

RUTH PEARSON, MS, RN,
Board Secretary,
Huntington, West Virginia.

JANET T. SURFACE
COURT REPORTERS
62 MUIRFIELD DRIVE
HURRICANE, WEST VIRGINIA 25526-9018
PHONE (304) 757-0622

EXECUTIVE SECRETARY FAIRCHILD: Good morning. I have eight-thirty and we are scheduled to begin the public hearing for the purpose of receiving comments and further written comments from the public on our series rule, or Series 3 proposed changes rule. And at this time we can just allow anyone to speak to them who would like to.

There are so few of you here, I will just take whoever would like to volunteer first.

A VOICE: Janet, I think I marked the wrong thing. I wanted to speak to the next hearing, Series 11.

EXECUTIVE SECRETARY FAIRCHILD: Okay. That starts at ten.

A VOICE: Right.

EXECUTIVE SECRETARY FAIRCHILD: No comments for this one?

A VOICE: I just mostly wanted to attend so that I could have accurate information to take back.

EXECUTIVE SECRETARY FAIRCHILD: Okay.

Now at this hearing I don't discuss the rules or answer questions. It's just for the

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PHONE (304) 757-0622

purpose of receiving oral testimony and receiving further written comments.

It may get a little boring if no one wants to speak. So just make yourself comfortable.

We have with us one of our Board members, Ruth Pearson. So she will be here to listen to comments also.

(WHEREUPON, the floor remained open for comments until 9:30 a.m..)

EXECUTIVE SECRETARY FAIRCHILD: This part of the hearing is now concluded. It is nine-thirty. So the hearing for Series 3 rules is over.

We will still take written comments on this series through the end of today, the business day, until four o'clock.

So at this point this one is finished and we will start with the next hearing at ten o'clock.

JANET T. SURFACE
COURT REPORTERS
62 MUIRFIELD DRIVE
HURRICANE, WEST VIRGINIA 25526-9018
PHONE (304) 757-0622

REPORTER'S CERTIFICATE

I, the undersigned, Janet T. Surface, Stenomask Reporter, do hereby certify that the foregoing is, to the best of my skill and ability, a true and accurate transcript of the proceedings had in the above-styled public hearing on the 29th day of July, 1994.

Given under my hand this the 29th day of July, 1994.

Janet T. Surface
Reporter

JANET T. SURFACE
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PUBLIC HEARING
 SERIES 3
 REQUIREMENTS FOR REGISTRATION AND LICENSURE
 JULY 29, 1994 8:30 AM TO 9:30 AM

| NAME | ADDRESS | AGENCY/PLACE OF EMPLOYMENT | REQUEST TO SPEAK |
|--------------------|---|----------------------------|------------------|
| 1. Cheryl Frakes | 2926 Washington Blvd Huntington WV 25105 | United Healthcare Corp | |
| 2. Anne Gibson | P.O. Box 711 Hurricane, WV 25526 | Hotel Healthcare Corp. | |
| 3. Inyla Wallace | P.O. Box 1333, Lewisburg WV | Certified Nurses of WV | |
| 4. Joanne M. Joffe | | | |
| 5. Karen Slogger | RR2 Box 159 Wheeling, WV 26070 | WV DNR | |
| 6. Fay Wojnowicz | Rt 1 Box 152 Oak Hill WV 25901 | WV DNR | |
| 7. Shante Ammons | 101 Shea Dr. Char, WV 25311 | LNU Board | |
| 8. Paul Pearson | Huntington, WV | RN Bd. Member | |

9. Elizabeth Smith 106 Walnut St. Glenville Gilmer Co. W. Va.

10.

11.

12.

13.

14.

15.

16.

17.

18.

19.

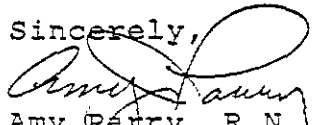
July 7, 1994

Janet Fairchild
West Virginia Board of Examiners
For Registered Professional Nurses
101 Dee Drive
Charleston, WV 25311-1620

Dear Janet,

I am writing you in response to receiving the R.N. Newsletter of public hearings for Series 3 Legislative Rule and Series 11 Legislative Rule. I am presently living and working in Florida and still retain my West Virginia nursing license (the state of original licensure). Unfortunately I can not come to the public hearing and would like my views known. Working in Florida I am required to have 24 continuing education units every two years at time of renewal. I think 30 hours is too many hours to obtain and that one hour per month is adequate. Also Florida use to ask the provider and then the nurse to send in proof of completed classes and this provided additional paperwork and record keeping. At least for the past four years, the state of Florida requires the nurse to keep records of 24 hours of continuing education every two years and be able to prove that the hours were obtained only if the nurse were of those who are randomly audited at time of license renewal. I like this and think the West Virginia Board should consider this to keep down costs and record keeping. I do agree that nurses should have and be required to have continuing education. The courses that I attended increased my knowledge and skills in nursing. I am also just completing my bachelor degree in nursing and realize what a good nursing education I received in West Virginia at Parkersburg Community College which is now Parkersburg branch of West Virginia University. Enclosed is my copy of Florida Board of Nursing Nursing Record with areas for renewal and continuing education hours highlighted that may be helpful in explaining my thoughts and what is required by Florida that merits review by West Virginia. Thank you for notifying me of the public hearing.

Sincerely,


Amy Parry, R.N.
9209 Seminole Blvd. #73
Seminole, FL 34642

NURSING RECORD



A World-Class Service Organization
DEPARTMENT OF PROFESSIONAL REGULATION NEWSLETTER
FOR NURSES LICENSED BY THE STATE OF FLORIDA

VOL. 6, NO. 2, WINTER 1992

MESSAGE FROM THE CHAIRMAN

Avoiding discipline as you renew your nursing license

By Betty Ann Taylor, RN, MSN, CNA
Chairman, Florida Board of Nursing

It may seem hard to believe, but license renewal forms will soon be mailed to nurses throughout Florida. As you get ready to turn your calendars to 1993, the Department of Professional Regulation (DPR) is preparing your licensure renewal form. Over the next two years nurses will find themselves being disciplined by the Board because they didn't manage the renewal process properly. How can you avoid discipline while renewing your nursing license? Here are some suggestions that may help you.



Betty Ann Taylor

Be sure that DPR has your current address on file. Your renewal notice will be mailed to your last known address. If you have moved and the post office is no longer forwarding your mail, your renewal notice will be returned to Tallahassee. The Board of Nursing does not maintain an employment file of nurses and cannot assist in redirecting your renewal notice to you. Your license will not be renewed until you contact DPR to inquire about your license renewal and provide them with a current mailing address. If you continue to work after your license's expiration date, you will be in violation of the Nurse Practice Act (F.S. 464). If you fail to keep DPR apprised of your current address, you will be in violation of a Board of Nursing rule.

Make every effort to complete your continuing education (CE) requirements as early as possible.

While you have until the expiration date of your current license to obtain the requisite contact hours, you cannot properly renew your license until all hours have been earned. While your intentions may be to earn the contact hours before your license's expiration date, you cannot be assured that you will. Canceled courses, personal and family illness and transportation problems may prevent you from actually completing the CE criteria. If you have not earned the contact hours and proceed to renew your license, you will be falsifying the renewal documents and therefore, will be in violation of the Nurse Practice Act. During every renewal cycle, nurses are disciplined for having signed the renewal forms before meeting the CE requirements.

Know your CE requirements. If you cannot prove that you have met them, you may be in violation of the Nurse Practice Act for falsifying records and/or renewing your license through misrepresentations.

If you held an active Florida nursing license during the entire current biennium (beginning April 1, 1991), you need 24 hours of continuing education. If you received your license by endorsement during the biennium, you need one hour of CE for each month you possessed your Florida license. The Board has the authority to fine nurses up to \$100 and to suspend their license for one month for each hour of incorrectly reported continuing edu-

See Chairman's Message, page 3

Many thanks to all who helped after Hurricane Andrew

The Board wishes to express heartfelt appreciation to the many, many nurses who participated in the effort to assist the victims of the



devastation caused by Hurricane Andrew in South Florida. Andrew made landfall on Monday, Aug. 24, 1992, and wreaked havoc not only on the community and the lives and homes of its residents, but also on the health system through-

out Dade, Broward, and Monroe Counties.

To assist in coping with the seemingly endless demands that were placed on the private and public health care delivery systems, the Governor promulgated an Executive Order on Aug. 28th to provide relief. The outpouring of help was incredible.

Great courage and human kindness were displayed by the hundreds of volunteer nurses and others whose actions went far above and beyond the call of duty. Their dedication, commitment, and unselfish service to others reflects credit upon the entire profession. Bravo. Well done and thank you to each and every one of you!



SCHOOL OF NURSING
400 Hal Greer Boulevard
Huntington, West Virginia 25755-9500
304/696-6750

June 28, 1994

Janet Fairchild, MS, RN
Executive Secretary
WV State Board of Examiners
for Registered Professional Nurses
101 Dee Drive
Charleston, WV 25311

Dear Janet:

I have enclosed some comments regarding the draft of Legislative Rules Series 1 and 2 for consideration by the West Virginia Board of Examiners for Registered Professional Nurses.

Sincerely yours,

A handwritten signature in cursive script, appearing to read 'Lynne', written in dark ink.

Lynne B. Welch, RN, EdD
Dean

/mc

Enclosure

SUGGESTIONS FOR STATE BOARD

First, this may not be up for consideration at this point, but I believe the title of the board should be just "registered", not "registered professional", in preparation for different testing for baccalaureate level.

Title 19 Series 1

2.13 add "certified nurse practitioner" in "...prescribed by a licensed physician, certified nurse practitioner, or a licensed dentist...."

5.4 "to write" is an outdated term. Should be "to take the state licensing exam...."

7.1 If "survey" means site visit, I believe it should not be mandatory if a school has full NLN accreditation and the state board scores are deemed acceptable to the Board.

10.1 If a school has NLN accreditation (without a warning), the annual report should be abbreviated and not so repetitive.

Title 19 Series 2

5.1 Faculty should have a minimum of a masters degree in nursing. (There are doctoral nursing programs which accept non-traditional students.) I also believe it is important to keep this educational standard as a goal to work toward. Faculty have until Jan. 1, 2000 to do this and access to graduate nursing programs is available.

5.2 Board should not require a report on faculty qualifications on appointment. It would be in the annual report. 5.3

states the conditions of employment must be consistent with the parent institution.

7.3 e. Addition of new faculty should not be considered a major change requiring board approval.

Title 19
Series 3

3.2.1.1.1 Change "sit for" to "take".

3.1.5.2 NCLEX-RN has been adopted, has it not?

3.6.4 Candidate should not have to petition to repeat the exam after just two failures. There should be a time limit such as that they must petition and show action to correct deficiencies if 2 or more years have elapsed since graduation. Definite criteria must be established as to what is acceptable "action".

3.7.1 Endorsement should be if they are licensed to be "registered nurses". Not all states use "registered professional", and again this will eventually become an issue.

Title 19
Series 11

2.4 Again, insert certified nurse practitioner as one who can prescribe.

3.2.3 Exempt a licensee who is enrolled in at least 6 credit hours for 1 year in a program leading to a higher degree in nursing.

Dr. Judith Sortet



ROBERT C. BYRD
HEALTH SCIENCES CENTER
OF WEST VIRGINIA UNIVERSITY

May 24, 1994

Janet Fairchild, MS, RN
Executive Secretary
WV Board of Examiners for RN's
101 Dee Drive
Charleston, WV 25311-1620

Dear Janet:

I will be unable to attend the public hearing on July 29 related to the proposed rule amendments for licensure and registration. However, I wanted to submit input for the record.

I support the proposed revisions for requirements for licensure and registration. The changes proposed are essential to address the new format in place for licensure. Policies and procedures related to accreditation and criteria for evaluations and accreditation of schools of nursing are clearly stated and congruent with national standards. The evaluation criteria, at times, appear minimal. I believe we should require a doctorate degree of nursing education administrators; and, requiring just a graduate degree in nursing for faculty is nominal at best. I believe we have past the era when faculty degreed in other majors is acceptable practice.

Again, I reiterate my support for these rule changes and wish you well at the hearing.

Sincerely,

Mary Jo Butler

Mary Jo Butler

MJB/an

School of Nursing—Charleston Division

3110 MacCorkle Avenue Charleston WV 25304-1299 Telephone 304 347-1253

Equal Opportunity/Affirmative Action Institution



ROBERT C. BYRD
HEALTH SCIENCES CENTER
OF WEST VIRGINIA UNIVERSITY

May 24, 1994

Janet Fairchild
WV Board of RN Examiners
101 Dee Drive
Charleston, WV 25311-1620

Dear Ms. Fairchild:

Dr. Mary Jo Butler shared with the faculty the proposed changes of the nurse practice act in regards to continuing education and licensure. This letter is in response to those proposed changes.

I wholeheartedly support the mandatory continuing education proposal. I have one reservation regarding the licensure proposal, and that is in regards to the replacement of nursing theory courses with military experience.

I should first explain my bias in regards to this. I have been a nurse for 17 years and in the clinical setting that period of time. I have had the experience of working with a few RN's who were licensed as a result of their military experience. I felt that they fell short of considering the patient holistically and definitely had no consideration on how nursing theory can positively effect health changes in the patient.

I believe that nursing needs to firm up its boundaries and become selective regarding who we allow into this profession. If a military candidate truly wants to be a nurse, I believe we should expect that candidate to enroll and complete nursing theory courses from an accredited college or university.

I also believe given our economic forecast, impending health care reform, and presently the "glut" of nurses in the field, its time to mandate a baccalaureate degree as the minimal educational preparation for nursing licensure.

I hope these comments are helpful. I appreciate the opportunity to voice my views.

Most sincerely,

Mary Beth Casdorff

Mary Beth Casdorff, RN, CS, MSN
Faculty, WVU School of Nursing

MBC/an

School of Nursing—Charleston Division

3110 MacCorkle Avenue Charleston WV 25304-1299 Telephone 304 347-1253

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