WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1945

ENROLLED

SENATE BILL No. 68

(By Mr. Bean, By Request)

PASSED March 9, 1945

In Effect 90 days from Passage
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 "board" means the West Virginia state board of examiners for registered nurses. The practice of registered nursing is defined as follows: A person practicing nursing within the meaning of this article who for compensation or personal profit (a) performs any professional service requiring the application of principles of nursing based on biological, physical and social sciences, such as responsible supervision of a patient requiring skill in observation of symptoms and reactions and the accurate recording of the facts, and carrying out of treatments and medications as prescribed by a licensed physician, and the application of such nursing procedures as involve understanding of cause and effect in order to safeguard life and health of a patient and others; or (b) performs such duties as are required in the physical care of a patient and in carrying out of medical orders as prescribed by a licensed physician, requiring an understanding of nursing but not requiring the professional service as outlined in (a).
Sec. 2. Who May Practice.—In order to safeguard life and health, graduate nurses practicing or offering to practice nursing in this state for compensation or personal profit shall, hereafter, be required to submit evidence that he or she is qualified so to practice, and shall be licensed as hereinafter provided. After December thirty-first, one thousand nine hundred and forty-five, it shall be unlawful for any graduate nurse to practice or to offer to practice nursing in this state or to use any title, sign, card or device to indicate that such a person is practicing nursing unless such person has been duly licensed and registered under the provisions of this article.

Sec. 3. A registered professional nurse shall be entitled to use such title and the abbreviation R. N. No other person shall assume such title or use the abbreviation R. N. or any other words, letters or figures to indicate that the person using the same is a registered professional nurse. A license may be issued to a person who is not a citizen of the United States but who has declared his or her intention of becoming a citizen but shall terminate and become void at the end of seven years from such
declaration of intention if the holder has not become a
citizen. A license so terminated may be reissued by the
department any time thereafter upon evidence of citizen-
ship and an explanation of the delay satisfactory to the
board. Every alien graduate nurse who will register un-
der this act shall file with the application for registration
a copy of his or her declaration of intention to become a
citizen of the United States certified by the clerk of the
court in which it was filed. In case of failure to present
such certificate his or her application will not be acted
upon until the certificate is filed.

Sec. 4. Qualifications and Examination of Registered Pro-
fessional Nurses.—To obtain a license to practice as a reg-
istered professional nurse the applicant shall submit to
the board satisfactory evidence that he or she (a) is
more than twenty years of age; (b) is of good moral char-
acter; (c) is a citizen of the United States or has legally
declared his or her intention of becoming a citizen; (d)
has completed at least an approved four year high school
course of study or three years of high school work after
graduation from a standard junior high school and has
received a diploma or certificate of graduation from a standard high school in this state or from a high school outside this state having equal standards, grades and requirements, provided that an applicant who began his or her course of study in a school of nursing registered by the board prior to January first, one thousand nine hundred thirty, may submit in lieu thereof evidence of having completed the preliminary educational requirements in force at that time; (e) has completed the course of study in, and holds the diploma of a school of nursing approved by the board. The applicant shall also be required to pass a written examination in such subjects as the board shall determine. Each written examination may be supplemented by such oral or practical examination as may be determined upon the recommendation of the board. The board shall determine the times and places for the examinations. Any person who (a) has graduated from a school of nursing accredited in any other state, province, or country and is licensed in any other state, province or country; (b) meets the requirements as to age, character and citizenship; (c) and who has completed a course in
nursing considered by the board to be a satisfactory

equivalent to that required in this state at that time, may

file with the board an application for a license as a regis-

tered professional nurse. Upon recommendation of the

board, such person may be licensed as a registered pro-

fessional nurse without examination. In determining

what is a satisfactory equivalent of a course of study in a

school of nursing, the board shall grant an applicant

reasonable opportunity to furnish further evidence and

to make up any deficiencies, which, in the opinion of the

board may be necessary to meet its requirements.

Sec. 5. Renewal of License.—The license of every nurse

registered in this state shall be annually renewed ex-

cept as hereinafter provided. On or before January first,

one thousand nine hundred forty-six, the board shall

mail an application for renewal of license to every known,

active, nurse who has ever been licensed in West Vir-

ginia. On or before January first in each year there-

after the board shall mail a renewal application to every

nurse whose license was renewed during the previous
year. The applicant shall fill in the application blank and
return it to the board with a renewal fee of one dollar
before January thirty-first of that year. Upon receipt
of the application and fee the board shall verify the ac-
curacy of the application and issue to the applicant a cer-
tificate of renewal for the current year beginning January
first and expiring December thirty-first. Such certificate
of renewal shall render the holder thereof a legal practi-
tioner for the period stated on the certificate of renewal.
Any licensee who allows his or her license to lapse by
failing to renew the license as provided above may be
reinstated by the board on satisfactory explanation for
such failure to renew his or her license and on payment
of a fee of two dollars. Any person practicing nursing
during the time his or her license has lapsed shall be con-
sidered an illegal practitioner and shall be subject to the
penalties provided for violation of this article. A person
licensed under the provisions of this article desiring to
retire from practice temporarily, shall send a written no-
tice to the board. Upon receipt of such notice the board
shall place the name of such person upon the non-
practicing list. While remaining on this list the person shall not be subject to the payment of any renewal fees and shall not practice nursing in the state. When the person desires to resume practice, application for renewal of license and payment of renewal fee for the current year shall be made to the board.

Sec. 6. Board of Examiners for Nurses.—The governor shall appoint, by and with the advice and consent of the senate, five citizens of the state of West Virginia, who shall be registered nurses and residents of the state, who shall constitute the West Virginia state board of examiners for registered nurses: Provided, however, That the present members of the West Virginia board of examiners for nurses shall, unless sooner removed, serve as members of the board until their successors are duly appointed under the provisions of this act. Upon the expiration of said present terms or upon the appointment of such successors, said appointments shall be made by the governor, by and with the advice and consent of the senate, from lists submitted to the governor by the West Virginia state nurses' association, which lists shall consist of not
less than five nurses, each of whom shall have graduated
from an accredited school of nursing and had at least five
years’ experience in nursing following graduation and
two years’ experience in nursing education or administra-
tion in schools of nursing and who shall have been active
in nursing within two years of his or her appointment.
Such appointments shall be for terms of five years each
or for the unexpired term, if any, of present members.
Any member may be eligible for a re-appointment,
but no member shall serve longer than two successive
terms. Vacancies shall be filled in the same manner as
is provided for appointment in the first instance, from a
list of five names. The board is hereby authorized to
appoint and employ a registered nurse, who is duly quali-
fied, to perform the duties of a secretary to the board and
also to act as educational adviser; to survey and advise
the approved schools of nursing to the end that the rules
and regulations adopted by said board may be observed
throughout the state. Such secretary shall act under the
direction of said board. The board shall furnish the
secretary a headquarters and shall provide such office
equipment and clerical assistance as the duties of the office may require. The board shall have power to appoint such nurses, deputies, clerks, assistants, inspectors, and employees as shall be necessary for the proper exercise of the powers and duties of the board. The compensation and expenses of the members of the board and its appointees and employees shall be paid out of such funds as are allocated to the board in its annual budget. The secretary shall keep the records of all proceedings of the board and shall keep a register of the names and addresses of all nurses registered under this article which register shall be a public record. Said board shall hold not less than two regular meetings each year, and such additional meetings at such times and places as the board may determine. Notice of each of said meetings shall be published in two newspapers of general circulation in the state, and in one state publication of a journal of nursing, and notices of said meetings shall be sent by mail to each person known by the secretary to be an applicant for an examination or registration, at least thirty days previous to any such meeting. The board is authorized to adopt
and, from time to time, revise such rules and regulations not inconsistent with the law, as may be necessary to enable it to carry into effect the provisions of this act. The board shall prescribe curricula and standards for schools and courses preparing persons for licensure under this article. It shall provide for surveys of such schools and courses at such times as it may deem necessary. It shall accredit such schools and courses as meet the requirements of this article and of the board. It shall evaluate and approve courses for affiliation. It shall examine, license and renew the license of duly qualified applicants.

Sec. 7. Advisory Council to Board of Examiners.—There is hereby created an advisory council to said board to consist of the members of the West Virginia public health council and two members of the West Virginia state hospital association. These two representatives shall be chosen by the members of the public health council for a term of two years beginning July first, one thousand nine hundred and forty-five, and shall be eligible for reappointment. The advisory council shall act in an advisory capacity to the board herein provided for.
Sec. 8. **Schools of Nursing.**—An institution desiring to be accredited by the board shall file an application therefor with the board, together with the information required and a fee of ten dollars. It shall submit evidence that: (1) it is prepared to give the course of theoretical instruction and practical experience in nursing as prescribed in the curriculum adopted by the board. Such instruction and experience may be secured in one or more institutions approved by the board; (2) it is prepared to meet other standards established by this law and by the board. A survey of the institution, or institutions, with which the school is to be affiliated shall be made by the executive secretary of the board. The executive secretary shall submit a written report of the survey to the board. If, in the opinion of the board, the requirements for an accredited school of nursing are met, it shall approve the school as an accredited school of nursing. From time to time as deemed necessary by the board, it shall be the duty of the board, through its executive secretary, to survey all schools of nursing in the state. Written reports
of such surveys shall be submitted to the board. If the board determines that any accredited school of nursing is not maintaining the standards required by the statutes and by the board, notice thereof in writing specifying the defect or defects shall be immediately given to the school. A school which fails to correct these conditions to the satisfaction of the board within a reasonable time shall be removed from the list of accredited schools of nursing.

Sec. 9. Administration of Anaesthetics by Registered Nurse.—In any case where it is lawful for a duly licensed physician and surgeon practicing medicine and surgery under the laws of this state to administer anaesthetics, such anaesthetics may lawfully be given and administered by any nurse who has been duly registered as such under the laws of this state, provided such anaesthetic is administered by the nurse in the presence and under the supervision of such physician or surgeon.

Sec. 10. Construction of this Article.—This article shall not be construed as conferring any authority to practice medicine or to undertake the treatment or cure of disease, pain, injury, deformity or physical condition, nor shall it
be construed as prohibiting the care of the sick by domestic servants, housekeepers, nursemaids, companions or household aides of any type, whether employed regularly or because of an emergency illness, provided such person does not hold himself or herself out, or accept employment as an R. N. under the provisions of this article, or preventing any person from the domestic administration of family remedies or the furnishing of nursing assistance in case of an emergency; nor shall it be construed as including service given by attendants in institutions under the jurisdiction of or subject to the visitation of the West Virginia board of control if adequate medical and nursing supervision is provided; nor shall it be construed as prohibiting such practice of nursing by students enrolled in registered schools as may be incidental to their course of study; nor shall it be construed as prohibiting or preventing the practice of nursing in this state by a graduate nurse, whose application for registration by reciprocity is pending; nor shall it be construed as prohibiting or preventing the practice of nursing in this state by any legally qualified nurse of another state
or country whose engagement requires him or her to accompany and care for a patient temporarily residing in this state during the period of such engagement, provided such person does not represent or hold himself or herself out as a nurse registered to practice in this state; nor shall it be construed as prohibiting nursing or care of the sick, with or without compensation or personal profit, when done in connection with the practice of the religious tenets of any church by adherents thereof as long as they do not engage in the practice of nursing as defined in this article. This article shall not affect or apply to gratuitous nursing of the sick by friends or members of the family or to prevent any person, undergraduate nurses, practical nurses or medically trained Waves, Wacs, Spars or Women Marines from nursing the sick or injured for hire who does not in any way assume to be a registered nurse. This article shall not be construed to prohibit the practice of nursing pending the results of licensing examinations by graduates of schools registered by the board while working under the supervision of such schools or by other 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:
(1) Is guilty of fraud or deceit in procuring or attempting to procure a license to practice nursing; or
(2) Is convicted of a felony; or
(3) Is unfit or incompetent by reason of negligence, habits or other causes; or
(4) Is habitually intemperate or is addicted to the use of habit forming drugs; or
(5) Is mentally incompetent; or
(6) Is guilty of conduct derogatory to the morals or standing of the profession of nursing; or
(7) Who practices or attempts to practice without license or reregistration or who willfully or repeatedly violates any of the provisions of this article.

Sec. 12. Penalties.—It shall be a misdemeanor for any person (including any corporation, association or individual) to:

(1) Sell or fraudulently obtain or furnish any nursing diploma, license or record or aid or abet therein; or
(2) Practice nursing as defined by this article under 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. Barbour  
Chairman House Committee

Originated in the Senate

Takes effect 90 days from passage

Thomas Hays  
Clerk of the Senate

Clerk of the House of Delegates

Donald M. Tucker  
President of the Senate

John E. Armou  
Speaker House of Delegates

The within Approved this the 15th day of March, 1945.

Governor.

Filed in the office of the Secretary of State  
of West Virginia  MAR 16 1945  
Wm. S. O'Brien,  
Secretary of State