WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1957

ENROLLED

HOUSE BILL No. 59

(By Mr. Brotherton)

PASSED Feb 26, 1957

In Effect 90 days from Passage
ENROLLED

House Bill No. 59

(By Mr. Brotherton)

[Passed February 26, 1957; in effect ninety days from passage.]

AN ACT to amend chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, to be numbered article seven-a, relating to the licensure of practical nurses in the state of West Virginia.

Be it enacted by the Legislature of West Virginia:

That chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, to be numbered article seven-a, to read as follows:

Section 1. Definition.—(a) The term “practical nurse”, as used in this article, shall mean a person prepared by an approved educational program to share in the care of the sick, in rehabilitation and in prevention of illness, always under the supervision of a licensed physician.
(b) The term "board" as used in this article shall mean
the board of examiners for practical nurses as set forth
in section five of this article.

Sec. 2. Who May Practice.—After the thirtieth day of
June, one thousand nine hundred fifty-eight, it shall be
unlawful for any person practicing or offering to practice
as a licensed practical nurse to use any title, figure, sign,
card or device to indicate such person is a licensed practi-
cal nurse unless such person has been duly qualified and
licensed under the provisions of this article.

Sec. 3. Qualifications of Applicants for License.—Except
as otherwise provided in section six of this article, any
person desiring to obtain a license to practice as a licensed
practical nurse shall submit to the board satisfactory evi-
dence that he or she; (a) is of a good moral character;
(b) has completed at least the ninth grade of school or
its equivalent; (c) has completed a course of study in an
accredited school for practical nurses as defined by the
board and holds a diploma therefrom; and (d) has com-
pleted such other general educational requirements as
may be prescribed by the board.
Sec. 4. Application for License or Registration Examination Fee.—The provisions of section six article one, chapter thirty of the code shall apply to this article, except that an applicant for license as a practical nurse shall pay a fee of fifteen dollars.

Sec. 5. Board of Examiners; Powers; Duties.—The governor shall appoint, by and with the advice and consent of the senate, seven citizens of the state of West Virginia who shall constitute the “West Virginia State Board of Examiners for Practical Nurses” and they shall be charged with the duty of administering the provisions of this article. Of the seven members so appointed two shall be licensed practical nurses, except that in the initial appointment, the two practical nurses shall be persons eligible for licensure under the provisions of this article; two shall be registered professional nurses duly licensed in this state; two shall be doctors of medicine licensed in this state; and one shall be a hospital administrator actively engaged as such in this state. Such appointments shall be for terms of five years each, except that in the initial appointments, one person eligible for licensure as a
licensed practical nurse hereunder and one registered professional nurse shall be appointed for terms of five years each, one person eligible for licensure as a licensed practical nurse hereunder and one registered professional nurse shall be appointed for terms of four years each, one doctor of medicine shall be appointed for a term of three years, one hospital administrator shall be appointed for a term of two years, and one licensed doctor of medicine shall be appointed for a term of one year. The practical nurses so to be appointed, initially and subsequently, shall be selected by the governor from a list to be submitted to him by the practical nurses' association of West Virginia, inc.; the registered professional nurses so to be appointed, initially and subsequently, shall be selected by the governor from a list to be submitted to him by the West Virginia state nurses' association, inc.; the doctor of medicine so to be appointed, initially and subsequently, shall be selected by the governor from a list to be submitted to him by the West Virginia state medical association; and the hospital administrator so to be appointed, initially and subsequently, shall be selected by the governor from a list submitted
to him by the West Virginia hospital association: Provided, 

however, That each of such lists shall contain the names of 
at least three persons for each person so to be appointed. 

Any member of the board may be eligible for reappointment, but no member shall serve longer than two successive terms. The board is hereby authorized to appoint 
and employ a qualified person to perform the duties of 
executive secretary and to act as educational advisor to 
the board. Such secretary shall act under the direction 
of the board. The board shall furnish the secretary a head-
quarters and shall provide such office equipment and cler-
ical assistance as the duties of the office may require. The 
board shall have power to appoint such nurses, deputies, 
clers, 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 mem-
ers 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 proceedings of the board, and shall keep a registry of 
the names and addresses of all practical nurses registered
under this article, which registry 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. The board is authorized to adopt and, from time to time, to revise such rules and regulations not inconsistent with this article, as may be necessary to enable it to carry into effect the provisions hereof. 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 may evaluate and approve courses for affiliation. It shall examine, license and renew the license of duly qualified applicants.

Sec. 6. Examination and Licensure of Practical Nurses; Present Practitioners.—The applicant, except as herein-after provided, shall 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 the board may deem necessary.
The board shall determine the times and places for the examination and notices thereof shall be published in two newspapers of general circulation in the state. Notices of examination 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. Upon the applicant's successful completion of such examination and satisfaction of the other requirements of this article, the board shall issue to the applicant a license to practice as a licensed practical nurse. The board shall issue such license by endorsement to any applicant who has been duly licensed or registered as such, or to a person entitled to perform similar services under a different title, in another state, territory or foreign country if, in the opinion of the board, the applicant meets the other requirements for licensed practical nurses in this state. On or before the thirtieth day of June, one thousand nine hundred fifty-nine, any practical nurse who has been engaged in practical nursing in this state for a period of three years, as verified by two doctors of medicine licensed in this state having personal knowledge of the applicant's
Enr. H. B. No. 59] 8

Any person obtaining a license by waiver who has completed extension courses equal in theory to those for the graduate practical nurses, as determined by the board, may at any time thereafter take the examination prescribed by the board and obtain a license without the designation of "waiver" thereon.

Sec. 7. Renewal or Reinstatement of License.—The license of every person licensed under the provisions of this article shall expire on the thirtieth day of June, next following the date of license. In order for such license to be renewed, the licensee shall comply with such rules and regulations of the board as are applicable to renewals. The renewal fee for all licenses shall be five dollars. Upon receipt of the renewal fee the board shall issue to the licensee a certificate of renewal for the current year, beginning July first and expiring June thirtieth of the following year. Such certificate shall render the holder thereof a legal practitioner 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 reinstatement fee of five dollars, in addition to the renewal fee of five dollars here-inbefore set out. Any person practicing as a licensed practical nurse during the time his or her license has lapsed shall be considered 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 give written notice of such desire 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 as a licensed practical nurse in the state. When such person desires to resume practice, application for renewal of license and payment of the renewal fee for the current year shall be made to the board.

Sec. 8. Use of Title "Licensed Practical Nurse".—Any
person who holds a license to practice nursing as a licensed practical nurse under the provisions of this article may use the title licensed practical nurse and the abbreviation L. P. N. No other person shall assume such title or use such abbreviation or any other words, letters, figures, signs, or devices to indicate that the person using the same is a licensed practical nurse.

Sec. 9. Schools of Practical Nursing.—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. An institution desiring to conduct a school of practical nursing to be accredited by the board as such shall file an application therefor with the board, together with the information required and a fee of ten dollars. It shall submit satisfactory evidence that: (1) It is prepared to give the course of instruction and practical experience in practical nursing as prescribed in the curricula adopted by the board; and (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, or is, 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 practical nursing are met, it shall approve the school as an accredited school of practical 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 practical nursing in the state. Written reports of such surveys shall be submitted to the board. If the board determines that any accredited school of practical 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 practical nursing. Nothing
36 contained in this article shall infringe upon the rights or
37 power of the state board of education, or county boards
38 of education to establish and conduct a program of prac-
39 tical nurse education or other health occupation.

Sec. 10. *Construction of Article.*—The provisions of
2 this article shall not be construed as prohibiting:
3 (1) The care of a sick, disabled, injured, crippled or
4 infirm person by a member or members of such person’s
5 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) The domestic administration of family remedies.
14 (4) Practical nursing by students enrolled in accred-
15 ited schools for practical nursing incidental to their course
16 of study.
17 (5) Practice of nursing in this state by any legally
qualified practical nurse of another state or county whose
engagement requires such practical nurse to accompany
and care for a patient temporarily residing in this state
during the period of such engagement.

(6) Practical nursing by any person eligible for licens-
sure under provisions of this article, whose application for
admission to a licensing examination has been approved
by the board and who enters the first licensing examina-
tion scheduled by the board after filing such application
or has been granted leave by the board in writing to enter
upon a subsequently scheduled examination.

But no person, not licensed and authorized to engage
in practical nursing in this state, as provided in this arti-
cle, shall represent himself or herself to be or shall accept
employment as a licensed practical nurse in this state.

Sec. 11. Disciplinary Proceeding; Grounds for Disci-
pline.—The board shall have the right to refuse to admit
an applicant for the licensure examination for the here-
inafter stated reasons, and also the board shall have the
power to revoke or suspend any license to practice as a
licensed practical nurse issued by the board in accordance
with the provisions of this article, or to otherwise discipline a licensee upon satisfactory proof 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 habitually intemperate or is addicted to the use of habit-forming drugs; or (4) Is unfit or incompetent by reason of negligence or habits; or (5) Is mentally incompetent; or (6) Is guilty of conduct derogatory to the moral or standing of the occupation of practical nursing; or (7) Who practices or attempts to practice without a license or who wilfully or repeatedly violates any of the provisions of this article.

Sec. 12. Penalties.—It shall be a misdemeanor for any person, firm, corporation or association of persons to: (1) Sell or fraudulently obtain or furnish any nursing diploma, license or record or aid or abet therein; or (2) Practice as a licensed practical nurse under cover of any diploma, license or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation; or (3) Practice as a licensed practical nurse unless duly licensed to do so under the provisions of this
article; or (4) Use in connection with his or her name any designation tending to imply that he or she is a licensed practical nurse unless duly licensed so to practice under the provisions of this article; or (5) Practice as a licensed practical nurse during the time his or her license issued under the provisions of this article shall be sus-
pended or revoked; or (6) Conduct a school of practical nursing or a course for training of practical nurses unless the school or course has been accredited by the board; or (7) Otherwise violate any provisions of this article. Any person convicted of any such misdemeanor shall be punishable by a fine of not less than twenty-five nor more than one hundred dollars.

Sec. 13. Severability.—If any provisions of this article or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or applications of this article which can be given effect without the invalid provisions or application, and to this end the provisions of this article are declared to be severable.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

[Signature]

Chairman House Committee

[Signature]

Originated in the House of Delegates

Takes effect 90 days from passage

Clerk of the Senate

[Signature]

Clerk of the House of Delegates

[Signature]

President of the Senate

[Signature]

Speaker, House of Delegates

[Signature]

The within approved this the 7th
day of March 1957.

[Signature]

Governor

Filed in the Office of the Secretary of State of West Virginia MAR 8-1957