

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1967

ENROLLED

HOUSE BILL No. 609

(By Mr. Hellidy and Mrs. Withrow)

PASSED March 10, 1967

In Effect July 1, 1967 Passage



FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 3-12-67

#609
Passed without Governor's signature

ENROLLED
House Bill No 609
(By MR. HOLLIDAY and MRS. WITHROW)

[Passed March 10, 1967; in effect July 1, 1967.]

AN ACT to amend and reenact article seven-a, chapter thirty
of the code of West Virginia, one thousand nine hundred
thirty-one, as amended, relating to practical nurses.

Be it enacted by the Legislature of West Virginia:

That article seven-a, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 7A. PRACTICAL NURSES.

§30-7A-1. Definitions.

- 1 (a) The term "practical nursing" means the perform-
- 2 ance for compensation of selected nursing acts in the
- 3 care of the ill, injured or infirm under the direction of

4 a registered professional nurse or a licensed physician
5 or a licensed dentist, and not requiring the substantial
6 specialized skill, judgment and knowledge required in
7 professional nursing.

8 (b) The term "practical nurse" means a person who
9 has met all the requirements for licensure as a practical
10 nurse and who engages in practical nursing as herein-
11 above defined.

12 (c) The term "board" as used in this article, shall
13 mean the board of examiners for licensed practical nurses
14 as set forth in section five of this article.

**§30-7A-2. Use of title "Licensed Practical Nurse"; who may
practice.**

1 Any person who is qualified to serve as a practical
2 nurse under the provisions of this article shall be known
3 as a licensed practical nurse or otherwise known as a
4 L.P.N. After the thirtieth day of June, one thousand
5 nine hundred sixty-eight, no other person shall engage
6 in practical nursing nor assume such title nor use such
7 abbreviation or any other words, letters, figures, signs,

8 or devices to indicate that the person using the same is
9 a licensed practical nurse or a practical nurse: *Provided,*
10 *however,* That any person holding a valid license to
11 practice practical nursing in this state as of the effective
12 date of this article shall be deemed to be a licensed
13 practical nurse under the provisions of this article.

§30-7A-3. Qualifications of applicants for license.

1 Except as otherwise provided in section six of this ar-
2 ticle, any person desiring to obtain a license to practice
3 practical nursing shall submit to the board satisfactory
4 evidence that he or she: (a) Is of good moral charac-
5 ter; (b) has acquired at least a tenth grade education
6 or its equivalent; (c) has completed a course of study in
7 an accredited school for practical nurses as defined by the
8 board and holds a diploma therefrom; and (d) has com-
9 pleted such other general educational requirements as
10 may be prescribed by the board.

§30-7A-4. Application for license or registration; examination fee.

1 The provisions of section six, article one, chapter
2 thirty of the code shall apply to this article, except that

3 an applicant for license as a practical nurse shall pay
4 such fee as the board shall prescribe.

§30-7A-5. Board of examiners; powers; duties.

1 The governor shall appoint, by and with the advice
2 and consent of the senate, seven citizens of the state
3 of West Virginia who shall constitute the "West Virginia
4 State Board of Examiners for Licensed Practical Nurses"
5 and they shall be charged with the duty of administering
6 the provisions of this article. Of the seven members so
7 appointed two shall be licensed practical nurses, one of
8 whom shall be a graduate of an approved school of prac-
9 tical nursing, and both of whom shall have had not less
10 than five years' experience as licensed practical nurses,
11 two shall be registered professional nurses, at least one of
12 whom shall be experienced in practical nurse education;
13 one shall be a doctor of medicine; one shall be a hospital
14 administrator actively engaged as such in this state and
15 one shall be a vocational educator. Such appointments
16 shall be for terms of five years each, except that in the
17 initial appointments, one licensed practical nurse and one
18 registered professional nurse shall be appointed for a

19 term of five years, one licensed practical nurse and one
20 registered professional nurse shall be appointed for a
21 term of four years, the doctor of medicine shall be ap-
22 pointed for a term of three years, the hospital admin-
23 istrator shall be appointed for a term of two years and
24 the vocational educator shall be appointed for a term
25 of one year. The practical nurses so to be appointed,
26 initially and subsequently, shall be selected by the gov-
27 ernor from a list to be submitted to him by the Licensed
28 Practical Nurses' Association of West Virginia, Inc., which
29 list shall contain the names of at least two licensed prac-
30 tical nurses for each board member so to be appointed,
31 who shall have been licensed by examination and who
32 shall have not less than five years' experience as a licensed
33 practical nurse. The doctor of medicine so appointed
34 shall be selected by the governor from two nominations
35 submitted to him by the West Virginia State Medical
36 Association; each registered professional nurse so ap-
37 pointed shall be selected by the governor from two nomi-
38 nations submitted to him by the West Virginia Nurses
39 Association, Inc.; the hospital administrator shall be ap-

40 pointed by the governor from two nominations sub-
41 mitted to him by the West Virginia hospital association;
42 and the vocational educator shall be appointed by the
43 governor from two nominations submitted to him by the
44 state board of education. Any member of the board may
45 be eligible for reappointment, but no member shall serve
46 more than two successive terms. The board is hereby
47 authorized to appoint and employ a qualified person to
48 perform the duties of executive secretary and to act as
49 educational advisor to the board. Such secretary shall
50 act under the direction of the board. The board shall
51 furnish the secretary a headquarters and shall provide
52 such office equipment and clerical assistance as the duties
53 of the office may require. The board shall have power
54 to appoint such nurses, deputies, clerks, assistants, in-
55 spectors and employees as shall be necessary for the
56 proper exercise of the powers and duties of the board.
57 The compensation and expenses of the members of the
58 board and its appointees and employees shall be paid out
59 of such funds as are allocated to the board in its annual
60 budget. The secretary shall keep the records of proceed-

61 ings of the board, and shall keep a registry of the names
62 and addresses of all practical nurses registered under this
63 article, which registry shall be a public record. Said
64 board shall hold not less than two regular meetings each
65 year and such additional meetings at such times and
66 places as the board may determine. The board is
67 authorized to adopt and, from time to time, to revise
68 such rules and regulations not inconsistent with this
69 article, as may be necessary to enable it to carry into
70 effect the provisions hereof. The board shall prescribe
71 curricula and standards for schools and courses prepar-
72 ing persons for licensure under this article. It shall
73 survey such schools and courses at such times as it may
74 deem necessary. It shall survey and accredit such
75 schools, clinical practice areas and courses as meet the
76 requirements of this article and of the board. It shall
77 examine, license and renew the license of duly qualified
78 applicants.

**§30-7A-6. Examination and licensure of practical nurses;
present practitioners.**

1 The applicant, except as hereinafter provided, shall be
2 required to pass a written examination in such subjects

3 as the board shall determine. Each written examination
4 may be supplemented by such oral or practical examina-
5 tion as the board may deem necessary. The board shall
6 determine the times and places for the examination.
7 Notices of examination shall be sent by mail to each
8 person known by the secretary to be an applicant for
9 an examination or registration at least thirty days pre-
10 vious to any such scheduled examination. Upon the ap-
11 plicant's successful completion of an appropriate exam-
12 ination as prescribed by the board and satisfaction of the
13 other requirements of this article, the board shall issue
14 to the applicant a license to practice practical nursing.
15 The board shall issue such license by endorsement to
16 any applicant who has been duly licensed or registered
17 as such, or to a person entitled to perform similar serv-
18 ices under a different title, in another state, territory or
19 foreign country if, in the opinion of the board, the ap-
20 plicant meets the other requirements for licensed prac-
21 tical nurses in this state. On or before the thirtieth day
22 of June, one thousand nine hundred sixty-eight, any prac-
23 tical nurse who exhibits proof, satisfactory to the board,
24 that he or she has been engaged in practical nursing in

25 this state for a period of three years and who satisfac-
26 torily completes an appropriate examination as prescribed
27 by the board shall be issued a license by waiver by said
28 board, which shall be so designated on its face.

29 Any person obtaining a license by waiver who has com-
30 pleted extension courses equal in theory to those for the
31 graduate practical nurses, as determined by the board,
32 may at any time thereafter take the examination pre-
33 scribed by the board for graduate practical nurses and
34 obtain a license without the designation of "waiver"
35 thereon.

§30-7A-7. Renewal or reinstatement of license.

1 The license of every person licensed under the pro-
2 visions of this article shall expire on the thirtieth day of
3 June, next following the date of license. In order for
4 such license to be renewed, the licensee shall comply
5 with such rules and regulations of the board as are ap-
6 plicable to renewals. The renewal fee for all licenses
7 shall be five dollars, subject to change by the board.
8 Upon receipt of the renewal fee the board shall issue to
9 the licensee a certificate of renewal for the current year,

10 beginning July first and expiring June thirtieth of the
11 following year. Such certificate shall render the holder
12 thereof a legal practitioner for the period stated on the
13 certificate of renewal. Any licensee who allows his or
14 her license to lapse by failing to renew the license as
15 provided above may be reinstated by the board on sat-
16 isfactory explanation for such failure to renew his or
17 her license and on payment of a reinstatement fee of five
18 dollars, subject to change by the board, in addition to
19 the renewal fee hereinbefore set out. Any person prac-
20 ticing practical nursing during the time his or her license
21 has lapsed shall be considered an illegal practitioner and
22 shall be subject to the penalties provided for violation
23 of this article. A person licensed under the provisions
24 of this article desiring to retire from practice temporarily
25 shall give written notice of such desire to the board.
26 Upon receipt of such notice the board shall place the
27 name of such person upon the non-practicing list. While
28 remaining on this list the person shall not be subject to
29 the payment of any renewal fees and shall not practice
30 as a licensed practical nurse in the state. When such

31 person desires to resume practice, application for renewal
32 of license and payment of the renewal fee for the current
33 year shall be made to the board.

§30-7A-8. Schools of practical nursing.

1 The board shall prescribe curricula and standards for
2 schools, clinical practice areas and courses preparing
3 persons for licensure under this article; it shall provide
4 for surveys of such schools, clinical practice areas and
5 courses at such times as it may deem necessary. It shall
6 accredit such schools, clinical practice areas and courses
7 as meet the requirements of this article and of the board.
8 An institution desiring to conduct a school of practical
9 nursing to be accredited by the board as such shall file
10 an application therefor with the board, together with
11 the information required and such fee as may be pre-
12 scribed by the board. It shall submit satisfactory evi-
13 dence that: (1) It is prepared to give the course of
14 instruction and practical experience in practical nurs-
15 ing as prescribed in the curricula adopted by the board;
16 and (2) it is prepared to meet other standards estab-
17 lished by this law and by the board.

18 A survey of the institution or institutions, with which
19 the school is to be, or is, affiliated, shall be made by
20 the executive secretary of the board. The executive sec-
21 retary shall submit a written report of the survey to
22 the board. If, in the opinion of the board, the require-
23 ments for an accredited school of practical nursing are
24 met, it shall approve the school as an accredited school
25 of practical nursing. From time to time as deemed neces-
26 sary by the board, it shall be the duty of the board,
27 through its executive secretary, to survey all schools
28 of practical nursing in the state. Written reports of such
29 surveys shall be submitted to the board. If the board
30 determines that any accredited school of practical nurs-
31 ing is not maintaining the standards required by the
32 statutes and by the board, notice thereof in writing
33 specifying the defect or defects shall be immediately
34 given to the school. A school which fails to correct these
35 conditions to the satisfaction of the board within a rea-
36 sonable time shall be removed from the list of accredited
37 schools of practical nursing and shall be in violation of
38 this article. Nothing contained in this article shall in-
39 fringe upon the rights or power of the state board of ed-

40 ucation, or county boards of education to establish and
41 conduct a program of practical nurse education or other
42 health occupation so long as the prescribed curricula
43 meets the requirements of the board.

§30-7A-9. Construction of article.

1 The provisions of this article shall not be construed
2 as prohibiting:

3 (1) The care of a sick, disabled, injured, crippled
4 or infirm person by a member or members of such per-
5 son's family, or by close relatives, or by domestic servants,
6 housekeepers or household aides thereof, whether em-
7 ployed regularly or because of emergency circumstances
8 due to illness or other disabilities.

9 (2) The work and services of auxiliary hospital per-
10 sonnel, such as nursing aides, maids, orderlies, techni-
11 cians, volunteer workers and other like hospital em-
12 ployees.

13 (3) Practical nursing by students enrolled in ac-
14 credited schools for practical nursing incidental to their
15 course of study.

16 (4) Practice of nursing in this state by any legally
17 qualified practical nurse of another state or country for

18 a period not to exceed six months or whose engagement
19 requires such practical nurse to accompany and care
20 for a patient temporarily residing in this state during
21 the period of such engagement.

22 (5) Nursing services rendered by a graduate of an
23 approved school of practical nursing working under qual-
24 ified supervision during the period between completion
25 of his or her course of nursing education and notification
26 of the results of the first licensing examination following
27 graduation. In cases of hardship and upon petition to
28 the board, the board may grant an extension of such
29 period to such graduate.

§30-7A-10. Disciplinary proceeding; grounds for discipline.

1 The board shall have the right to refuse to admit an
2 applicant for the licensure examination for the herein-
3 after stated reasons, and also the board shall have the
4 power to revoke or suspend any license to practice prac-
5 tical nursing issued by the board in accordance with the
6 provisions of this article, or to otherwise discipline a
7 licensee upon satisfactory proof that the person: (1)
8 Is guilty of fraud or deceit in procuring or attempting

9 to procure a license to practice practical nursing; or (2)
10 is convicted of a felony or (3) is habitually intemperate
11 or is addicted to the use of habit-forming drugs; or (4)
12 is mentally incompetent; or (5) who practices or at-
13 tempts to practice without a license or who wilfully or
14 repeatedly violates any of the provisions of this article.

§30-7A-11. Penalties.

1 It shall be a misdemeanor for any person, firm, cor-
2 poration or association of persons to: (1) Sell or fraud-
3 ulently obtain or furnish any nursing diploma, license
4 or record or aid or abet therein; or (2) practice practical
5 nursing unless duly licensed to do so under the provi-
6 sions of this article; or (3) use in connection with his
7 or her name any designation tending to imply that he
8 or she is a licensed practical nurse unless duly licensed
9 so to practice under the provisions of this article; or (4)
10 practice practical nursing during the time his or her li-
11 cense issued under the provisions of this article shall
12 be suspended or revoked; or (5) conduct a school of
13 practical nursing or a course for training of practical

14 nurses unless the school or course has been accredited by
15 the board; or (6) otherwise violate any provisions of this
16 article.

17 Any person convicted of any such misdemeanor shall
18 be punishable by a fine of not less than twenty-five nor
19 more than one hundred dollars.

§30-7A-12. Severability.

1 If any provision of this article or the application thereof
2 to any person or circumstance shall be held invalid, such
3 invalidity shall not affect the provisions or applications
4 of this article which can be given effect without the in-
5 valid provision or application, and to this end the pro-
6 visions of this article are declared to be severable.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tampus
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the House.

Takes effect July 1, 1967.

St. Leonard Meyer
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard W. Carson
President of the Senate

H. Laban White
Speaker House of Delegates

The within _____ this the _____
day of _____, 1967.

Governor



PRESENTED TO THE
GOVERNOR

Date 3/17/67

Time 3:07 p.m.