



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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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**

AGENCY: Registered Professional Nurses TITLE-SERIES: 19-10
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: 19-10 Standards for Scope of Professional Nursing Practice

PRIMARY CONTACT

NAME: West Virginia Board of Examiners for Registered Professional Nurses
ADDRESS: 90 Maccorkle Avenue Sw
Suite 203
South Charleston, WestVirginia 25303
EMAIL: alice.r.faucett@wv.gov
PHONE NUMBER: 304-744-0900

CITE STATUTORY AUTHORITY: W. Va. Code §30-7-4.

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

W. Va. Code § 30-7-4 provides The board is hereby authorized and empowered to:

(a) Adopt and, from time to time, amend such rules and regulations, not inconsistent with this article, as may be necessary to enable it to carry into effect the provisions of this article;

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/19/2018

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/20/2018

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

Rule outlines scope of registered professional nursing practice and provides updated language to reflect national model Language.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

Licensed practice in West Virginia as a registered professional nurse.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

None

B. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

None

C. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2018 Increase/Decrease (use "-")	2019 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

D. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

No financial impact.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Alice R Faucett -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 19
LEGISLATIVE RULE
BOARD OF EXAMINERS FOR REGISTERED
PROFESSIONAL NURSES

SERIES 10
~~STANDARDS FOR SCOPE OF PROFESSIONAL NURSING PRACTICE~~

'19-10-1. General.

1.1. Scope. -- This rule establishes standards of safe practice for the registered professional nurse, and serves as a guide for the board in evaluating nursing care to determine if it is safe and effective.

1.2. Authority. -- W. Va. Code '30-7-4

1.3. Filing Date. -- ~~March 31, 1994~~

1.4. Effective Date. -- ~~April 1, 1994~~

1.5. Sunset Date. – This rule will terminate and have no further force or effect upon the expiration of ten years from its effective date

'19-10-2. Standards Related to the Registered Professional Nurse's ~~Responsibility to Implement the Nursing Process~~ Scope of Practice

2.1. ~~The registered professional nurse shall conduct and document nursing assessments of the health status of individuals and groups by:~~ Standards related to Professional Accountability:

~~2.1.1. Collecting objective and subjective data from observations, examinations, interviews, and written records in an accurate and timely manner. The data includes but is not limited to: Practices within the legal boundaries for nursing through the scope of practice in the Nurse Practice Act and rules governing nursing.~~

~~2.1.1.a. The client's knowledge and perception about health status and potential, or maintaining health status;~~

~~2.1.1.b. Consideration of the client's health goals;~~

~~2.1.1.c. The client's biophysical and emotional status;~~

~~2.1.1.d. The client's growth and development;~~

~~2.1.1.e. The client's cultural, religious and socio-economic background;~~

~~2.1.1.f. The client's ability to perform activities of daily living;~~

~~2.1.1.g. The client's patterns of coping and interacting;~~

~~2.1.1.h. Environmental factors (e.g. physical, social, emotional and ecological);~~

~~2.1.1.i. Available and accessible human and material resources;~~

~~2.1.1.j. The client's family health history; and~~

~~2.1.1.k. Information collected by other health team members;~~

~~2.1.2. Sorting, selecting, reporting and recording the data; and~~ Demonstrates honesty and integrity in nursing practice.

~~2.1.3. Continuously validating, refining and modifying the data by utilizing all available resources, including interaction with the client, the client's family and significant others, and health team members. Bases nursing decision on nursing knowledge and skills, the needs of patients and registered professional nursing standards.~~

~~2.1.4~~ Accepts responsibility for judgements, individual nursing actions, competence, decisions and behavior in the course of nursing practice.

~~2.1.5~~ Maintains competence through ongoing learning and application of knowledge in registered professional nursing practice.

~~2.1.6~~ Reports violations of the acts or rules by self or other licensees.

~~2.2. The registered professional nurse shall establish and document nursing diagnoses and/or client care needs which serve as the basis for the plan of care.~~ Standards related to Scope of Practice

~~2.2.1.~~ Conducts a comprehensive nursing assessment.

~~2.2.2.~~ Applies nursing knowledge based upon the biological, psychological and social aspects of the patient's condition.

~~2.2.3.~~ Detects faulty or missing patient information.

~~2.2.4.~~ Plans nursing care and nursing interventions consistent with the patient's overall health care plan.

~~2.2.5~~ Utilizes decision-making, critical thinking and clinical judgement to make independent decision and nursing diagnoses.

~~2.2.6~~ Seeks clarification of orders when needed.

~~2.2.7~~ Implements treatment and therapy, including medication administration and delegated medical and independent nursing functions.

~~2.2.8~~ Obtains orientation/training for competence when encountering new equipment and technology or unfamiliar care situations.

2.2.9 Demonstrates attentiveness and provides patient surveillance and monitoring.

2.2.10 Identifies changes in patient's health status and comprehends clinical implications of patient's signs, symptoms and changes as part of expected and unexpected patient course or emergent situation.

2.2.11 Evaluates the patient's response to nursing care and other therapy, including patient's response to interventions, need for alternative interventions, need to communicate and consult with other health team members and need to revise the plan of care.

2.2.12 Communicates and consults with other health team members including patient concerns and special needs, patient status and progress, patient response or lack of response to interventions and significant changes in patient condition.

2.2.13 Documents nursing care.

2.2.14 Revises care plan as needed.

2.2.15 Takes preventive measures to protect patient, others and self.

2.2.16 provides comprehensive nursing and health care education in which the RPN assesses and analyzes educational needs of the learners, plans educational programs based on learning needs and teaching-learning principles, ensures implementation of an educational plan either directly or by delegating selected aspects of the education to other qualified persons and evaluates the education to meet the identified goals.

~~2.3. The registered professional nurse shall identify expected outcomes individualized to the client and set realistic and measurable goals to implement the plan of care.~~ Standards for Patient Advocacy

2.3.1 Respects the patient's rights, concerns, decisions and dignity.

2.3.2 Identifies patient needs.

2.3.3 Attends to patient concerns or requests.

2.3.4 Promotes safe patient environment.

2.3.5 Communicates patient choices, concerns and special needs with other health team members regarding patient status and progress, response or lack of response to therapies, significant changes in patient condition.

2.3.6 Maintains appropriate professional boundaries.

2.3.7 Assumes responsibility for nurse's own decision and actions. _____

~~2.4. The registered professional nurse shall develop and modify the plan of care based on assessment and nursing diagnosis and/or patient care needs. This includes:~~ Standards to Organize, Manage and Supervise the Practice of Nursing

~~2.4.1. Identifying priorities in the plan of care;~~ Assigns to another only those nursing measures that fall within that nurse's scope of practice, education, experience and competence or unlicensed person's role

description including assigning care within the RN scope of practice to other RNs, LPN within the LPN scope of practice based on the RN's assessment of the patient and LPN's ability and supervising , monitoring and evaluating the care assigned to an LPN.

2.4.2. ~~Prescribing nursing intervention(s) based upon the nursing diagnosis and/or patient care needs;~~ Delegates to another only those nursing measures for which that person has the necessary skills and competence to accomplish safely. In maintaining accountability for the delegation, an RN shall ensure the:

2.4.2.1 Unlicensed assistive personnel (UAP) has the education, legal authority, and demonstrated competency to perform the delegated task.

2.4.2.2 Tasks delegated are consistent with the UAP's job description and can be safely performed according to clear, exact and unchanging directions.

2.4.2.3 Results of the task are reasonably predictable.

2.4.2.4 Task does not require assessment, interpretation or independent decision making during its performance or at completion.

2.4.2.5 Selected patient and circumstances of the delegation are such that delegation of the task poses minimal risk to the patient and the consequences of performing the task improperly are not life-threatening.

2.4.2.6 Provides clear directions and guidelines regarding the delegated task or, for routine tasks on stable patients, verifies that the UAP follow each written facility policy or procedure when performing the delegated task.

2.4.2.7 Provides supervision and feedback to the UAP.

2.4.2.8 Observes and communicates the outcome of the delegated task.

2.4.3. ~~Identifying measures to maintain comfort, to support human functions and responses, to maintain an environment conducive to well being, and to provide health teaching and counseling. Matches patient needs with personnel qualification, available resources and appropriate supervision.~~

2.4.4 Communicates directions and expectation for completion of the delegated task.

2.4.5 Supervises others to whom nursing activities are delegated or assigned by monitoring performance, progress and outcomes; assures documentation of the activity.

2.4.6 Provides follow-up on problems and intervenes when needed.

2.4.7 Evaluates the effectiveness of the delegation or assignment.

2.4.8 Intervenes when problems are identified, and revises plan of care as needed.

2.4.9 Retains professional accountability for nursing care provided.

2.4.10 Promotes a safe and therapeutic environment by providing appropriate monitoring and

surveillance of the care environment, identifying unsafe care situation and correcting problems or referring problems to appropriate management level when needed.

2.4.11 Teaches and counsels patient and families regarding their health care regimen, which may include, but not limited to, general information about health and medical condition, specific procedures and wellness and prevention.

~~2.5. The registered professional nurse shall implement the plan of care by:~~

~~2.5.1. Initiating nursing interventions through:~~

~~2.5.1.a. Writing nursing orders and/or directives;~~

~~2.5.1.b. Providing direct care;~~

~~2.5.1.c. Assisting with care; and~~

~~2.5.1.d. Delegating and supervising nursing care activities;~~

~~2.5.2. Providing an environment conducive to safety and health;~~

~~2.5.3. Documenting nursing interventions and responses to care; and~~

~~2.5.4. Communicating nursing interventions and responses to care to other members of the health care team.~~

~~2.6. The registered professional nurse shall evaluate patient outcomes and the responses of individuals or groups to nursing interventions. Evaluation shall involve the client, the client's family and significant others, and health team members.~~

~~2.6.1. Evaluation data shall be documented and communicated to other members of the health care team.~~

~~2.6.2. Evaluation data shall be used as a basis for reassessing the client's health status, modifying nursing diagnoses and/or patient care needs, revising plans of care, and prescribing changes in nursing interventions.~~

~~'19 10 3. Standards Related to the Registered Professional Nurse's Responsibility as a Member of the Nursing Profession Scope of Practice.~~

~~3.1. The registered professional nurse shall know the statutes and rules governing nursing and function within the legal boundaries of nursing practice.~~

~~3.2. The registered professional nurse shall accept responsibility for his or her individual nursing actions and competence.~~

~~3.3. The registered professional nurse shall obtain instruction and supervision as necessary when implementing nursing techniques or practices.~~

- ~~3.4. The registered professional nurse shall function as a member of the health team.~~
- ~~3.5. The registered professional nurse shall collaborate with other members of the health team to provide optimum patient care.~~
- ~~3.6. The registered professional nurse shall consult with nurses and other health team members and make referrals as necessary.~~
- ~~3.7. The registered professional nurse shall contribute to the formulation, interpretation, implementation and evaluation of the objectives and policies related to nursing practice within the employment setting.~~
- ~~3.8. The registered professional nurse shall participate in the systematic evaluation of the quality and effectiveness of nursing practice.~~
- ~~3.9. The registered professional nurse shall report unsafe nursing practice to the Board and unsafe practice conditions to recognized legal authorities.~~
- ~~3.10. The registered professional nurse shall delegate to another only those nursing measures which that person is prepared or qualified to perform.~~
- ~~3.11. The registered professional nurse shall supervise others to whom nursing interventions are delegated.~~
- ~~3.12. The registered professional nurse shall retain professional accountability for nursing care when delegating nursing interventions.~~
- ~~3.13. The registered professional nurse shall conduct practice without discrimination on the basis of age, race, religion, gender, sexual preference, socio-economic status, national origin, handicap, or disease.~~
- ~~3.14. The registered professional nurse shall respect the dignity and rights of clients regardless of social or economic status, personal attributes, or nature of the client's health problems.~~
- ~~3.15. The registered professional nurse shall respect the client's right to privacy by protecting confidential information unless obligated by law to disclose the information.~~
- ~~3.16. The registered professional nurse shall respect the property of clients, family, significant others, and the employer.~~
- ~~3.17. The registered professional nurse assuming advanced practice shall be qualified to do so through education and experience as set forth in W. Va. Code '30-7-1 et seq. and the rule governing Announcement of Advanced Practice, 19 WV CSR 7.~~