

**WEST VIRGINIA  
SECRETARY OF STATE  
NATALIE E. TENNANT  
ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In This Box

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2012 JUN 19 PM 2:28

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**

AGENCY: West Virginia Board of Examiners for Registered Professional Nurses TITLE NUMBER: 19

RULE TYPE: Legislative CITE AUTHORITY: §§30-7-1(a) and 30-7-4

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 7

TITLE OF RULE BEING AMENDED: Announcement of Advanced Practice

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON July 19, 2012 AT 4:00 P.M. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

WV RN Board  
101 Dee Drive, Suite 102  
Charleston, WV 25311

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

  
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

Laura S. Rhodes, M.S.N., R.N.  
Executive Director



TELEPHONE:

(304) 558-3596

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email: rnboard@wv.gov  
web address: www.wvrnboard.com

**STATE OF WEST VIRGINIA**  
**BOARD OF EXAMINERS FOR REGISTERED PROFESSIONAL NURSES**  
101 Dee Drive, Suite 102  
Charleston, WV 25311-1620

June 18, 2012

The Honorable Natalie Tennent  
Secretary of State  
Building 1, Suite 157-K  
1900 Kanawha Blvd  
Charleston, WV 25305-0770

RE: Board Approved Proposed Rule WV 19 CSR 7

Dear Secretary Tennant:

The West Virginia Board of Examiners for Registered Professional Nurses in session June 14, 2012 approved the proposed rule WV 19 CSR 7 Advanced Practice Registered Nurse. This letter serves to notify your office of the agency approval and to provide the required brief summary for the proposed changes.

The proposed revisions further define the scope of practice, education, licensure and application requirements for Advanced Practice Registered Nurses.

Should you have any questions or desire more information please contact me.

For the Board,

A handwritten signature in cursive script that reads "Laura Skidmore Rhodes".

Laura Skidmore Rhodes, MSN, RN  
Executive Director

**FISCAL NOTE FOR PROPOSED RULES**

Announcement of Advanced Practice

Rule Title: \_\_\_\_\_

Type of Rule:  Legislative  Interpretive  Procedural

Agency: West Virginia Board of Examiners for Registered Professional Nurses

Address: 101 Dee Drive, Suite 102  
Charleston, WV 25311

Phone Number: (304) 558-3596 Email: rnboard@wv.gov

**Fiscal Note Summary**

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

There will be no impact on costs and revenues of state government.

**Fiscal Note Detail**

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "--")	Next Increase/Decrease (use "--")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues		0.00	0.00

Announcement of Advanced Practice

Rule Title: \_\_\_\_\_

Rule Title: \_\_\_\_\_

3. **Explanation of above estimates (including long-range effect):**  
Please include any increase or decrease in fees in your estimated total revenues.

**MEMORANDUM**

Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

Date: June 19, 2012

Signature of Agency Head or Authorized Representative

*Laura Alderson Rhodes*

FILED

TITLE 19  
LEGISLATIVE RULE  
BOARD OF REGISTERED PROFESSIONAL NURSES

2012 JUN 19 PM 2:28

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

SERIES 7  
~~ANNOUNCEMENT OF ADVANCED PRACTICE REGISTERED NURSE~~

**§19-7-1. General**

- 1.1. Scope. -- These rules establish the scope of the ~~Announcement of Advanced Practice of the~~ Registered Nurse.
- 1.2. Authority. -- W.Va. §§ 30-7-1(a) and 30-7-4.
- 1.3. Filing Date. --
- 1.4. Effective Date. --

**§19-7-2. Definitions**

- 2.1. ~~Advanced nursing practice is the practice of nursing at a level which requires substantial theoretical knowledge in a specialized area of nursing practice and proficient clinical utilization of the knowledge in implementing the nursing process. The competencies of specialists include but are not limited to the ability to assess, conceptualize, diagnose, analyze, plan, implement, and evaluate complex problems related to health:~~

Advanced Practice Registered Nurse (APRN) is a registered nurse who has acquired advanced clinical knowledge and skills preparing him or her to provide direct and indirect care to patients, who has completed a board approved graduate-level education program and who has passed a board approved national certification examination. An APRN shall meet all the requirements set forth by the board by rule for an APRN which shall include, at a minimum, a valid license to practice as a certified registered nurse anesthetist, a certified nurse midwife, a clinical nurse specialist or a certified nurse practitioner. Provided That,

2.1.a. An applicant for licensure as an APRN as set forth in section one of this rule who completed an advanced nursing education program and was recognized, licensed or certified in an advanced practice or a certified nurse midwife by West Virginia or another state before December 31, 2012, may apply for and receive an APRN license if that applicant meets the requirements that were in place in West Virginia at the time the applicant qualified for initial advanced practice licensure.

- 2.2. Certification or Recertification is a designation by a national certifying body

recognized by the Board indicating the individual has completed the requirements necessary to earn such designation.

2.3. Unencumbered means a professional license has no current disciplinary action and no restrictions on practice through disciplinary action or other requirements.

**§19-7-3. APRN licensure.**

3.1. An applicant for initial licensure as an APRN shall meet the following requirements:

3.1.a. Submit to the Board the required fee as specified in §19-12 Fees, verification of licensure or eligibility for licensure as a registered nurse in this state and a completed application that includes, at minimum, the following information:

3.1.a.1. Graduation from a graduate program accredited by a nurse accrediting body that is recognized by the U.S. Department of Education and/or the Council for Higher Education Accreditation (CHEA), or its successor organization as acceptable by the Board.

3.1.a.2. Verification of completion as evidenced by official documentation, usually in the form of a transcript with the official seal directly from a graduate program accredited by a nurse accrediting body that is recognized by the U.S. Department of Education and /or the Council for Higher Education Accreditation (CHEA) or its successor organization as acceptable by the Board. Said verification shall include documentation verifying the date of graduation, credential conferred, and number of clinical hours completed. On and after January 2, 2015 the verification must include evidence of completion of 3 separate graduate level courses in advanced physiology and pathophysiology, advanced health assessment, and advanced pharmacology, which includes pharmacodynamics, pharmacokinetics and pharmacotherapeutics of all broad categories of agents, role and population focus of the education program, and evidence of meeting the standards of nursing education in this state.

3.1.a.3. Verification of successful completion of the appropriate APRN national certification examination in the APRN role and population focus congruent with educational preparation.

**§19-7-4. Criteria for Evaluation of APRN Certification Programs**

4.1. The Board shall determine whether a certification program can be used as a requirement for licensure of APRNs based upon the following standards:

4.1.a. The program is national in the scope of its credentialing

4.1.b. Conditions for taking the certification examination are consistent with standards of the testing community.

4.1.c. Education requirements are consistent with the requirements of the advanced practice roles of Nurse Anesthetist, Nurse Midwife, Clinical Nurse Specialist or Nurse Practitioner and population foci of Family/Individual Across the Lifespan, Adult-Gerontology, Neonatal, Pediatrics, Women's Health/Gender, Psychiatric Mental Health, and other advanced practice roles that are nationally and Board recognized.

4.1.d. The standard methodologies used are acceptable to the testing community, such as incumbent job analysis studies and logical job analysis studies.

4.2. Certification programs are accredited by a national accreditation body as acceptable by the Board.

4.3. the examination represents entry-level practice in the APRN role and population foci that are intended to ensure minimal competencies for practice at an advanced level of nursing.

4.4. The examination represents the knowledge, skills and abilities essential for the delivery of safe and effective advanced nursing care to patients.

4.5. Examination items are reviewed for content validity, cultural bias and correct scoring using an established mechanism, both before use and periodically.

4.6. Examinations are evaluated for psychometric performance.

4.7. The passing standard is established using acceptable psychometric methods and is reevaluated periodically.

4.8. Examination security is maintained through established procedures.

4.9. Certification is issued based upon passing the examination and meeting all certification requirements.

4.10. A retake policy is in place.

4.11 A certification maintenance program, which includes review of qualifications and continued competence, is in place.

4.12 Mechanisms are in place for communication to the Board for timely verification of an individual's certification status, changes in certification status, and changes in the certification program, including qualifications, test plan and scope of practice.

4.13. An evaluation process is in place to provide quality assurance in its certification

program.

**§19-7-5. Application for Licensure by Endorsement for an APRN**

5.1. An applicant for licensure by endorsement as an APRN in this state shall submit to the Board the required fee as specified in Series 12 Fees rule, verification of eligibility for license or privilege to practice as an RN in this state and a completed APRN application that provides evidence the applicant meets the requirements of subsection §19-7-2.1.a. of this rule or evidence of the following information:

5.1.a. Graduation from a graduate program accredited by a nurse accrediting body that is recognized by the U.S.Department of Education and/or the Council for Higher Education Accreditation (CHEA), or its successor organization as acceptable by the Board.

5.1.b. Verification of completion as evidenced by official documentation directly from a graduate program accredited by a nursing accrediting body that is recognized by the U.S. Department of Education and/or the Council for Higher Education Accreditation (CHEA), or its successor as acceptable by the Board. Said verification shall include documentation verifying the date of graduation, credential conferred, and clinical hours completed. On and after January 1, 2015 the verification must include evidence of completion of 3 separate graduate level courses in advanced physiology and pathophysiology, advanced health assessment, advanced pharmacology, which includes pharmacodynamics, pharmacokinetics and pharmacotherapeutics of all broad categories of agents, role and population focus of the education program, and evidence of meeting the standards of nursing education in this state.

5.1.c. Demonstration of successful completion of approved APRN certification program by providing the following:

5.1.c.1. Current certification by a national certifying body in the APRN role and population focus appropriate to educational preparation.

5.1.c.2. Primary source verification of certification.

5.1.d. If the applicant has not been in clinical practice for more than the past 2 years, the applicant shall provide evidence of satisfactory completion of 24 contact hours, 12 in pharmacotherapeutics and 12 in the clinical management of patients, within the two years prior to applying for approval to practice.

5.1.e. If the applicant has not been in clinical practice for more than the past 5 years, the applicant shall provide:

5.1.e.1. Evidence of satisfactory completion of 45 contact hours of pharmacotherapeutics within the 2 years prior to application fro approval to practice.

5.1.e.2. The applicant must also successfully complete a refresher course or

orientation program approved by the Board. An orientation shall:

5.1.e.2.a. Include the appropriate advanced practice role and population focus,

5.1.e.2.b. Be of sufficient length to satisfy the learning needs of the inactive advanced practice nurse and to assure that the advanced practice nurse meets the minimum standard for safe, competent care,

5.1.e.2.c. Cover the entire scope of the authorized advanced specialty area with content that will include, but not be limited to, that which is specified in Board guidelines, and,

5.1.e.2.d. Include a supervised clinical component by a qualified preceptor who is a graduate prepared health care provider with comparable practice focus and meets the following requirements:

5.1.e.2.d.1. Holds an active unencumbered license or privilege to practice,

5.1.e.2.d.2. Is in current practice in the advanced role and population foci, and,

5.1.e.2.d.3. Functions as a supervisor and teacher and evaluates the individual's performance in the clinical setting.

#### **§19-7-6. Application for Renewal of License as an APRN**

6.1. An applicant for license renewal as an APRN shall submit to the Board the required fee for license renewal, as specified in rule; and a completed license renewal application including the following:

6.1.a. Detailed explanation and supporting documentation for each affirmative answer to questions regarding the applicant's background.

6.1.b. Evidence of completion of a minimum of 20 contact hours obtained within the most recent licensure renewal cycle; 12 hours in pharmacotherapeutics, 8 of which may be used for renewal and reinstatement of Limited Prescriptive Authority in accordance with WV19CSR8 and 12 hours in the clinical management of patients from an approved continuing education provider recognized by the Board. 12 hours may count toward the continuing education requirement for the registered nurse license according to WV19CSR11.

6.1.c. Evidence of current certification(s), or recertification as applicable, by a national professional certification organization that meets the requirements of the rule governing such programs.

6.2. An APRN who fails to renew the registered nurse license or privilege or is otherwise unable to legally practice as a registered nurse shall not practice as or use the title of APRN until:

6.2.a. A current active license has been issued by the board or a privilege is recognized by the board; and,

6.2.b. The APRN license has been reinstated.

6.3. An APRN shall provide evidence of current certification by a recognized national certifying organization upon recertification and at the request of the board.

**§19-7-7. Reinstatement of APRN License**

7.1. To be eligible for reinstatement of the APRN license, the applicant shall submit:

7.1.a. A completed “Application for Licensure as an APRN”;

7.1.b. The current reinstatement application fee; and,

7.1.c. Submit evidence of current certification or re-certification by a recognized national certifying organization.

7.2. Refresher Course Requirement

8.2.a. An individual applying for licensure reinstatement and who has been out of practice for more than 5 years shall provide evidence of passing an APRN nursing refresher course approved by the Board or an extensive orientation which shall:

7.2.a.1. Include the appropriate advanced practice role and population focus;

7.2.a.2. Be of sufficient length to satisfy the learning needs of the inactive advanced practice nurse and to assure that the advanced practice nurse meets the minimum standard for safe, competent care;

7.2.a.3. Cover the entire scope of the authorized advanced specialty area with content that will include, but not be limited to, that which is specified in board guidelines; and,

7.2.a.4. Include a supervised clinical component by a qualified preceptor who may be a practicing physician or other licensed graduate prepared health care provider with comparable practice focus and meets the following requirements:

7.2.a.4.a. Holds an active unencumbered license as an APRN,

practicing physician, or other licensed graduate prepared health care provider with comparable practice focus approved by the Board:

7.2.a.4.b. Is in current practice in the same advanced role and population foci;

7.2.a.4.c. Functions as a supervisor and teacher and evaluates the individual's performance in the clinical setting.

7.3. Any APRN may place his or her advanced practice registered nursing license on inactive by informing the Board in writing if he or she determines to no longer practice in this role. In order for the license to become active, the licensee must meet the reinstatement requirements contained in this rule.

### **§19-7-8. Titles and Abbreviations for APRNs**

8.1. Individuals are licensed or granted privilege to practice as APRNs in the roles of certified registered nurse anesthetist (CRNA), certified nurse-midwife (CNM), clinical nurse specialist (CNS) and certified nurse practitioner (CNP) and in the population foci of family/individual across the lifespan, adult-gerontology, neonatal, pediatric, women's health/gender-related or psychiatric/mental health. Each advanced practice registered nurse shall use the designation "APRN" and designated role title as a minimum for purposes of identification and documentation. When providing nursing care, the APRN shall provide clear identification that indicates his/her APRN designation.

### **§19-7-9. Postbasic program of Study and Clinical Experience.**

9.1. Required Criteria for APRN Nursing Education Programs.

9.1.a. The board shall determine whether an APRN nursing education program meets the qualifications for the approval of a program based upon the following standards. The program shall:

9.1.a.1. Be established, ongoing, and organized program offered on a routine basis to an enrollee;

9.1.a.2. Be accredited or approved for the education of nurses by a recognized accreditation or approval body; or,

9.1.a.3. Be sponsored by a sponsoring organization, which shall hold the accreditation or approval for the education of nurses by a recognized accreditation or approval body;

9.1.a.4. Have a program design which prepares an enrollee to function in a role consistent with the advanced practice registered nursing designation;

9.1.a.5. Have a program design which includes purpose, philosophy, objectives, curriculum content, and plan to evaluate achievement of objectives and measurement of learning outcomes of students;

9.1.a.6. Have a designated faculty responsible for planning, development, implementation, and evaluation of curriculum and students;

9.1.a.7. Include didactic components that prepare the student to perform the additional acts delineated by the board and include at least pharmacology, advanced physical assessment, advanced pathophysiology, and clinical management of disease and differential diagnosis;

9.1.a.8. Include a supervised clinical experience that includes application of all the didactic components; and,

9.1.a.9. Upon successful completion, award a diploma or certificate.

9.2. If the applicant for licensure as an APRN completed a graduate degree of study after December 31, 2012, the applicant shall hold a graduate degree awarded by a college or university accredited by a nursing accrediting body that is recognized by the U.S. Department of Education and or the Council for Higher Education Accreditation (CHEA) or its successor organization as acceptable by the board.

9.3. If the applicant for licensure as an APRN completed a postbasic program of study before December 31, 2012, the program shall be evaluated by the board on an individual basis to determine if the program is acceptable to the board by sufficiently preparing a student for advanced practice registered nursing. *Provided that the program was accredited by a nursing accrediting body that is recognized by the U.S. Department of Education and or the Council for Higher Education Accreditation (CHEA) or its successor organization as acceptable by the Board.*

#### **§19-7-10 National Certifying and Re-Certifying Organizations**

10.1. A nationally established organization or agency which certifies registered nurses for advanced practice registered nursing shall be recognized by the board if it meets the following criteria:

10.1.a. The certifying body is an established national nursing organization or subdivision of this type of organization;

10.1.b. Eligibility requirements for certification are delineated;

10.1.c. Certification is offered in specialty areas of clinical practice consistent with the population focus;

10.1.d. Scope and standards of practice statements are established.

10.1.e. Mechanisms for determining continuing competency is established; and,

10.1.f. The certifying body is accredited by the American Board of Nursing Specialties or the National commission for Certifying Agencies.

**§19-7-11 Practice Pending Licensure**

11.1. A registered nurse who meets all the requirements for practice as an APRN, and who holds a registered nurse temporary license pending licensure by endorsement or a privilege to practice as a registered nurse, shall be authorized to practice as an APRN for a period of time not to exceed the expiration date of the temporary permit.

11.2. Authorization to practice pursuant to this section shall be in the form of a letter from the board acknowledging that the applicant has met all the requirements of this section. An applicant shall not practice until the authorization letter has been issued.

11.3. An individual authorized to practice pursuant to subsection (1) of this section may use the title “APRN Applicant” or “APRN App.”.

**§19-7-12 Certification or Recertification**

12.1. An APRN shall maintain current certification or recertification from a national organization meeting the requirements of this rule for recognition by the Board.

12.2. The APRN shall provide a copy of current certification or recertification to the Board before the expiration of the certification on file with the Board.

12.3. The board shall conduct an audit to verify that an APRN has met the requirements of the above section.

12.4. A nurse who fails to attain current, active certification or recertification from a national organization meeting the requirements of this rule for recognition by the Board or fails to submit to the Board evidence of such shall not practice or use the title of APRN until the requirements for certification have been met and evidence of current, active certification or recertification is submitted to the Board.

12.5. An APRN who is decertified by the appropriate national organization shall:

12.5.a. Notify the board of that fact; and,

12.5.b. Not practice as or use the title of APRN during the period of decertification.

**§19-7-13 Application Validity**

13.1. An application shall be valid for a period of six (6) months from the date of submission to the board.

13.2. After six (6) months from the date of application, the applicant shall be required to reapply.

**§19-7-14 Discipline; Summary Suspension and Revocation of License**

14.1. The board shall have the power to deny, revoke or suspend any APRN license or applied for in accordance with the provisions of this article, or any other Board law or rule, or to otherwise discipline a licensee or applicant upon proof that he or she has violated this article or any other Board law or rule.

14.2. The APRN license shall automatically and immediately be revoked if the registered professional nurse license is suspended or revoked.

14.3. A nurse practicing or identifying him or herself as an APRN who is not licensed as a registered nurse and as an APRN or whose practice is inconsistent with the role to which he or she has been designated, or an APRN who fails to renew the registered nurse license or recertify his or her national certification and provide the Board proof of such, and continues to practice as an APRN shall be subject to the board's disciplinary procedures and shall be subject to any other criminal and civil remedies afforded by law for practicing illegally.

14.4. If the Board finds that an APRN license was issued in error, such license shall be immediately revoked.

**§19-7-15 Scope and Standards of Practice of APRNs.**

15.1. The practice of the APRN shall be in accordance with the standards and functions defined in the scope and standards of practice statements for each specialty area, as well as those defined in the WV Nurse Practice Act and WV legislative rules governing the practice of registered professional nurses.

15.2. In the performance of advanced practice registered nursing the APRN shall seek consultation or referral in those situations outside the APRN's scope of practice.

15.3. Advanced practice registered nursing shall include prescribing medications and ordering treatments, devices, and diagnostic tests which are consistent with the scope and standard of practice of the APRN.

15.4. Advanced practice registered nursing shall not preclude the practice by the APRN of registered nursing practice as defined in code.

~~§19-7-3. Announcement of Advanced Practice:~~

~~3.1. Qualification:~~

~~3.1.1. On or after the effective date of this rule a licensee may announce advanced practice if he or she has a current license as a registered nurse in West Virginia; and~~

~~3.1.2. Current National Certification in an area recognized by the West Virginia Board of Examiners for Registered Professional Nurses;~~

~~3.1.3. On or after December 31, 1998 a licensee may announce advanced practice if he or she has a current license as a registered nurse in West Virginia; and~~

~~3.1.4. Current National Certification in an area recognized by the West Virginia Board of Examiners for registered nurses; and~~

~~3.1.5. A masters degree in nursing; and~~

~~3.1.6. A special license will not be issued. The current registered nurse license shall show the title granted by the national certifying body;~~

~~§19-7-4. Approval of National Certifying Body:~~

~~4.1. The licensee shall apply to the West Virginia Board of Examiners for Registered Professional Nurses for recognition as an advanced nurse practitioner before public announcement is made:~~

~~4.2. The licensee shall submit information required by the West Virginia Board of Examiners for Registered Professional Nurses for approval of the certifying body:~~

~~4.3. The West Virginia Board of Examiners for Registered Nurses shall consider the following in approving a certifying body:~~

~~4.3.1. Authority for the approval of the course of study;~~

~~4.3.2. A mechanism for continued competence;~~

~~4.3.3. An examination required;~~

~~4.3.4. Membership;~~

~~4.3.5. Required qualifications of licensee;~~

~~4.3.6. Scope of the organization;~~

~~4.3.7. Development of standards; and~~

~~4.3.8. A scope of practice.~~