

1 §30-7E-3, all to read as follows:

2 **ARTICLE 7E. NURSE HEALTH PROGRAMS.**

3 **§30-7E-1. Definitions.**

4 For the purposes of this article, the following words and
5 terms have the meanings ascribed to them, unless the context
6 clearly indicates otherwise.

7 (1) "Board" mean the West Virginia Board of Examiners for
8 Registered Professional Nurses.

9 (2) "Major mental illness" means a diagnosis of a mental
10 disorder within the axis of psychotic or affective or mood, or
11 alcohol or chemical abuse, or alcohol or chemical dependency, as
12 stipulated in the International Code of Diagnosis.

13 (3) "Nurse" means those health care professionals licensed by
14 the West Virginia Board of Examiners for Registered Professional
15 Nurses.

16 (4) "Nurse Health Program" means a program meeting the
17 requirements of this article.

18 (5) "Qualifying illness" means the diagnosis of alcohol or
19 substance abuse or alcohol or substance dependency or major mental
20 illness.

21 **§30-7E-2. Nurse health program.**

22 (a) The board may permit a nurse diagnosed with a major mental
23 illness or qualifying illness to participate in a nurse health
24 program.

1 (b) The board is authorized to designate one or more nurse
2 health programs. To be eligible for designation by the boards, a
3 nurse health program shall:

4 (1) Enter into an agreement with the board outlining specific
5 requirements of the program;

6 (2) Agree to make their services available to all licensed
7 West Virginia registered professional nurses with a qualifying
8 illness;

9 (3) Provide for the education of nurses with respect to the
10 recognition and treatment of alcohol, chemical dependency and
11 mental illness and the availability of the nurse health program for
12 qualifying illnesses;

13 (4) Offer assistance to any person in referring a nurse for
14 purposes of assessment or treatment or both for a qualifying
15 illness;

16 (5) Monitor the status of a nurse who enters treatment for a
17 qualifying illness pursuant to a written, voluntary agreement
18 during treatment;

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

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

24 (8) Include such other requirements as the board deems

1 necessary.

2 (c) A designated nurse health program shall:

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

5 (2) Work collaboratively with the board to develop model
6 compliance agreements;

7 (3) Work collaboratively with the board to identify qualified
8 providers of services as may be needed by the individuals
9 participating in the physician health program;

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

21 (d) The fact that a nurse is participating in a designated
22 nurse health program is confidential, as is all nurse patient
23 information, acquired, created or used by the physician health
24 program, and it shall remain confidential and may not be subject to

1 discovery or subpoena in a civil case. The disclosure of
2 participation and noncompliance to the board, as required by a
3 compliance agreement, waives the confidentiality as to the board
4 for disciplinary purposes.

5 (e) The nurse health program and all persons engaged in nurse
6 health program activities are immune from civil liability and no
7 civil action may be brought or maintained while the nurse health
8 program and all persons engaged in nurse health program activities
9 are acting in good faith and within the scope of their duties.

10 (f) The board is immune from civil liability and no civil
11 action may be brought or maintained against the board or the state
12 for an injury alleged to have been the result of the activities of
13 the nurse health program or the board referral of an individual to
14 the nurse health program when they are acting in good faith and
15 within the scope of their duties.

16 **§30-7E-3. Discretionary authority of boards to designate programs.**

17 The West Virginia Board of Examiners of Registered
18 Professional Nurses has the sole discretion to designate nurse
19 health programs for licensees of the respective boards and no
20 provision of this article may be construed to entitle any nurse to
21 the creation or designation of a nurse health program for any
22 individual qualifying illness or group of qualifying illnesses.

NOTE: The purpose of this bill is to authorize the West Virginia Board of Examiners of Registered Professional Nurses to designate programs in which nurses may be monitored while they

pursue treatment and recovery for alcohol abuse, chemical dependency or major mental illness, and in which these persons may voluntarily enroll without being subject to disciplinary action if the person complies with the goals and restrictions of the program.

This article is new; therefore, strike-throughs and underscoring have been omitted.
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