

1 terms have the meanings ascribed to them, unless the context
2 clearly indicates otherwise.

3 "Board" means the West Virginia Board of Examiners for
4 Registered Professional Nurses.

5 "Major mental illness" means a diagnosis of a mental disorder
6 within the axis of psychotic or affective or mood, or alcohol or
7 chemical abuse, or alcohol or chemical dependency, as stipulated in
8 the International Code of Diagnosis.

9 "Nurse" means those health care professionals licensed by the
10 West Virginia Board of Examiners for Registered Professional
11 Nurses.

12 "Nurse Health Program" means a program meeting the
13 requirements of this article.

14 "Qualifying illness" means the diagnosis of alcohol or
15 substance abuse or alcohol or substance dependency or major mental
16 illness.

17 **§30-7E-2. Nurse health program.**

18 (a) The board may permit a nurse diagnosed with a major mental
19 illness or qualifying illness to participate in a nurse health
20 program.

21 (b) The board may designate one or more nurse health programs.
22 To be eligible for designation by the board, a nurse health program
23 shall:

24 (1) Enter into an agreement with the board outlining specific

1 requirements of the program;

2 (2) Agree to make its services available to all licensed West
3 Virginia registered professional nurses with a qualifying illness;

4 (3) Provide for the education of nurses with respect to the
5 recognition and treatment of alcohol, chemical dependency and
6 mental illness and the availability of the nurse health program for
7 qualifying illnesses;

8 (4) Offer assistance to any person in referring a nurse for
9 purposes of assessment or treatment or both for a qualifying
10 illness;

11 (5) Monitor the status of a nurse who enters treatment for a
12 qualifying illness pursuant to a written, voluntary agreement
13 during treatment;

14 (6) Monitor the compliance of a nurse who enters into a
15 written, voluntary agreement for a qualifying illness with the
16 nurse health program setting forth a course for recovery;

17 (7) Agree to accept referrals from the board to provide
18 monitoring services pursuant to a board order; and

19 (8) Include such other requirements as the board determines
20 necessary.

21 (c) A designated nurse health program shall:

22 (1) Set and collect reasonable fees, grants and donations for
23 administration and services provided;

24 (2) Work collaboratively with the board to develop model

1 compliance agreements;

2 (3) Work collaboratively with the board to identify qualified
3 providers of services as may be needed by the individuals
4 participating in the nurse health program;

5 (4) Report to the board no less than annually, statistics
6 including the number of individuals served by license held; the
7 number of compliant individuals; the number of individuals who have
8 successfully completed their agreement period; and the number of
9 individuals reported to a particular board for suspected
10 noncompliance: *Provided*, That in making the report the nurse health
11 program may not disclose any personally identifiable information
12 relating to any nurse participating in a voluntary agreement as
13 provided herein. However, if a nurse is not in compliance with the
14 requirements, full disclosure of information will be provided to
15 the board.

16 (d) The fact that a nurse is participating in a designated
17 nurse health program is confidential, as is all nurses patient
18 information, acquired, created or used by the nurse health program,
19 and it remains confidential and may not be subject to discovery or
20 subpoena in a civil case. The disclosure of participation and
21 noncompliance to the appropriate board, as required by a compliance
22 agreement, waives the confidentiality as to the appropriate board
23 for disciplinary purposes.

24 (e) The nurse health program and all persons engaged in nurse

1 health program activities are immune from civil liability and a
2 civil action may not be brought or maintained while the nurse
3 health program and all persons engaged in nurse health program
4 activities are acting in good faith and within the scope of their
5 duties.

6 (f) The board is immune from civil liability and a civil
7 action may not be brought or maintained against the board or the
8 state for an injury alleged to have been the result of the
9 activities of the nurse health program or the board referral of an
10 individual to the nurse health program when they are acting in good
11 faith and within the scope of their duties.

12 **§30-7E-3. Discretionary authority of board to designate programs.**

13 The West Virginia Board of Examiners for Registered
14 Professional Nurses has the sole discretion to designate nurse
15 health programs for licensees and provisions of this article may
16 not be construed to prohibit the board from establishing its own
17 nurse health program or entitle any nurse to create or design a
18 nurse health program for any individual qualifying illness or group
19 of qualifying illnesses.

NOTE: The purpose of this bill is to authorize the West Virginia Board of Examiners for Registered Professional Nurses to have sole discretion to establish nurse health programs.

This article is new; therefore, it has been completely underscored.

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