



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 Nurses WV Board of TITLE-SERIES: 19-11
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: 19-11 Continuing Education and Competence

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY:

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:

30-7-4 and 30-1-4

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 5/17/2022

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 6/15/2022

COMMENTS RECEIVED: No

(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?

Emailed organizations interested in the rule.

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

Establishes requirements for continuing education for re-licensure of registered nurses.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

The rule had not been reviewed since 2007 and the language requires updating.

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 ON SPECIAL REVENUE ACCOUNTS:

None

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

None

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2022 Increase/Decrease (use "-")	2023 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

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

None

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

Yes

Sue Ann Painter -- 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 RULES
STATE BOARD OF EXAMINERS
FOR REGISTERED PROFESSIONAL NURSES
WEST VIRGINIA BOARD OF REGISTERED NURSES

SERIES 11
CONTINUING EDUCATION AND COMPETENCE

§19-11-1. General.

- 1.1. Scope. -- This legislative rule establishes requirements for continuing education for re-licensure of registered professional nurses.
- 1.2. Authority. -- W. Va. Code §§30-7-4 and 30-1-4.
- 1.3. Filing Date. -- ~~April 27, 2007.~~
- 1.4. Effective Date. -- ~~July 1, 2008.~~
- 1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect upon August 1, 2033.

§19-11-2. Definition of Terms.

- 2.1. "Approved provider" means an individual, local, state, or national agency, organization or association recognized by the board to provide continuing education.
- 2.2. "Audit" means the selection of licensees for verification of satisfactory completion of continuing education requirements during a specified time period; or the selection of approved providers for verification of adherence to continuing education approved provider requirements during a specified time period.
- 2.3. "Continuing education" means those learning activities intended to build upon the educational and experiential basis of the registered professional nurse for the enhancement of practice, education, administration, research, or theory development to the end of improving the health of the public.
- 2.4. "College credit courses" means those courses offered by a recognized educational institution, and which may be approved as continuing education.
- 2.5. "Independent study" means a program of learning designed by an approved provider for the registered professional nurse who completes the program at his or her own pace, e.g., home study, programmed instruction.
- ~~2.6. "Self study" means a program of learning designed by the licensee to enhance his or her knowledge and skill and which is not offered by an approved provider.~~

§19-11-3. Continuing Education.

- 3.1. Continuing education requirements for re-licensure.

3.1.1. ~~Beginning January 1, 2008, each~~ A registered professional nurse with an active license to practice registered professional nursing in West Virginia shall complete twelve (12) contact hours of continuing education, as approved by this rule, every ~~twelve (12) month~~ renewal period. ~~On or before October 31, 2008 and every October 31 thereafter, each~~ A registered professional nurse shall ~~file a report of his or her~~ attest to completion of continuing education activities with the board at the time he or she files an application for renewal of his or her license to practice registered professional nursing in West Virginia.

3.1.2. Each applicant for renewal of a license, if the license is currently active, or reinstatement of a license if a license is lapsed or ~~on the non-practicing list in an inactive status~~, shall ~~verify~~ attest to completion of that he or she has satisfactorily completed twelve (12) contact hours of continuing education during the ~~one year~~ reporting period prescribed in subdivision 3.1.1 of this rule. Units of measurement used for continuing education courses are as follows:

3.1.2.a. A contact hour is a unit of measurement that describes at least fifty (50) minutes of an approved, organized learning experience, either didactic or clinical experience;

3.1.2.b. One (1) successfully completed academic semester hour ~~=is equivalent to~~ fifteen (15) contact hours of instruction; and

3.1.2.c. One (1) successfully completed academic quarter hour ~~= is equivalent to~~ ten (10) contact hours of instruction.

3.1.3. The board shall not grant credit for identical continuing education activities submitted during any report period. Continuing education contact hours from a previous reporting period may not be used, nor shall contact hours be accumulated for use in a future reporting period.

3.2. Exceptions to continuing education requirements. The board shall exempt from the continuing education requirements a licensee who qualifies for exceptions set forth in this rule.

3.2.1. A licensee who obtains a license for the first time in West Virginia during ~~the twelve (12) months of any a~~ reporting period is exempt from the continuing education requirements for the entire reporting period.

3.2.2. A licensee who is a government employee working as a registered professional nurse outside the United States or who is serving on active duty with the military for more than three (3) months of any reporting period is exempt from the continuing education requirements for the entire reporting period. A licensee who claims this exception shall retain evidence of government service or active duty with the military and shall present the evidence to the board upon request.

3.2.3. The board may grant a waiver to a licensee who has a physical or mental disability or illness or hardship during all or a portion of the reporting period. A waiver provides for an extension of time or exception from some or all of the continuing education requirements. Any licensee may request an application for a waiver from the board. The board shall approve or deny an application for waiver after review of the application. The board shall not grant an exception from continuing education requirements for more than one (1) reporting period, as set forth in this rule.

3.3. Failure to meet requirements or exceptions to requirements. The board may take the following actions if a licensee fails to meet the continuing education requirements or the conditions for exceptions for continuing education requirements for renewal of licensure required by this rule.

3.3.1. The board may place the licensee on inactive status without penalty and may waive the continuing education requirements, providing the licensee notifies the board in writing of his or her desire to have the board place his or her license on inactive status before the last (business) day of the reporting period. This written notification must be submitted with the completed renewal application indicating the desire to place the license on inactive status. The board shall not charge a fee to place the license on inactive status.

3.3.2. The board shall lapse the license of any person who fails to notify the board, in writing, prior to the last (business) day of the reporting period that he or she wishes to place his or her license on the inactive status.

3.4. Reinstatement of a license from inactive or lapsed status. A person wishing to reinstate a license from an inactive status or from lapsed status shall comply with the following requirements. The person shall:

3.4.1. Make application for reinstatement of the license from an inactive status or lapsed status;

3.4.2. Meet the continuing education requirements as set forth in this rule;

3.4.3. ~~Pay the fee for reinstatement of lapsed license as specified in W. Va. Code §30-7-8 of fifty dollars (\$50.00); and~~

3.4.4. Submit legible copies of certificates of attendance or completion at continuing education programs, transcripts of courses taken, ~~notices received from the board granting special approval of informal offerings from non-approved providers,~~ and other information as requested by the board.

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

3.5.1. To comply with the audit request from the board, a licensee shall submit legible copies of certificates of attendance at continuing education programs, transcripts of courses taken, ~~notices received from the board granting special approval of informal offerings from non-approved providers,~~ and other information as requested by the board.

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

3.5.3. Licensees shall keep certificates of attendance at continuing education programs, ~~letters verifying special approval from informal offerings from non-approved providers,~~ transcripts of courses, or documentation of other activities permitted by the Board, or shall keep evidence or documentation of compliance with the exceptions to continuing education requirements as stated in subsection 3.2. of this rule for a two (2) year period following submission of continuing education activities to the board.

3.5.4. The board shall notify the licensee of the satisfactory completion of the audit.

3.5.5. If a person fails to submit the audit information requested by the board or meet standards in subdivision 3.1.1. or 3.1.3. of this rule, the board shall not renew a license before the audit is completed.

3.5.6. The board shall take action as prescribed in the Board's rule, Disciplinary Action, 19CSR9, against any licensee who submits false information to the board.

~~3.5.~~ 3.5.7. A licensee who fails to notify the board of a current mailing address is not absolved from the audit requirements. The board shall not renew a license before the audit is completed.

§19-11-4. Continuing Education Providers.

4.1. The board may recognize as approved providers an agency which meets minimum provider standards as outlined in subsections 4.2. and 4.5. of this rule.

4.1.1. The board shall consider written requests to designate other individuals, local, state or national agencies, organizations and associates as approved providers.

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

4.1.3. The board recognizes the West Virginia nurses association or any other provider accredited by the American nurses credentialing center as an approved provider of continuing education programs for purposes of meeting the requirements of this rule.

4.2. Minimum standards for approved providers.

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

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

4.2.3. The program content shall relate to the program objectives.

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

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

4.2.6. The provider shall furnish a written statement of completion to each participant who completes each continuing education program. The statement shall be signed by the instructor or an

individual designated by the instructor, and shall contain the following information: the name of the continuing education program, the number of contact hours, the date of the continuing education program, and the name of the participant.

4.2.7. The provider shall maintain a record of individuals who attend a continuing education program for a period of not less than three (3) years.

4.3. Independent study.

4.3.1. Independent study activities may include any learning activity as defined in subsection 2.6. of this rule that has been designed or planned as an individual study activity. This may include telecommunication activities such as educational television, video or audio ~~cassettes~~ events, and professional journal articles developed as continuing education programs and printed media units. These independent study activities are designed as programmed learning units meaning that there are educational objectives related to the content, and a mechanism to evaluate what has been learned.

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

4.4. Continuing education subjects.

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

4.4.1.a. Professional nursing practice and special health care problems;

4.4.1.b. The biological, physical, social and behavioral sciences;

4.4.1.c. The legal aspects of professional nursing practice;

4.4.1.d. Management of health care personnel and patient care;

4.4.1.e. Teaching and learning process for health care personnel or for patients; and

4.4.1.f. Subjects relating to professional nursing practice which are required as part of a formal nursing program and which are more advanced than those completed for original licensure.

4.4.2. The licensee must have documentation that supports completion of twelve (12) continuing education credits from an approved source. The licensee may accomplish this by:

4.4.2.a. Completing twelve (12) hours of continuing education credits from an approved provider as defined in subsection 2.6. of this rule including Independent Study; ~~or~~

~~4.4.2.b. Completion of a combination of the following:~~

~~4.4.2.b.1. Six (6) hours of continuing education credits from an approved provider as defined in sub-section 2.6. of this rule including Independent Study and Self study. Independent study and Self study may include activities which the licensee determines will enhance skills and knowledge of~~

nursing, such as reading professional journals, watching educational television and listening to audio cassettes that are not designed as programmed learning units, and are not approved by an approved provider. The board shall base contact hour equivalents for self study on the actual time spent by the licensee on the self study activity. The board will permit credit of a total of two (2) contact hours of self study toward the continuing education requirement for any reporting period; and one of the following:

~~_____ 4.4.2.b.2. national certification or re-certification related to the nurse's practice role in effect during the entire reporting period or initially earned during the reporting period;~~

~~_____ 4.4.2.b.3. completion of a nursing research project as principal investigator, co-investigator or project director during the reporting period. Research must be qualitative or quantitative in nature, use research methodologies, and include a summary of findings;~~

~~_____ 4.4.2.b.4. publication of a nursing related article in a national nursing or healthcare related journal published during the reporting period;~~

~~_____ 4.4.2.b.5. professional nursing education presentation developed by the presenter, presented to nurses or other health professionals as evidenced by the program brochure, course syllabi, or a letter from the provider identifying the licensee's participation as a presenter of the offering during the reporting period;~~

~~_____ 4.4.2.b.6. participation as a clinical preceptor for at least one (1) nursing student or one (1) new employee undergoing orientation. The licensee must have one hundred twenty (120) hours of one on one relationship as a clinical preceptor as evidenced by written documentation from the educational institution or the clinical preceptor's supervisor;~~

~~_____ 4.4.2.b.7. an employer evaluation that is satisfactory for continued employment and covers at least six (6) months of the reporting period and is signed by the licensee's supervisor; or~~

~~_____ 4.4.2.b.8. completion of a nursing refresher course or nursing re-entry course approved by this board or any other board in the United States or its Territories.~~