



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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7/26/2023 8:36:56 AM

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: 19-07
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: 19-07 Advanced Practice Registered Nurse Licensure Requirements

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: 30-7-4, 30-7-1(a)

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:

This rules establishes the scope of the Advanced Practice Registered Nurse.

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: 6/14/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/14/2023

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:

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:

This rule establishes the scope of the Advanced Practice Registered Nurse. Changes to the rule are as follows: 19-7-5.1 provide more thorough explanation for APRN licensing fee. 19-7-5.2 provide temporary permit for APRNs. 19-7-6.3 submit current certification directly to board. 19-7-7.1c submit documentation for reinstatement directly to Board. 19-7-11.2 APRN can practice once they are in receipt of temporary permit. 19-7-12.2 APRN shall verify national certification with the Board. 19-7-15.1 add board approved prescriptive authority to Scope of Practice.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

Establishing the APRN scope of practice requires this rule.

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		
	2023 Increase/Decrease (use "-")	2024 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 RULE
BOARD OF REGISTERED PROFESSIONAL NURSES

SERIES 7
ADVANCED PRACTICE REGISTERED NURSE LICENSURE REQUIREMENTS

§19-7-1. General.

- 1.1. Scope. -- This rule establishes the scope of the Advanced Practice Registered Nurse.
- 1.2. Authority. -- W. Va. §§30-7-1(a) and 30-7-4.
- 1.3. Filing Date. -- ~~April 18, 2023.~~
- 1.4. Effective Date. -- ~~April 24, 2023.~~
- 1.5. Sunset Date. -- This rule will terminate and have no further force or effect upon August 1, 2034.

§19-7-2. Definitions.

2.1. “Advanced Practice Registered Nurse” (APRN) means a registered nurse who has acquired advanced clinical knowledge and skills preparing him or her to independently 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.

2.2. “Certification or Recertification” means 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 advanced practice registered nurse (APRN) license application on forms provided by the board, 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 an official 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 shall 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 may 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.

4.14. The Board shall maintain an updated, publicly accessible list of approved certification organizations.

§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 APRN in another US state or territory and licensure as an RN in this state or as an RN in another National Licensure Compact (NLC) state and a completed an APRN license for endorsement application on forms provided by the board for APRN license that provides evidence the applicant meets the requirements of W. Va. Code §30-7-1.a. 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 for approval to practice.

5.1.e.2. The applicant shall 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.

5.2 A temporary permit may be issued if an APRN endorsement applicant has submitted an APRN endorsement license application and fee per 19CSR12, holds an active APRN license from another US state or territory and an active West Virginia registered nurse license or NLC registered nurse license from another NLC state. The temporary permit is active until the official graduate transcript for APRN education conferring a graduation date and degree and official national certification verification is received in the Board office or 180 days whichever comes first. A temporary permit may only be issued one time and is nonrenewable.

§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 APRN license for renewal, as specified in rule §19-12 Fees; and a completed APRN license renewal application on forms provided by the board 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 24 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 directly to the board 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 meet all current requirements and submit:

7.1.a. A completed Application for Licensure as an APRN on forms provided by the board for APRN license;

7.1.b. The current reinstatement application fee for APRN license in rule §19-12 Fees; and,

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

7.2. Refresher Course Requirement

7.2.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; and

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

7.3. An 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. 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 wear clear identification that indicates his/her APRN designation.

§19-7-9. Postbasic program of Study and Clinical Experience Required for Licensure.

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.

10.2. In case of national recertification, any licensure suspension shall immediately be removed, and no further discipline may occur, if information is provided indicating that recertification has not lapsed.

§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 by issuing an active temporary permit. An applicant may not practice until the ~~authorization letter~~ temporary permit has been issued by the Board.

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.

12.2. The APRN shall provide an official verification copy of current certification or recertification to the Board directly from the national certifying body 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 6 months from the date of submission to the board.

13.2. After 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 an 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. An 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. Standards Related to the Advanced Practice Registered Nurse's Scope of Practice.

15.1 A license issued to an APRN by the Board of Registered Nurses shall authorize the APRN to perform nursing acts commensurate with their education, training, and experience and which they are competent to perform, consistent with the rules of the boards. Nursing acts include prescribing with Board approved prescriptive authority, and administering of controlled substances, prescription drugs, or medical devices.

15.2 An APRN shall provide only those services for which they have been prepared by their education, training, and experience and are competent to perform, consistent with sound nursing practice and that will protect the health and safety of the patient. This may occur in any health care setting, both hospital and outpatient in accordance with their practice notification.