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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1992

— ● —

ENROLLED

HOUSE BILL No. 4003

(By Delegate Douglas)

— ● —

Passed March 6, 1992

In Effect From Passage

ENROLLED
H. B. 4003

(By DELEGATE DOUGLAS)

[Passed March 6, 1992; in effect from passage.]

AN ACT to amend and reenact sections one, six and eight, article seven, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the temporary licensure of registered professional nurses duly licensed under the laws of another state; temporary license fees; increase of renewal and reinstatement fees.

Be it enacted by the Legislature of West Virginia:

That sections one, 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, all to read as follows:

ARTICLE 7. REGISTERED PROFESSIONAL NURSES.

§30-7-1. Definitions.

1 As used in this article the term:

2 (a) "Board" shall mean the West Virginia board of
3 examiners for registered professional nurses;

4 (b) The practice of "registered professional nursing"
5 shall mean the performance for compensation of any
6 service requiring substantial specialized judgment and
7 skill based on knowledge and application of principles
8 of nursing derived from the biological, physical and
9 social sciences, such as responsible supervision of a
10 patient requiring skill in observation of symptoms and

11 reactions and the accurate recording of the facts, or the
12 supervision and teaching of other persons with respect
13 to such principles of nursing, or in the administration
14 of medications and treatments as prescribed by a
15 licensed physician or a licensed dentist, or the applica-
16 tion of such nursing procedures as involve understand-
17 ing of cause and effect in order to safeguard life and
18 health of a patient and others;

19 (c) "Temporary permit" means a permit authorizing
20 the holder to practice registered professional nursing in
21 this state until such permit is no longer effective or the
22 holder is granted a license by the West Virginia state
23 board of examiners for registered professional nurses.

§30-7-6. Qualifications; licensure; fees; temporary permits.

1 To obtain a license to practice registered professional
2 nursing, an applicant for such license shall submit to the
3 board written evidence, verified by oath, that he or she
4 (a) is of good moral character; (b) has completed an
5 approved four-year high school course of study or the
6 equivalent thereof, as determined by the appropriate
7 educational agency; and (c) has completed an accredited
8 program of registered professional nursing education
9 and 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 deter-
12 mine. Each written examination may be supplemented
13 by an oral examination. Upon successfully passing such
14 examination or examinations, the board shall issue to
15 the applicant a license to practice registered profes-
16 sional nursing. The board shall determine the times and
17 places for examinations. In the event an applicant shall
18 have failed to pass examinations on two occasions, the
19 applicant shall, in addition to the other requirements of
20 this section, present to the board such other evidence of
21 his 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
25 registered professional nurse under the laws of another

26 state, 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 The board may, upon application and proper identi-
30 fication determined by the board, issue a temporary
31 permit to practice registered professional nursing by
32 endorsement to an applicant who has been duly licensed
33 as a registered professional nurse under the laws of
34 another state, territory or foreign country. Such
35 temporary permit authorizes the holder to practice
36 registered professional nursing in this state while the
37 temporary permit is effective. A temporary permit shall
38 be effective for ninety days, unless the board revokes
39 such permit prior to its expiration, and such permit may
40 not be renewed. Any person applying for a temporary
41 license under the provisions of this paragraph shall,
42 with his or her application, pay to the board a nonre-
43 fundable fee of ten dollars.

44 Any person holding a valid license designated as a
45 "waiver license" may submit an application to the board
46 for a license containing no reference to the fact that such
47 person has theretofore been issued such "waiver license."
48 The provisions of this section relating to examination
49 and fees and the provisions of all other sections of this
50 article shall apply to any application submitted to the
51 board pursuant to the provisions of this paragraph.

52 Any person applying for a license to practice regis-
53 tered professional nursing under the provisions of this
54 article shall, with his or her application, pay to the
55 board a fee of forty dollars: *Provided*, That the fee to
56 be paid for the year commencing the first day of July,
57 one thousand nine hundred eighty-two, shall be seventy
58 dollars: *Provided, however*, That the board in its
59 discretion may, by rule or regulation, decrease either or
60 both said license fees. In the event it shall be necessary
61 for the board to reexamine any applicant for a license,
62 an additional fee shall be paid to the board by the
63 applicant for reexamination: *Provided further*, That the
64 total of such additional fees shall in no case exceed one
65 hundred dollars for any one examination.

66 Any person holding a license heretofore issued by the
67 West Virginia state board of examiners for registered
68 nurses and which license is valid on the date this article
69 becomes effective shall be deemed to be duly licensed
70 under the provisions of this article for the remainder of
71 the period of any such license heretofore issued. Any
72 such license heretofore issued shall also, for all purposes,
73 be deemed to be a license issued under this article and
74 to be subject to the provisions hereof.

75 The board shall, upon receipt of a duly executed
76 application for licensure and of the accompanying fee of
77 seventy dollars, issue a temporary permit to practice
78 registered professional nursing to any applicant who has
79 received a diploma from a school of nursing approved
80 by the board pursuant to this article after the date the
81 board last scheduled a written examination for persons
82 eligible for licensure: *Provided*, That no such temporary
83 permit shall be renewable nor shall any such permit be
84 valid for any purpose subsequent to the date the board
85 has announced the results of the first written examina-
86 tion given by the board following the issuance of such
87 permit.

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

1 The license of every person licensed and registered
2 under the provisions of this article shall be annually
3 renewed except as hereinafter provided. At such time
4 or times as the board in its discretion may determine,
5 the board shall mail a renewal application to every
6 person whose license was renewed during the previous
7 year and every such person shall fill in such application
8 blank and return it to the board with a renewal fee of
9 twenty-five dollars within thirty days after receipt of
10 said renewal application: *Provided*, That the board in its
11 discretion by rule may increase or decrease the renewal
12 fee. Upon receipt of the application and fee, the board
13 shall verify the accuracy of the application and, if the
14 same be accurate, issue to the applicant a certificate of
15 renewal for the current year. Such certificate of renewal
16 shall entitle the holder thereof to practice registered
17 professional nursing for the period stated on the

18 certificate of renewal. Any licensee who allows his or
19 her license to lapse by failing to renew the license as
20 provided above may be reinstated by the board on
21 satisfactory explanation for such failure to renew his or
22 her license and on payment to the board of the renewal
23 fee hereinabove provided and a reinstatement fee of fifty
24 dollars. Any person practicing registered professional
25 nursing during the time his or her license has lapsed
26 shall be considered an illegal practitioner and shall be
27 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
34 of any renewal fees and shall not practice registered
35 professional nursing in this state. When the person
36 desires to resume active practice, application for
37 renewal of license and payment of the renewal fee for
38 the current year shall be made to the board.

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

Somer Heck
Chairman Senate Committee

Ernest C. Morris
Chairman House Committee

Originating in the House.

Takes effect from passage.

Darrell Ashburn
Clerk of the Senate

Donald Z. Hoopp
Clerk of the House of Delegates

Walter Burdette
President of the Senate

Robert C. Hall
Speaker of the House of Delegates

The within is approved this the 27th
day of June, 1992.

Yaston Caperton
Governor

PRESENTED TO THE

GOVERNOR

Date 3/19/92

Time 2:45pm