WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 1992

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ENROLLED

HOUSE BILL No. 4003

(By Delegate Douglas)

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Passed March 6, 1992

In Effect from Passage
AN ACT to amend and reenact sections one, six and eight, article seven, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the temporary licensure of registered professional nurses duly licensed under the laws of another state; temporary license fees; increase of renewal and reinstatement fees.

Be it enacted by the Legislature of West Virginia:

That sections one, 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, all to read as follows:

ARTICLE 7. REGISTERED PROFESSIONAL NURSES.

§30-7-1. Definitions.

1 As used in this article the term:

2 (a) “Board” shall mean the West Virginia board of
3 examiners for registered professional nurses;

4 (b) The practice of “registered professional nursing”
5 shall mean the performance for compensation of any
6 service requiring substantial specialized judgment and
7 skill based on knowledge and application of principles
8 of nursing derived from the biological, physical and
9 social sciences, such as responsible supervision of a
10 patient requiring skill in observation of symptoms and
reactions and the accurate recording of the facts, or the
supervision and teaching of other persons with respect
to such principles of nursing, or in the administration
of medications and treatments as prescribed by a
licensed physician or a licensed dentist, or the applica-
tion of such nursing procedures as involve understand-
ing of cause and effect in order to safeguard life and
health of a patient and others;

(c) "Temporary permit" means a permit authorizing
the holder to practice registered professional nursing in
this state until such permit is no longer effective or the
holder is granted a license by the West Virginia state
board of examiners for registered professional nurses.

§30-7-6. Qualifications; licensure; fees; temporary
permits.

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.

The applicant shall also be required to pass a written
examination in such subjects as the board may deter-
mine. 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 profes-
sional 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.

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.

The board may, upon application and proper identification determined by the board, issue a temporary permit 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. Such temporary permit authorizes the holder to practice registered professional nursing in this state while the temporary permit is effective. A temporary permit shall be effective for ninety days, unless the board revokes such permit prior to its expiration, and such permit may not be renewed. Any person applying for a temporary license under the provisions of this paragraph shall, with his or her application, pay to the board a non-refundable fee of ten dollars.

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." 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.

Any person applying for a license to practice registered professional nursing under the provisions of this article shall, with his or her application, pay to the board a fee of forty dollars: Provided, That the fee to be paid for the year commencing the first day of July, one thousand nine hundred eighty-two, shall be seventy dollars: Provided, however, 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 shall be paid to the board by the applicant for reexamination: Provided further, That the total of such additional fees shall in no case exceed one hundred 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 seventy 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 twenty-five dollars within thirty days after receipt of said renewal application: Provided, That the board in its discretion by rule may increase or decrease the renewal fee. Upon receipt of the application and fee, the board shall verify the accuracy of the application and, if the same be accurate, issue to the applicant 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 renewal fee hereinabove provided and a reinstatement fee of fifty dollars. Any person practicing registered professional 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 professional nursing in this state. When the person desires to resume active practice, application for renewal of license 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

Ernest C. Moore

Chairman House Committee

Originating in the House.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 27th day of December 1992.

Governor