AN ACT to amend and reenact article seven-a, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to practical nurses.

Be it enacted by the Legislature of West Virginia:

That article seven-a, 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 7A. PRACTICAL NURSES.

§30-7A-1. Definitions.

1 (a) The term “practical nursing” means the performance for compensation of selected nursing acts in the care of the ill, injured or infirm under the direction of
a registered professional nurse or a licensed physician or a licensed dentist, and not requiring the substantial specialized skill, judgment and knowledge required in professional nursing.

(b) The term "practical nurse" means a person who has met all the requirements for licensure as a practical nurse and who engages in practical nursing as hereinabove defined.

(c) The term "board" as used in this article, shall mean the board of examiners for licensed practical nurses as set forth in section five of this article.

§30-7A-2. Use of title "Licensed Practical Nurse"; who may practice.

Any person who is qualified to serve as a practical nurse under the provisions of this article shall be known as a licensed practical nurse or otherwise known as a L.P.N. After the thirtieth day of June, one thousand nine hundred sixty-eight, no other person shall engage in practical nursing nor assume such title nor 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 or a practical nurse: Provided,
however, That any person holding a valid license to
practice practical nursing in this state as of the effective
date of this article shall be deemed to be a licensed
practical nurse under the provisions of this article.

§30-7A-3. Qualifications of applicants for license.

Except as otherwise provided in section six of this ar-
ticle, any person desiring to obtain a license to practice
practical nursing shall submit to the board satisfactory
evidence that he or she: (a) is of good moral charac-
ter; (b) has acquired at least a tenth grade education
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.

§30-7A-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 such fee as the board shall prescribe.

§30-7A-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 Licensed 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, one of whom shall be a graduate of an approved school of practical nursing, and both of whom shall have had not less than five years' experience as licensed practical nurses, two shall be registered professional nurses, at least one of whom shall be experienced in practical nurse education; one shall be a doctor of medicine; one shall be a hospital administrator actively engaged as such in this state and one shall be a vocational educator. Such appointments shall be for terms of five years each, except that in the initial appointments, one licensed practical nurse and one registered professional nurse shall be appointed for a
term of five years, one licensed practical nurse and one
registered professional nurse shall be appointed for a
term of four years, the doctor of medicine shall be ap-
pointed for a term of three years, the hospital admin-
istrator shall be appointed for a term of two years and
the vocational educator shall be appointed for a term
of one year. The practical nurses so to be appointed,
initially and subsequently, shall be selected by the gov-
ernor from a list to be submitted to him by the Licensed
Practical Nurses' Association of West Virginia, Inc., which
list shall contain the names of at least two licensed prac-
tical nurses for each board member so to be appointed,
who shall have been licensed by examination and who
shall have not less than five years' experience as a licensed
practical nurse. The doctor of medicine so appointed
shall be selected by the governor from two nominations
submitted to him by the West Virginia State Medical
Association; each registered professional nurse so ap-
pointed shall be selected by the governor from two nomi-
ations submitted to him by the West Virginia Nurses
Association, Inc.; the hospital administrator shall be ap-
pointed by the governor from two nominations submitted to him by the West Virginia hospital association; and the vocational educator shall be appointed by the governor from two nominations submitted to him by the state board of education. Any member of the board may be eligible for reappointment, but no member shall serve more 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 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 proceed-
ings 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 prepar-
ing persons for licensure under this article. It shall
survey such schools and courses at such times as it may
deem necessary. It shall survey and accredit such
schools, clinical practice areas and courses as meet the
requirements of this article and of the board. It shall
examine, license and renew the license of duly qualified
applicants.

§30-7A-6. Examination and licensure of practical nurses;
present practitioners.

1 The applicant, except as hereinafter provided, shall be
2 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. 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 scheduled examination. Upon the applicant's successful completion of an appropriate examination as prescribed by the board and satisfaction of the other requirements of this article, the board shall issue to the applicant a license to practice practical nursing. 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 sixty-eight, any practical nurse who exhibits proof, satisfactory to the board, that he or she has been engaged in practical nursing in
this state for a period of three years and who satisfac-
torily completes an appropriate examination as prescribed
by the board shall be issued a license by waiver by said
board, which shall be so designated on its face.

Any person obtaining a license by waiver who has com-
pleted 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 pre-
scribed by the board for graduate practical nurses and
obtain a license without the designation of “waiver”
thereon.

§30-7A-7. Renewal or reinstatement of license.

1 The license of every person licensed under the pro-
visions 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 ap-
licable to renewals. The renewal fee for all licenses
shall be five dollars, subject to change by the board.

Upon receipt of the renewal fee the board shall issue to
the licensee a certificate of renewal for the current year,
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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 sat-
isfactory explanation for such failure to renew his or
her license and on payment of a reinstatement fee of five
dollars, subject to change by the board, in addition to
the renewal fee hereinbefore set out. Any person prac-
ticing practical nursing 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.

§30-7A-8. Schools of practical nursing.

1. The board shall prescribe curricula and standards for schools, clinical practice areas and courses preparing persons for licensure under this article; it shall provide for surveys of such schools, clinical practice areas and courses at such times as it may deem necessary. It shall accredit such schools, clinical practice areas and courses as meet the requirements of this article and of the board.

2. 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 such fee as may be prescribed by the board. 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 and shall be in violation of this article. Nothing contained in this article shall infringe upon the rights or power of the state board of ed-
ucation, or county boards of education to establish and conduct a program of practical nurse education or other health occupation so long as the prescribed curricula meets the requirements of the board.


The provisions of this article shall not be construed as prohibiting:

1. The care of a sick, disabled, injured, crippled or infirm person by a member or members of such person’s family, or by close relatives, or by domestic servants, housekeepers or household aides thereof, whether employed regularly or because of emergency circumstances due to illness or other disabilities.

2. The work and services of auxiliary hospital personnel, such as nursing aides, maids, orderlies, technicians, volunteer workers and other like hospital employees.

3. Practical nursing by students enrolled in accredited schools for practical nursing incidental to their course of study.

4. Practice of nursing in this state by any legally qualified practical nurse of another state or country for
18 a period not to exceed six months or whose engagement
19 requires such practical nurse to accompany and care
20 for a patient temporarily residing in this state during
21 the period of such engagement.
22
23 (5) Nursing services rendered by a graduate of an
24 approved school of practical nursing working under qual-
25 ified supervision during the period between completion
26 of his or her course of nursing education and notification
27 of the results of the first licensing examination following
28 graduation. In cases of hardship and upon petition to
29 the board, the board may grant an extension of such
30 period to such graduate.

§30-7A-10. Disciplinary proceeding; grounds for discipline.

1 The board shall have the right to refuse to admit an
2 applicant for the licensure examination for the hereinafter
3 stated reasons, and also the board shall have the
4 power to revoke or suspend any license to practice prac-
5 tical nursing issued by the board in accordance with the
6 provisions of this article, or to otherwise discipline a
7 licensee upon satisfactory proof that the person: (1)
8 Is guilty of fraud or deceit in procuring or attempting
to procure a license to practice practical 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 mentally incompetent; or (5) who practices or attempts to practice without a license or who wilfully or repeatedly violates any of the provisions of this article.


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 practical nursing unless duly licensed to do so under the provisions of this article; or (3) 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 (4) practice practical nursing during the time his or her license issued under the provisions of this article shall be suspended or revoked; or (5) 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 (6) 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.

§30-7A-12. Severability.

If any provision 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 in-
valid provision or application, and to this end the pro-
visions of this article are declared to be severable.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tampas  
Chairman Senate Committee

Clayton C. Davidson  
Chairman House Committee

Originated in the House.

Takes effect July 1, 1967.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within________________________ this the

day of__________________________, 1967.

Governor
PRESENTED TO THE
GOVERNOR

Date          3/17/67
Time          3:07 P.M.