WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1972

ENROLLED

HOUSE BILL No. 978

(By Mr. Myles and Mr. Seibert)

PASSED MARCH 2, 1972

In Effect FROM Passage
AN ACT to amend sections three, six and eight, article seven, chapter thirty, of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to registered professional nurses; qualifications of a member of the board of examiners for registered professional nurses; fees for licensing and renewals of licenses of registered professional nurses.

Be it enacted by the Legislature of West Virginia:

That sections three, 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 to read as follows:

ARTICLE 7. REGISTERED PROFESSIONAL NURSES.

§30-7-3. Board of examiners for registered professional nurses; appointment, term and qualifications of members; reappointment; vacancies; removal; compensation.

1 The governor shall appoint, by and with the advice and consent of the Senate, a board consisting of five members who shall constitute and be known as the West Virginia board of examiners for registered professional nurses.
Appointments hereunder 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 nurses' association. Such lists shall contain the names of at least three persons eligible for membership for each membership or vacancy to be filled and shall be submitted to the governor on or before the first day of June of each year and at such other time or times as a vacancy on the board shall exist. Appointments under the provisions of this article shall be for a term of five years each or for the unexpired term, if any, of the present members. Any member may be eligible for reappointment, 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. The governor may remove any member for neglect of duty, for incompetence, or for unprofessional or dishonorable conduct.

Each member of the board hereafter appointed shall (a) be a citizen of the United States and a resident of this state, (b) be a graduate from an accredited educational program in this or any other state for the preparation of practitioners of registered professional nursing, or be a graduate from an accredited college or university with a major in the field of nursing, (c) be a graduate from an accredited college or university, (d) be a registered professional nurse licensed in this state or eligible for licensure as such, (e) have had at least five years of experience in teaching in an educational program for the preparation of practitioners of registered professional nursing, or in a combination of such teaching and either nursing service administration or nursing education administration, and (f) have been actually engaged in registered professional nursing for at least three within the past five years preceding his or her appointment or reappointment.

Each member of the board shall receive twenty dollars for each day actually spent in attending meetings of the board, or of its committees, and shall also be reimbursed for actual and necessary expenses.
§30-7-6. Qualifications and examinations of persons seeking licensure; applications; practitioners licensed in another state; present practitioners; fees; temporary permits.

1. To obtain a license to practice registered professional nursing, an applicant for such license shall submit to the board written evidence, verified by oath, that he or she (a) is of good moral character; (b) has completed an approved four-year high school course of study or the equivalent thereof, as determined by the appropriate educational agency; and (c) has completed an accredited program of registered professional nursing education and holds a diploma of a school accredited by the board.

2. The applicant shall also be required to pass a written examination in such subjects as the board may determine. Each written examination may be supplemented by an oral examination. Upon successfully passing such examination or examinations, the board shall issue to the applicant a license to practice registered professional nursing. The board shall determine the times and places for examinations. In the event an applicant shall have failed to pass examinations on two occasions, the applicant shall, in addition to the other requirements of this section, present to the board such other evidence of his or her qualifications as the board may prescribe.

3. The board may, upon application, issue a license to practice registered professional nursing by endorsement to an applicant who has been duly licensed as a registered professional nurse under the laws of another state, territory or foreign country if in the opinion of the board the applicant meets the qualifications required of registered professional nurses at the time of graduation.

4. Any person holding a valid license designated as a "waiver license" may submit an application to the board for a license containing no reference to the fact that such person has theretofore been issued such "waiver license."

5. The provisions of this section relating to examination and fees and the provisions of all other sections of this article shall apply to any application submitted to the board pursuant to the provisions of this paragraph.

6. Any person applying for a license to practice registered professional
professional nursing under the provisions of this article shall, with his or her application, pay to the board a fee of forty dollars, except that the fee to be paid by any person applying for a license by endorsement hereunder shall be thirty dollars: Provided, That the board in its discretion may, by rule or regulation, decrease either or both said license fees. In the event it shall be necessary for the board to reexamine any applicant for a license, an additional fee of ten dollars shall be paid to the board by the applicant for each subject in which reexamination shall be necessary: Provided, however, that the total of such additional fees shall in no case exceed forty dollars for any one examination.

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

The board shall, upon receipt of a duly executed application for licensure and of the accompanying fee of forty dollars, issue a temporary permit to practice registered professional nursing to any applicant who has received a diploma from a school of nursing approved by the board pursuant to this article after the date the board last scheduled a written examination for persons eligible for licensure: Provided, That no such temporary permit shall be renewable nor shall any such permit be valid for any purpose subsequent to the date the board has announced the results of the first written examination given by the board following the issuance of such permit.

§30-7-8. Renewal of licenses; reinstatement; fees; penalties; inactive list.

The license of every person licensed and registered under the provisions of this article shall be annually renewed except as hereinafter provided. At such time or times as the board in its discretion may determine, the
board shall mail a renewal application to every person
whose license was renewed during the previous year and
every such person shall fill in such application blank and
return it to the board with a renewal fee of five dollars
within thirty days after receipt of said renewal applica-
tion: Provided, That the board in its discretion may in-
crease or decrease said renewal fee. In no event shall
said fee exceed ten dollars. Upon receipt of the application
and fee, the board shall verify the accuracy of the ap-
plication and, if the same be accurate, issue to the appli-
cant a certificate of renewal for the current year. Such
certificate of renewal shall entitle the holder thereof to
practice registered professional nursing 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 to the board of the re-
newal fee hereinabove provided and a reinstatement fee
of five dollars. Any person practicing registered profes-
sional 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
send a written notice of such desire to the board. Upon
receipt of such notice the board shall place the name of
such person upon the inactive list. While remaining on
this list the person shall not be subject to the payment of
any renewal fees and shall not practice registered pro-
fessional nursing in this state. When the person desires
to resume active practice, application for renewal of li-
cense and payment of the renewal fee for the current year
shall be made to the board.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 8th day of March, 1972.

Governor
PRESENTED TO THE
GOVERNOR

Date  3/4/72
Time  9:45 a.m.