

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1972

ENROLLED

HOUSE BILL No. 978

(By Mr. Myles AND Mr. SEIBERT)

PASSED MARCH 2, 1972

In Effect FROM Passage



978

3-8-72

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House Bill No. 978

(By MR. MYLES and MR. SEIBERT)

[Passed March 2, 1972; in effect from passage.]

AN ACT to amend sections three, six and eight, article seven, chapter thirty, of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to registered professional nurses; qualifications of a member of the board of examiners for registered professional nurses; fees for licensing and renewals of licenses of registered professional nurses.

Be it enacted by the Legislature of West Virginia:

That sections three, six and eight, article seven, 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 7. REGISTERED PROFESSIONAL NURSES.

§30-7-3. Board of examiners for registered professional nurses; appointment, term and qualifications of members; reappointment; vacancies; removal; compensation.

1 The governor shall appoint, by and with the advice
2 and consent of the Senate, a board consisting of five
3 members who shall constitute and be known as the West
4 Virginia board of examiners for registered professional
5 nurses.

6 Appointments hereunder shall be made by the gov-
7 ernor, by and with the advice and consent of the Senate,
8 from lists submitted to the governor by the West Vir-
9 ginia nurses' association. Such lists shall contain the
10 names of at least three persons eligible for membership
11 for each membership or vacancy to be filled and shall
12 be submitted to the governor on or before the first day
13 of June of each year and at such other time or times
14 as a vacancy on the board shall exist. Appointments under
15 the provisions of this article shall be for a term of five
16 years each or for the unexpired term, if any, of the
17 present members. Any member may be eligible for re-
18 appointment, but no member shall serve longer than
19 two successive terms. Vacancies shall be filled in the
20 same manner as is provided for appointment in the first
21 instance. The governor may remove any member for
22 neglect of duty, for incompetence, or for unprofessional
23 or dishonorable conduct.

24 Each member of the board hereafter appointed shall
25 (a) be a citizen of the United States and a resident of
26 this state, (b) be a graduate from an accredited educa-
27 tional program in this or any other state for the prepara-
28 tion of practitioners of registered professional nursing,
29 or be a graduate from an accredited college or univer-
30 sity with a major in the field of nursing, (c) be a grad-
31 uate from an accredited college or university, (d) be
32 a registered professional nurse licensed in this state or
33 eligible for licensure as such, (e) have had at least five
34 years of experience in teaching in an educational program
35 for the preparation of practitioners of registered pro-
36 fessional nursing, or in a combination of such teaching
37 and either nursing service administration or nursing
38 education administration, and (f) have been actually
39 engaged in registered professional nursing for at least
40 three within the past five years preceding his or her
41 appointment or reappointment.

42 Each member of the board shall receive twenty dollars
43 for each day actually spent in attending meetings of the
44 board, or of its committees, and shall also be reimbursed
45 for actual and necessary expenses.

§30-7-6. Qualifications and examinations of persons seeking licensure; applications; practitioners licensed in another state; present practitioners; fees; temporary permits.

1 To obtain a license to practice registered professional
2 nursing, an applicant for such license shall submit to
3 the board written evidence, verified by oath, that he or
4 she (a) is of good moral character; (b) has completed
5 an approved four-year high school course of study or the
6 equivalent thereof, as determined by the appropriate edu-
7 cational agency; and (c) has completed an accredited
8 program of registered professional nursing education and
9 holds a diploma of a school accredited by the board.

10 The applicant shall also be required to pass a written
11 examination in such subjects as the board may determine.
12 Each written examination may be supplemented by an
13 oral examination. Upon successfully passing such ex-
14 amination or examinations, the board shall issue to the
15 applicant a license to practice registered professional
16 nursing. The board shall determine the times and places
17 for examinations. In the event an applicant shall have
18 failed to pass examinations on two occasions, the appli-
19 cant shall, in addition to the other requirements of this
20 section, present to the board such other evidence of his
21 or her qualifications as the board may prescribe.

22 The board may, upon application, issue a license to
23 practice registered professional nursing by endorsement
24 to an applicant who has been duly licensed as a regis-
25 tered professional nurse under the laws of another state,
26 territory or foreign country if in the opinion of the
27 board the applicant meets the qualifications required of
28 registered professional nurses at the time of graduation.

29 Any person holding a valid license designated as a
30 "waiver license" may submit an application to the board
31 for a license containing no reference to the fact that such
32 person has theretofore been issued such "waiver license."
33 The provisions of this section relating to examination
34 and fees and the provisions of all other sections of this
35 article shall apply to any application submitted to the
36 board pursuant to the provisions of this paragraph.

37 Any person applying for a license to practice registered

38 professional nursing under the provisions of this article
39 shall, with his or her application, pay to the board a fee
40 of forty dollars, except that the fee to be paid by any
41 person applying for a license by endorsement hereunder
42 shall be thirty dollars: *Provided*, That the board in its
43 discretion may, by rule or regulation, decrease either
44 or both said license fees. In the event it shall be neces-
45 sary for the board to reexamine any applicant for a
46 license, an additional fee of ten dollars shall be paid to
47 the board by the applicant for each subject in which
48 reexamination shall be necessary: *Provided, however*,
49 that the total of such additional fees shall in no case
50 exceed forty dollars for any one examination.

51 Any person holding a license heretofore issued by the
52 West Virginia state board of examiners for registered
53 nurses and which license is valid on the date this article
54 becomes effective shall be deemed to be duly licensed
55 under the provisions of this article for the remainder of
56 the period of any such license heretofore issued. Any
57 such license heretofore issued shall also, for all purposes,
58 be deemed to be a license issued under this article and
59 to be subject to the provisions hereof.

60 The board shall, upon receipt of a duly executed ap-
61 plication for licensure and of the accompanying fee of
62 forty dollars, issue a temporary permit to practice regis-
63 tered professional nursing to any applicant who has re-
64 ceived a diploma from a school of nursing approved by
65 the board pursuant to this article after the date the board
66 last scheduled a written examination for persons eligible
67 for licensure: *Provided*, That no such temporary
68 permit shall be renewable nor shall any such permit be
69 valid for any purpose subsequent to the date the board
70 has announced the results of the first written examination
71 given by the board following the issuance of such permit.

**§30-7-8. Renewal of licenses; reinstatement; fees; penalties;
inactive list.**

1 The license of every person licensed and registered
2 under the provisions of this article shall be annually re-
3 newed except as hereinafter provided. At such time or
4 times as the board in its discretion may determine, the

5 board shall mail a renewal application to every person
6 whose license was renewed during the previous year and
7 every such person shall fill in such application blank and
8 return it to the board with a renewal fee of five dollars
9 within thirty days after receipt of said renewal applica-
10 tion: *Provided*, That the board in its discretion may in-
11 crease or decrease said renewal fee. In no event shall
12 said fee exceed ten dollars. Upon receipt of the application
13 and fee, the board shall verify the accuracy of the ap-
14 plication and, if the same be accurate, issue to the appli-
15 cant a certificate of renewal for the current year. Such
16 certificate of renewal shall entitle the holder thereof to
17 practice registered professional nursing for the period
18 stated on the certificate of renewal. Any licensee who
19 allows his or her license to lapse by failing to renew the
20 license as provided above may be reinstated by the board
21 on satisfactory explanation for such failure to renew his
22 or her license and on payment to the board of the re-
23 newal fee hereinabove provided and a reinstatement fee
24 of five dollars. Any person practicing registered profes-
25 sional nursing during the time his or her license has
26 lapsed shall be considered an illegal practitioner and shall
27 be subject to the penalties provided for violation of this
28 article. A person licensed under the provisions of this
29 article desiring to retire from practice temporarily shall
30 send a written notice of such desire to the board. Upon
31 receipt of such notice the board shall place the name of
32 such person upon the inactive list. While remaining on
33 this list the person shall not be subject to the payment of
34 any renewal fees and shall not practice registered pro-
35 fessional nursing in this state. When the person desires
36 to resume active practice, application for renewal of li-
37 cense and payment of the renewal fee for the current year
38 shall be made to the board.

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

Russell B. Beall
Chairman Senate Committee

Stephen R. Rutter
Chairman House Committee

Originated in the House.

Takes effect from passage.

Howard W. Hanson
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Edmond
President of the Senate

Lewis T. Mann
Speaker House of Delegates

The within *approved* this the *8th*
day of *March*, 1972.

Arch A. Moore, Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/4/72

Time 9:45 a.m.