

Title 19
Legislative Rule
West Virginia Board of Examiners for Registered Professional Nurse
Series 3

Requirements for Registration and Licensure

Section 1 General

1.1 Scope - These rules establish the registration and licensure of a registered professional nurse

1.2 Authority - WV Code - 30-7, ~~30-15~~ 30-15 & 30-24

1.3 Filing Date - Dec 17, 1982

1.4 Effective Date - Dec 17, 1982

Section 2
2.

REQUIREMENTS FOR REGISTRATION AND LICENSURE
AS A REGISTERED PROFESSIONAL NURSE

APPLICATION FOR EXAMINATION.

- 1.1 Qualifications for application.
 - 1.11 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.
 - 1.12 Personal qualifications of applicant.
An applicant must be of good moral character.
 - 1.13 Educational qualifications of applicant.
An applicant must have completed the basic curriculum in nursing, as approved by the West Virginia State Board of Examiners for Registered Nurses, in a school accredited by that Board or comparable Board 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.
Noted. 131 on next page (Provision) (Effective 1-10-77) e
Nursing schools Graduates
- 1.2 Filing of application.
 - 1.21 Forms for application.
The secretary of the West Virginia State Board of Examiners for Registered nurses will supply form and instructions for making application for the licensing examination in advance of graduation, to the director of schools of nursing. *(Effective 1-10-77) e*
 - 1.22 Procedure for application.
Application form, completed and notarized, with passport type picture signed by applicant and by the director of the school, and a certified or cashier's check, or money order for the examination fee shall be submitted to the Board, no later than, 45 days in advance of the examination date. A duplicate picture similarly signed, shall be presented by the applicant when he/she reports for the examination.
(Code amended 1981 Effective 7-1-81) e
 - 1.23 If the application is filed before all requirements for graduation have been met, a letter from the Director of School of Nursing should be attached, stating that the candidate is in good standing and expected to be graduated.
(Effective 1-10-77) e
- 1.3 Temporary permit to practice as a registered professional nurse.
Article 7, Chapter 30, Section 6, 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."

Thus no temporary permit can be issued until application has been received and approved by the board.

~~(Code amended 1981 - Effective 7-1-81)~~ e

- 1.4 Responsibility of school.
Records from the school.

A transcript of the students record must be submitted to the office of the board at least 30 days prior to the examination date.

The applicant will not be admitted to the examination until the transcript is received in the board office.

~~(Effective 1-10-77)~~ e

- 1.5 Qualification for Examination for License as a Registered Professional Nurse. (Veterans)

Article 7, § 30-24-2, Code of West Virginia states:

Any person who has served on active duty in the medical corps of any of the armed forces of the United States and who has successfully completed the course of instruction required to qualify him for rating as a medical specialist advanced, medical service technician or advanced hospital corpsman technician, or other equivalent rating in his particular branch of the armed forces, and whose service in the armed forces was under honorable conditions, may submit to the West Virginia board of examiners for registered professional nurses, a photostatic copy of the certificate issued to him certifying successful completion of such course of instruction, a photostatic copy of his discharge from the armed forces, an application for a license as a registered professional nurse and the prescribed license fee. If the certificate and discharge, as evidenced by the photostatic copies thereof, the application and prescribed license fee are in order, and if the veteran meets all of the requirements of article seven of this chapter, except the requirement therein specified requiring an applicant to have completed an accredited program of registered professional nursing education and to hold a diploma from a school accredited by such board, the veteran shall be permitted, notwithstanding any provision of said article seven to the contrary, to take the same examination or examinations as are required under section six of said article seven for applicants who do not apply for a license under the provisions of this article twenty-four. If the veteran passes such examination or examinations he shall be licensed as a registered professional nurse, and such veteran shall thereafter be subject to all of the provisions of said article seven. If the veteran does not pass such examination or examinations, the provisions of said article seven relating to reexaminations shall apply to such veteran the same as they apply to a person who does not apply for a license under the provisions of this article twenty-four."

~~(Passed by Act of Legislature Effective 4-3-73)~~ e

- 1.6 Schedule for Licensing Examination.

Examinations will be held each year at times specified by the West Virginia State Board of Examiners for Registered Professional Nurses.

~~(Effective 1-10-77)~~ e

1.7 Notice of Examination.
Notice of the time and place the licensing examination will be administered will be mailed to directors of schools of nursing in West Virginia at least ninety (90) days prior to the dates set. ~~(Effective 1-10-77)~~ e

Section 3
2e

SCORES FOR LICENSURE.

2.1 Passing score on the licensing examination
Each nurse whose scores meet requirements set by the Board will receive an official report together with his/her certificate and license to practice as a registered professional nurse in West Virginia for the current year. ~~(Effective 1-10-77)~~ e

2.2 Failing score on the licensing examination.
Article 7, Chapter 30, Section 6, Code of West Virginia, states: "...In the event it shall be necessary for the board to reexamine any applicant for a license, an additional fee shall be paid to the board by the applicant for reexamination: Provided further, that the total of such additional fees shall in no case exceed one-hundred dollars for any one examination...." ~~(Code amended 1981 Effective 7-1-81)~~ e

2.21 Return of Temporary Permit.

The temporary permit is valid only until the results of the first written examination given by the Board following its issuance are announced. It must be returned to the Board immediately upon receipt of official report of failure to pass the licensing examination. ~~(Effective 1-10-77)~~ e

2.3 Re-Examination.

A candidate failing the examination may repeat the examination upon application and submission of fees.

~~(Public hearing held 5-16-79 Approved by Legislative Rule Committee Effective 10-1-79)~~ e

Section 4
2e

QUALIFICATIONS OF REGISTERED PROFESSIONAL NURSE TO ADMINISTER ANESTHETICS.

ADMINISTRATION ANESTHETICS:

Article 7, Chapter 30, Section 15, West Virginia Code states: "... in any case where it is lawful for a duly licensed physician or dentist practicing medicine or dentistry under the laws of this State to administer anesthetics, such anesthetics may lawfully be given and administered by any person (a) who has been licensed to practice registered professional nursing under this article, and (b) who holds a diploma or certificate evidencing his or her successful completion of the educational program of a school of anesthesia duly accredited by the American Association of Nurse Anesthetists: Provided, that such anesthesia is administered by such person in the presence and under the supervision of such physician or dentist. ~~(1945, c. 96, § 9; 1965, c. 120.)~~ e

QUALIFIED NURSES MAY ADMINISTER ANESTHETICS under the direction of and in the presence of a licensed dental surgeon, for the purpose of assisting in any of the operations which such surgeon is authorized to perform. ~~(45 O. Att'y. Gen. 467 (1953))~~ e

INCLUDING ENDOTRACHEAL AND SPINAL ANESTHESIA.

The language of this section must necessarily include the authority for registered nurses to administer endotracheal and spinal anesthesia. ~~(46 O. Att'y. Gen. 202 (1955) (Effective 1-10-77))~~ e

Section 5

QUALIFICATIONS FOR LICENSING OF NURSE-MIDWIFES.

~~§30-15-3.~~ Qualifications for licensing.

Persons shall be granted licenses who shall provide evidence upon their application that they: (a) are a registered professional nurse registered by the board; (b) are a graduate of a school of mid-wifery approved by the American College of Nurse-Midwifery; and (c) are certified by the American College of Nurse-Midwives.

~~(Effective 1-10-77)~~

5.2 ~~§30-15-4.~~ Applications; fee.

Persons may make applications for licensing as a nurse-midwife by completion of an application upon forms to be provided by the board. Such forms shall require the applicant to state their name, address, age, and their qualifications for licensing. The Board may require reasonable supporting documentation and information demonstrating that the applicant meets the qualifications for licensure. Such completed applications shall be submitted to the board together with the sum of twenty dollars (\$20.)

~~(Effective 1-10-77)~~

5.3 ~~§30-15-5.~~ Form of licenses: annual registration fee.

Licenses issued by the board shall bear a serial number, the full name of the applicant, the date of issuance of any such license, the seal of the board and the signature of the executive secretary of the board.

Every licensed midwife shall procure from the secretary of the board annually, on or before the first day of July a certificate of registration. The certificate shall be issued by said secretary upon the payment of a fee to be fixed by the board, not to exceed the sum of ten dollars (\$10). The secretary shall mail annually on or before the first day of June, to each licensed midwife a printed blank form to be properly filled in and returned by such licensed person on or before the first day of July to the secretary of the board. Upon the receipt of the form properly filled in, and such fee, the annual certificate of registration shall be issued and transmitted.

~~(Effective 1-10-77)~~

LICENSURE BY ENDORSEMENT.

~~§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....." ~~(from the West Virginia Code)~~

The fee for such licenses is thirty dollars (\$30) payable on application.

~~(Effective 1-10-77)~~

6.2 ~~§30-7-7.~~ West Virginia Code. "...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.

~~(1945, c.96, §3; 1965, c. 120; 1971, c.123.)~~ 0

~~(Effective 1-10-77)~~ e

Section 7
8e
CHANGE OF NAME.

If a nurse licensed in West Virginia changes her name through marriage, divorce, or religious orders, she must send to the Board this information, giving both her full maiden and married names in a properly executed affidavit. She shall also notify the Board of any change in residence. She must send the board this information, accompanied by the fee of one dollar (\$1.00).

~~(Effective 1-10-77)~~ e

Section 8
7e
RENEWAL OF LICENSE.

7.1 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.

If not practicing, the nurse may request his/her name be entered on the non-practicing list by the secretary of the West Virginia Board of Examiners for Registered Nurses by completing the renewal application furnished by the Board and indicating his/her desire to be placed on non-practicing status. His/her records will then be in good standing and at any time he/she may upon application and payment of current fee receive active license to practice registered professional nursing in West Virginia.

No fee is required for non-practicing status and no license is issued.

~~(Code amended by Act of Legislature 4-11-81)~~ e

~~Effective date 7-1-81)~~ e

7.2 Non-renewal of license.

A nurse who does not renew his/her license prior to December 31, of each year shall be considered delinquent. To be reinstated he/she must pay an additional fee of five dollars (\$5.00).

~~(Code amended by Act of Legislature 4-11-81)~~ e

~~Effective 7-1-81)~~ e

Section 9
8e
REPLACEMENT OF LOST CERTIFICATE.

8.1 Certificate of licensure (registration).

To replace a lost or destroyed certificate of licensure the nurse shall send an affidavit certifying to its loss or destruction and a fee of five dollars (\$5.00) to the West Virginia Board of Examiners for Registered Nurses.

~~(Effective 1-10-77)~~ e

8.2 Certificate of annual re-registration.

To replace a lost or destroyed certificate of annual re-registration the nurse shall send a notarized statement explaining the loss, and a fee of one dollars (\$1.00) to the Board.

~~(Effective 1-10-77)~~ e

Section 10
9e
ENDORSEMENT OF REGISTERED NURSE TO ANOTHER STATE

A nurse wishing to be licensed in another state will be furnished a certified statement of West Virginia licensure upon request to the Board and payment of a thirty dollar fee. If he/she is a graduate of a school which has closed and his/her records are on file in the Board office, an additional five dollar (\$5.00) fee will be

charged for photostating.

~~(Public Hearing held July 19, 1978; Passed by Act of
Legislature - Effective 1-1-79)~~

500
100
DENIAL, REVOCATION OR SUSPENSION OF A LICENSE.

Article 7, Chapter 30, Section 11, Code of West Virginia, states:
"....The Board shall have the power to deny, revoke or suspend
any license to practice registered professional nursing issued
or applied for in accordance with the provisions of this article,
or to otherwise discipline a licensee or applicant upon proof that
he or she:

- (a) Is or was guilty of fraud or deceit in procuring
or attempting to procure a license to practice
registered professional nursing; or
- (b) Has been convicted of a felony; or
- (c) Is unfit or incompetent by reason of negligence,
habits or other causes; or
- (d) Is habitually intemperate or is addicted to the use
of habit-forming drugs; or
- (e) Is mentally incompetent; or
- (f) Is guilty of conduct derogatory to the morals or
standing of the profession of registered nursing; or
- (g) Is practicing or attempting to practice registered
professional nursing without a license or re-regis-
tration; or
- (h) Has willfully or repeatedly violated any of the
provisions of this article.

~~(Effective 1-10-77)~~

WEST VIRGINIA LEGISLATIVE RULES
BOARD OF EXAMINERS FOR
REGISTERED PROFESSIONAL NURSES
RULE 1.131 PART III
ADMINISTRATIVE RULES AND REGULATIONS
(1984)
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Title 19

WEST VIRGINIA LEGISLATIVE RULES

~~SECRET~~

WEST VIRGINIA BOARD OF EXAMINERS FOR REGISTERED PROFESSIONAL NURSES

REGULATION 1.131 PART III OF RULES AND REGULATIONS

(1984) Series 4

FILED IN THE OFFICE OF EA. JAMES MANCHIN SECRETARY OF STATE

THIS DATE 4-9-84 Administrative Law Division

SUBJECT: Qualification of Graduates of Foreign Nursing Schools for Admission to the Professional Nurse Licensing Examination

Section 1. General

1.1 Scope - This legislative rule establishes that certification of graduates of foreign nursing schools by the Commission on Graduates of Foreign Nursing Schools shall be used to determine whether the nursing education of the foreign nurse graduate is comparable to that of the graduates of nursing education programs in the State of West Virginia for the purpose of qualifying to take the States' licensing examination for registered professional nurses. This rule would also establish the same requirement for foreign nurses coming to the United States on a visitors' visa as the Immigration Authorities require for issuing a work permit to foreign graduates applying for a work visa.

1.2. Authority - This legislative rule is issued under the authority of Chapter 30, Article 7, Section 4 a and b.

1.3. Filing Date - ~~This legislative rule was promulgated on the 13th day of September, 1983, and was filed on the 22nd day of September, 1983 in the Secretary of State's Office.~~

April 9, 1984

1.4 Effective Date - ~~This legislative rule became effective on the _____ day of _____, 19____, upon approval of legislature.~~

April 9, 1984

Section 2. Suppression and Repeal of Former Regulations -

This rule would supercede and repeal Rule 1.13 Part III of Administrative Rules and Regulations of the Board (emanating from West Virginia Code Chapter 30-7-6-c) as it applies to graduates of foreign nursing schools. The rule states: "An applicant must have completed the basic curriculum in nursing, as approved by the West Virginia Board of Examiners for Registered Nurses, in a school accredited by that Board or a comparable Board in another jurisdiction." The West Virginia Board does not have the power to approve the curriculum or to accredit schools in foreign countries so this criteria cannot be met.

Section 3. Application and Enforcement

3.1. Application - This rule applies only to graduates of nursing programs in foreign countries making application to take the State Registered Nurse licensing examination.

3.2. Exceptions - Applies only to graduates from foreign nursing programs.

3.3. Enforcement - This rule shall be enforced by the West Virginia Board of Examiners for Registered Professional Nurses.

Section 4. Definition

4.1. Graduate of a Foreign Nursing School - A nurse who

has graduated from a school of professional nursing outside the United States of America and is qualified and authorized in her/his country to practice nursing.

4.2. Licensure examination - The written examination in such subjects as the board may determine given to unlicensed applicants requesting a license to practice registered professional nursing in West Virginia.

4.3. Commission on Graduates of Foreign Nursing Schools (CGFNS) An independent, non-profit organization, sponsored by two principal nursing organizations in the United States of America - The American Nurses' Association and the National League for Nursing. The purpose of CGFNS is to prevent the exploitation of graduates of foreign nursing schools who come to the United States to practice nursing, but are prevented from doing this when they fail to pass state licensing examinations. A second purpose is to help assure the American public of safe patient care.

4.4. Commission on Graduates of Foreign Nursing Schools Certification - A certificate granted to graduates of foreign nursing schools signifying a passing grade on an examination given to determine their probable qualification as full-fledged professional nurses in the U.S.A. before they leave their own countries, or for foreign nurses already in the U.S.A. who need the CGFNS Certificate for an extension or change of visa status.

Obtaining a CGFNS Certificate is a requirement to obtain a non-immigrant (H-1) preference visa from the U.S. Immigration and Naturalization Service. Also, the CGFNS Certificate is a requirement in order to obtain a labor certificate (work permit) from a U.S. Labor Department Regional Office. The labor certificate is needed to obtain an immigrant occupational preference visa.

4.5 CGFNS Examination - Examination sponsored by the CGFNS which covers the five areas of nursing and the steps of the nursing process (assessing, analyzing, planning, implementing and evaluating) which registered nurses are taught in their basic nursing education in U.S.A. and which are covered by the state licensing examination. The CGFNS examination covers proficiency in both nursing practice and English comprehension. Both sections are given in the English language and are required of all applicants.

Section 5. State Administrative Procedure - Rule 1.131.
51 Rule 1.131. Qualification of Graduates of Foreign Nursing Schools for Admission to the Registered Nurse Licensing Examination. - All graduates of foreign nursing schools applying to take the state licensing examination for registered nursing shall submit evidence of certification by the Commission on Graduates of Foreign Nursing Schools signifying a passing grade on CGFNS

examination as evidence of meeting similiar qualifications of graduates of nursing programs in West Virginia for the purpose of qualifying for admission to the State licensing examination.

STATE OF WEST VIRGINIA

BOARD OF EXAMINERS FOR REGISTERED PROFESSIONAL NURSES

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CHARLESTON, WEST VIRGINIA 25301

April 6, 1984

The Honorable A. James Manchin
Secretary of State
State of West Virginia
Building 1, Room W-157
Charleston, WV 25305

Dear Mr. Manchin:

Enclosed please find two copies of the Proposed Legislative Rule 1.131 Part III of the Rules and Regulations of the West Virginia Board of Examiners for Registered Professional Nurses, Qualifications of Graduates of Foreign Nursing Schools for Admission to Professional Nurse Licensing Examination for filing in the State Register. The rule was authorized by the 1984 West Virginia Legislature and signed by the Governor on March 30, 1984. The rule becomes effective as of April 6, 1984.

Very truly yours,

Garnette Thorne, R.N.

Miss Garnette Thorne, R.N., M.S.N.
Executive Secretary

GT/e
encl. 2

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE

THIS DATE *April 9, 1984*
Administrative Law Division