

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1945

ENROLLED

SENATE BILL No. 68

(By Mr. Bear, By Request)

PASSED March 9 1945

In Effect 90-days from Passage



3-15

68

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AN ACT to amend and reenact article seven, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, relating to the examination, licensing and regulation of registered professional nurses; to provide for a board of examiners and prescribe and define the powers and duties thereof; to provide for the annual recording of registration certificates; and to prescribe penalties for violation of the provisions of this act.

Be it enacted by the Legislature of West Virginia:

That 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:

Section 1. *Definitions.*—As used in this article the term
2 “board” means the West Virginia state board of exam-
3 iners for registered nurses. The practice of registered
4 nursing is defined as follows: A person practicing nurs-
5 ing within the meaning of this article who for compensa-
6 tion or personal profit (a) performs any professional serv-
7 ice requiring the application of principles of nursing
8 based on biological, physical and social sciences, such as
9 responsible supervision of a patient requiring skill in ob-
10 servation of symptoms and reactions and the accurate
11 recording of the facts, and carrying out of treatments and
12 medications as prescribed by a licensed physician, and
13 the application of such nursing procedures as involve un-
14 derstanding of cause and effect in order to safeguard life
15 and health of a patient and others; or (b) performs such
16 duties as are required in the physical care of a patient and
17 in carrying out of medical orders as prescribed by a li-
18 censed physician, requiring an understanding of nursing
19 but not requiring the professional service as outlined
20 in (a).

Sec. 2. *Who May Practice.*—In order to safeguard life
2 and health, graduate nurses practicing or offering to prac-
3 tice nursing in this state for compensation or personal
4 profit shall, hereafter, be required to submit evidence that
5 he or she is qualified so to practice, and shall be licensed
6 as hereinafter provided. After December thirty-first,
7 one thousand nine hundred and forty-five, it shall be un-
8 lawful for any graduate nurse to practice or to offer to
9 practice nursing in this state or to use any title, sign, card
10 or device to indicate that such a person is practicing
11 nursing unless such person has been duly licensed and
12 registered under the provisions of this article.

Sec. 3. A registered professional nurse shall be entitled
2 to use such title and the abbreviation R. N. No other
3 person shall assume such title or use the abbreviation
4 R. N. or any other words, letters or figures to indicate that
5 the person using the same is a registered professional
6 nurse. A license may be issued to a person who is not a
7 citizen of the United States but who has declared his
8 or her intention of becoming a citizen but shall terminate
9 and become void at the end of seven years from such

10 declaration of intention if the holder has not become a
11 citizen. A license so terminated may be reissued by the
12 department any time thereafter upon evidence of citizen-
13 ship and an explanation of the delay satisfactory to the
14 board. Every alien graduate nurse who will register un-
15 der this act shall file with the application for registration
16 a copy of his or her declaration of intention to become a
17 citizen of the United States certified by the clerk of the
18 court in which it was filed. In case of failure to present
19 such certificate his or her application will not be acted
20 upon until the certificate is filed.

Sec. 4. *Qualifications and Examination of Registered Pro-*
2 *fessional Nurses.*—To obtain a license to practice as a reg-
3 istered professional nurse the applicant shall submit to
4 the board satisfactory evidence that he or she (a) is
5 more than twenty years of age; (b) is of good moral char-
6 acter; (c) is a citizen of the United States or has legally
7 declared his or her intention of becoming a citizen; (d)
8 has completed at least an approved four year high school
9 course of study or three years of high school work after
10 graduation from a standard junior high school and has

11 received a diploma or certificate of graduation from a
12 standard high school in this state or from a high school
13 outside this state having equal standards, grades and re-
14 quirements, provided that an applicant who began his or
15 her course of study in a school of nursing registered by
16 the board prior to January first, one thousand nine hun-
17 dred thirty, may submit in lieu thereof evidence of having
18 completed the preliminary educational requirements in
19 force at that time; (e) has completed the course of study
20 in, and holds the diploma of a school of nursing approved
21 by the board. The applicant shall also be required to
22 pass a written examination in such subjects as the board
23 shall determine. Each written examination may be sup-
24 plemented by such oral or practical examination as may
25 be determined upon the recommendation of the board.
26 The board shall determine the times and places for the
27 examinations. Any person who (a) has graduated from
28 a school of nursing accredited in any other state, province,
29 or country and is licensed in any other state, province or
30 country; (b) meets the requirements as to age, character
31 and citizenship; (c) and who has completed a course in

32 nursing considered by the board to be a satisfactory
33 equivalent to that required in this state at that time, may
34 file with the board an application for a license as a regis-
35 tered professional nurse. Upon recommendation of the
36 board, such person may be licensed as a registered pro-
37 fessional nurse without examination. In determining
38 what is a satisfactory equivalent of a course of study in a
39 school of nursing, the board shall grant an applicant
40 reasonable opportunity to furnish further evidence and
41 to make up any deficiencies, which, in the opinion of the
42 board may be necessary to meet its requirements.

Sec. 5. *Renewal of License.*—The license of every nurse
2 registered in this state shall be annually renewed ex-
3 cept as hereinafter provided. On or before January first,
4 one thousand nine hundred forty-six, the board shall
5 mail an application for renewal of license to every known,
6 active, nurse who has ever been licensed in West Vir-
7 ginia. On or before January first in each year there-
8 after the board shall mail a renewal application to every
9 nurse whose license was renewed during the previous

10 year. The applicant shall fill in the application blank and
11 return it to the board with a renewal fee of one dollar
12 before January thirty-first of that year. Upon receipt
13 of the application and fee the board shall verify the ac-
14 curacy of the application and issue to the applicant a cer-
15 tificate of renewal for the current year beginning January
16 first and expiring December thirty-first. Such certificate
17 of renewal shall render the holder thereof a legal practi-
18 tioner for the period stated on the certificate of renewal.
19 Any licensee who allows his or her license to lapse by
20 failing to renew the license as provided above may be
21 reinstated by the board on satisfactory explanation for
22 such failure to renew his or her license and on payment
23 of a fee of two dollars. Any person practicing nursing
24 during the time his or her license has lapsed shall be con-
25 sidered an illegal practitioner and shall be subject to the
26 penalties provided for violation of this article. A person
27 licensed under the provisions of this article desiring to
28 retire from practice temporarily, shall send a written no-
29 tice to the board. Upon receipt of such notice the board
30 shall place the name of such person upon the non-

31 practicing list. While remaining on this list the person
32 shall not be subject to the payment of any renewal fees
33 and shall not practice nursing in the state. When the
34 person desires to resume practice, application for renewal
35 of license and payment of renewal fee for the current year
36 shall be made to the board.

Sec. 6. *Board of Examiners for Nurses.*—The governor
2 shall appoint, by and with the advice and consent of the
3 senate, five citizens of the state of West Virginia, who
4 shall be registered nurses and residents of the state, who
5 shall constitute the West Virginia state board of exami-
6 ners for registered nurses: *Provided, however,* That the
7 present members of the West Virginia board of examiners
8 for nurses shall, unless sooner removed, serve as mem-
9 bers of the board until their successors are duly appointed
10 under the provisions of this act. Upon the expiration of
11 said present terms or upon the appointment of such suc-
12 cessors, said appointments shall be made by the governor,
13 by and with the advice and consent of the senate, from
14 lists submitted to the governor by the West Virginia
15 state nurses' association, which lists shall consist of not

16 less than five nurses, each of whom shall have graduated
17 from an accredited school of nursing and had at least five
18 years' experience in nursing following graduation and
19 two years' experience in nursing education or administra-
20 tion in schools of nursing and who shall have been active
21 in nursing within two years of his or her appointment.
22 Such appointments shall be for terms of five years each
23 or for the unexpired term, if any, of present members.
24 Any member may be eligible for a re-appointment,
25 but no member shall serve longer than two successive
26 terms. Vacancies shall be filled in the same manner as
27 is provided for appointment in the first instance, from a
28 list of five names. The board is hereby authorized to
29 appoint and employ a registered nurse, who is duly quali-
30 fied, to perform the duties of a secretary to the board and
31 also to act as educational adviser; to survey and advise
32 the approved schools of nursing to the end that the rules
33 and regulations adopted by said board may be observed
34 throughout the state. Such secretary shall act under the
35 direction of said board. The board shall furnish the
36 secretary a headquarters and shall provide such office

37 equipment and clerical assistance as the duties of the of-
38 fice may require. The board shall have power to ap-
39 point such nurses, deputies, clerks, assistants, inspectors,
40 and employees as shall be necessary for the proper exer-
41 cise of the powers and duties of the board. The com-
42 pensation and expenses of the members of the board and
43 its appointees and employees shall be paid out of such
44 funds as are allocated to the board in its annual budget.
45 The secretary shall keep the records of all proceedings
46 of the board and shall keep a register of the names and
47 addresses of all nurses registered under this article which
48 register shall be a public record. Said board shall hold
49 not less than two regular meetings each year, and such
50 additional meetings at such times and places as the board
51 may determine. Notice of each of said meetings shall be
52 published in two newspapers of general circulation in the
53 state, and in one state publication of a journal of nursing,
54 and notices of said meetings shall be sent by mail to each
55 person known by the secretary to be an applicant for an
56 examination or registration, at least thirty days previous
57 to any such meeting. The board is authorized to adopt

58 and, from time to time, revise such rules and regulations
59 not inconsistent with the law, as may be necessary to
60 enable it to carry into effect the provisions of this act.
61 The board shall prescribe curricula and standards for
62 schools and courses preparing persons for licensure under
63 this article. It shall provide for surveys of such schools
64 and courses at such times as it may deem necessary. It
65 shall accredit such schools and courses as meet the re-
66 quirements of this article and of the board. It shall
67 evaluate and approve courses for affiliation. It shall ex-
68 amine, license and renew the license of duly qualified
69 applicants.

Sec. 7. *Advisory Council to Board of Examiners.*—There
2 is hereby created an advisory council to said board to con-
3 sist of the members of the West Virginia public health
4 council and two members of the West Virginia state hos-
5 pital association. These two representatives shall be
6 chosen by the members of the public health council for a
7 term of two years beginning July first, one thousand nine
8 hundred and forty-five, and shall be eligible for re-
9 appointment. The advisory council shall act in an ad-
10 visory capacity to the board herein provided for.

Sec. 8. *Schools of Nursing*.—An institution desiring to
2 be accredited by the board shall file an application there-
3 for with the board, together with the information re-
4 quired and a fee of ten dollars. It shall submit evidence
5 that: (1) it is prepared to give the course of theoretical
6 instruction and practical experience in nursing as pre-
7 scribed in the curriculum adopted by the board. Such
8 instruction and experience may be secured in one or more
9 institutions approved by the board; (2) it is prepared to
10 meet other standards established by this law and by the
11 board.

12 A survey of the institution, or institutions, with which
13 the school is to be affiliated shall be made by the execu-
14 tive secretary of the board. The executive secretary shall
15 submit a written report of the survey to the board. If,
16 in the opinion of the board, the requirements for an ac-
17 credited school of nursing are met, it shall approve the
18 school as an accredited school of nursing. From time to
19 time as deemed necessary by the board, it shall be the
20 duty of the board, through its executive secretary, to
21 survey all schools of nursing in the state. Written reports

22 of such surveys shall be submitted to the board. If the
23 board determines that any accredited school of nursing
24 is not maintaining the standards required by the statutes
25 and by the board, notice thereof in writing specifying the
26 defect or defects shall be immediately given to the school.
27 A school which fails to correct these conditions to the
28 satisfaction of the board within a reasonable time shall be
29 removed from the list of accredited schools of nursing.

Sec. 9. Administration of Anaesthetics by Registered

2 *Nurse.*—In any case where it is lawful for a duly licensed
3 physician and surgeon practicing medicine and surgery
4 under the laws of this state to administer anaesthetics,
5 such anaesthetics may lawfully be given and adminis-
6 tered by any nurse who has been duly registered as such
7 under the laws of this state, provided such anaesthetic is
8 administered by the nurse in the presence and under the
9 supervision of such physician or surgeon.

Sec. 10. Construction of this Article.—This article shall

2 not be construed as conferring any authority to practice
3 medicine or to undertake the treatment or cure of disease,
4 pain, injury, deformity or physical condition, nor shall it

5 be construed as prohibiting the care of the sick by do-
6 mestic servants, housekeepers, nursemaids, companions
7 or household aides of any type, whether employed regu-
8 larly or because of an emergency illness, provided such
9 person does not hold himself or herself out, or accept em-
10 ployment as an R. N. under the provisions of this article,
11 or preventing any person from the domestic administra-
12 tion of family remedies or the furnishing of nursing as-
13 sistance in case of an emergency; nor shall it be construed
14 as including service given by attendants in institutions
15 under the jurisdiction of or subject to the visitation of
16 the West Virginia board of control if adequate medical
17 and nursing supervision is provided; nor shall it be con-
18 strued as prohibiting such practice of nursing by stu-
19 dents enrolled in registered schools as may be incidental
20 to their course of study; nor shall it be construed as pro-
21 hibiting or preventing the practice of nursing in this
22 state by a graduate nurse, whose application for registra-
23 tion by reciprocity is pending; nor shall it be construed
24 as prohibiting or preventing the practice of nursing in
25 this state by any legally qualified nurse of another state

26 or country whose engagement requires him or her to
27 accompany and care for a patient temporarily residing in
28 this state during the period of such engagement, provided
29 such person does not represent or hold himself or herself
30 out as a nurse registered to practice in this state; nor shall
31 it be construed as prohibiting nursing or care of the sick,
32 with or without compensation or personal profit, when
33 done in connection with the practice of the religious
34 tenets of any church by adherents thereof as long as they
35 do not engage in the practice of nursing as defined in this
36 article. This article shall not affect or apply to gratuitous
37 nursing of the sick by friends or members of the family
38 or to prevent any person, undergraduate nurses, practical
39 nurses or medically trained Waves, Wacs, Spars or
40 Women Marines from nursing the sick or injured for hire
41 who does not in any way assume to be a registered nurse.
42 This article shall not be construed to prohibit the practice
43 of nursing pending the results of licensing examinations
44 by graduates of schools registered by the board while
45 working under the supervision of such schools or by other
46 persons eligible for licensure under this article, whose

47 applications for admission to a licensing examination have
48 been approved by the board, provided such candidate
49 shall enter the first licensing examination scheduled by
50 the board following such graduation or approval and shall
51 enter the two following examinations in turn in case of
52 failure to pass the preceding examination, unless such
53 candidate has presented reasons satisfactory to the board
54 as to inability to enter the first or second examination and
55 has been excused therefrom. Such practice pending li-
56 censing examination shall terminate upon failure to enter
57 the examination hereinbefore required and in no case
58 shall continue beyond the announcement of the result
59 of the third licensing examination after such graduation
60 or approval.

Sec. 11. *Disciplinary Proceedings; Grounds for Disci-*
2 *pline.*—The board shall have power to deny, revoke or
3 suspend any license to practice nursing issued by the
4 board or applied for in accordance with the provisions of
5 this act, or to otherwise discipline a licensee upon proof
6 that the person:

- 7 (1) Is guilty of fraud or deceit in procuring or attempt-
8 ing to procure a license to practice nursing; or
- 9 (2) Is convicted of a felony; or
- 10 (3) Is unfit or incompetent by reason of negligence,
11 habits or other causes; or
- 12 (4) Is habitually intemperate or is addicted to the use
13 of habit forming drugs; or
- 14 (5) Is mentally incompetent; or
- 15 (6) Is guilty of conduct derogatory to the morals or
16 standing of the profession of nursing; or
- 17 (7) Who practices or attempts to practice without li-
18 cense or reregistration or who willfully or repeatedly vio-
19 lates any of the provisions of this article.

Sec. 12. *Penalties.*—It shall be a misdemeanor for any
2 person (including any corporation, association or indi-
3 vidual) to:

- 4 (1) Sell or fraudulently obtain or furnish any nursing
5 diploma, license or record or aid or abet therein; or
- 6 (2) Practice nursing as defined by this article under
7 cover of any diploma, license or record illegally or fraudu-

8 lently obtained or signed or issued unlawfully or under
9 fraudulent representation; or

10 (3) Practice nursing as defined by this article unless
11 duly licensed to do so under the provisions of this arti-
12 cle; or

13 (4) Use in connection with his or her name any desig-
14 nation tending to imply that he or she is a registered
15 nurse unless duly licensed so to practice under provisions
16 of this article; or

17 (5) Practice nursing during the time his or her li-
18 cense issued under the provisions of this article shall be
19 suspended or revoked; or

20 (6) Otherwise violate any provisions of this article.

21 - Upon conviction such misdemeanor shall be punishable
22 by a fine of not less than twenty-five nor more than two
23 hundred and fifty dollars.

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

Charles C Morris

Chairman Senate Committee

J. A. Grayton Jr.

Chairman House Committee

Originated in the

Senate

Takes effect

90-days from

passage

Thomas Hayes

Clerk of the Senate

Robb

Clerk of the House of Delegates

Arnold W. Tickers

President of the Senate

John E. Amos

Speaker House of Delegates

The within

Approved

this the

15th

day of

March

, 1945.

Charles Medsker

Governor.

Filed in the office of the Secretary of State of West Virginia

MAR 16 1945

Wm. S. O'BRIEN,
Secretary of State

