

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **House Bill 2345**

BY DELEGATES HAMRICK, MAYNARD, WALTERS,  
MCGEEHAN, SYPOLT, HOWELL, HIGGINBOTHAM,  
HARSHBARGER, ATKINSON, WARD AND SUMMERS

[Introduced February 13, 2017;

Referred to committee on Government Organization.]

1 A BILL to amend and reenact §4-10-10 of the Code of West Virginia, 1931, as amended; to amend  
 2 and reenact §18A-4-8 of said code; to amend and reenact §18C-3-4 of said code; to  
 3 amend and reenact §30-1-7a of said code; to amend and reenact §30-1-20 of said code;  
 4 to amend and reenact §30-7A-1 and §30-7A-5 of said code; to amend and reenact §30-  
 5 7B-4 of said code; and to amend and reenact §30-24-3 of said code, all relating to  
 6 abolishing the West Virginia State Board of Examiners for Licensed Practical Nurses,  
 7 transferring all duties and powers previously belonging to the West Virginia State Board  
 8 of Examiners for Licensed Practical Nurses to the West Virginia Board of Examiners for  
 9 Registered Professional Nurses; transferring all property and records of the West Virginia  
 10 State Board of Examiners for Licensed Practical Nurses to the West Virginia Board of  
 11 Examiners for Registered Professional Nurses; providing that the rules previously  
 12 promulgated by the West Virginia State Board of Examiners for Licensed Practical Nurses  
 13 shall remain in effect until new rules are promulgated by the West Virginia Board of  
 14 Examiners for Registered Professional Nurses; and deleting references to the West  
 15 Virginia State Board of Examiners for Licensed Practical Nurses throughout the code.

*Be it enacted by the Legislature of West Virginia:*

1 That §4-10-10 of the Code of West Virginia, 1931, as amended, be amended and  
 2 reenacted; that §18A-4-8 of said code be amended and reenacted; that §18C-3-4 of said code be  
 3 amended and reenacted; that §30-1-7a of said code be amended and reenacted; that §30-1-20  
 4 of said code be amended and reenacted; that §30-7A-1 and §30-7A-5 of said code be amended  
 5 and reenacted; that §30-7B-4 of said code be amended and reenacted; and that §30-24-3 of said  
 6 code be amended and reenacted, all to read as follows:

## **CHAPTER 4. THE LEGISLATURE.**

### **ARTICLE 10. PERFORMANCE REVIEW ACT.**

#### **§4-10-10. Regulatory board review schedule.**

1 (a) A regulatory board review is required for all regulatory boards.

2 (b) A regulatory board review shall be performed on each regulatory board at least once  
3 every twelve years, commencing as follows:

4 (1) Two thousand eight: Board of Acupuncture; Board of Barbers and Cosmetologists; and  
5 Board of Examiners in Counseling.

6 (2) Two thousand nine: Board of Hearing Aid Dealers; Board of Licensed Dietitians; and  
7 Nursing Home Administrators Board.

8 (3) Two thousand ten: Board of Dental Examiners; Board of Medicine; and Board of  
9 Pharmacy.

10 (4) Two thousand eleven: Board of Chiropractic Examiners; Board of Osteopathy; and  
11 Board of Physical Therapy.

12 (5) Two thousand twelve: Board of Occupational Therapy; Board of Examiners for Speech-  
13 Language Pathology and Audiology; and Medical Imaging and Radiation Therapy Board of  
14 Examiners.

15 (6) Two thousand thirteen: Board of Professional Surveyors; Board of Registration for  
16 Foresters; and Board of Registration for Professional Engineers.

17 (7) Two thousand fourteen: ~~Board of Examiners for Licensed Practical Nurses~~ Board of  
18 Examiners for Registered Professional Nurses; and Massage Therapy Licensure Board.

19 (8) Two thousand fifteen: Board of Architects; Board of Embalmers and Funeral Directors;  
20 and Board of Landscape Architects.

21 (9) Two thousand sixteen: Board of Registration for Sanitarians; Real Estate Appraiser  
22 Licensure and Certification Board; and Real Estate Commission.

23 (10) Two thousand seventeen: Board of Accountancy; Board of Respiratory Care  
24 Practitioners; and Board of Social Work Examiners.

25 (11) Two thousand eighteen: Board of Examiners of Psychologists; Board of Optometry;  
26 and Board of Veterinary Medicine.

**CHAPTER 18A. SCHOOL PERSONNEL.**

**ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.**

**§18A-4-8. Employment term and class titles of service personnel; definitions.**

1 (a) The purpose of this section is to establish an employment term and class titles for  
2 service personnel. The employment term for service personnel may not be less than ten months.  
3 A month is defined as twenty employment days. The county board may contract with all or part of  
4 these service personnel for a longer term.

5 (b) Service personnel employed on a yearly or twelve-month basis may be employed by  
6 calendar months. Whenever there is a change in job assignment during the school year, the  
7 minimum pay scale and any county supplement are applicable.

8 (c) Service personnel employed in the same classification for more than the two hundred-  
9 day minimum employment term are paid for additional employment at a daily rate of not less than  
10 the daily rate paid for the two hundred-day minimum employment term.

11 (d) A service person may not be required to report for work more than five days per week  
12 without his or her agreement, and no part of any working day may be accumulated by the  
13 employer for future work assignments, unless the employee agrees thereto.

14 (e) If a service person whose regular work week is scheduled from Monday through Friday  
15 agrees to perform any work assignments on a Saturday or Sunday, the service person is paid for  
16 at least one-half day of work for each day he or she reports for work. If the service person works  
17 more than three and one-half hours on any Saturday or Sunday, he or she is paid for at least a  
18 full day of work for each day.

19 (f) A custodian, aide, maintenance, office and school lunch service person required to  
20 work a daily work schedule that is interrupted is paid additional compensation in accordance with  
21 this subsection.

22 (1) A maintenance person means a person who holds a classification title other than in a

23 custodial, aide, school lunch, office or transportation category as provided in section one, article  
24 one of this chapter.

25 (2) A service person's schedule is considered to be interrupted if he or she does not work  
26 a continuous period in one day. Aides are not regarded as working an interrupted schedule when  
27 engaged exclusively in the duties of transporting students;

28 (3) The additional compensation provided in this subsection:

29 (A) Is equal to at least one eighth of a service person's total salary as provided by the state  
30 minimum pay scale and any county pay supplement; and

31 (B) Is payable entirely from county board funds.

32 (g) When there is a change in classification or when a service person meets the  
33 requirements of an advanced classification, his or her salary shall be made to comply with the  
34 requirements of this article and any county salary schedule in excess of the minimum  
35 requirements of this article, based upon the service person's advanced classification and  
36 allowable years of employment.

37 (h) A service person's contract, as provided in section five, article two of this chapter, shall  
38 state the appropriate monthly salary the employee is to be paid, based on the class title as  
39 provided in this article and on any county salary schedule in excess of the minimum requirements  
40 of this article.

41 (i) The column heads of the state minimum pay scale and class titles, set forth in section  
42 eight-a of this article, are defined as follows:

43 (1) "Pay grade" means the monthly salary applicable to class titles of service personnel;

44 (2) "Years of employment" means the number of years which an employee classified as a  
45 service person has been employed by a county board in any position prior to or subsequent to  
46 the effective date of this section and includes service in the Armed Forces of the United States, if  
47 the employee was employed at the time of his or her induction. For the purpose of section eight-  
48 a of this article, years of employment is limited to the number of years shown and allowed under

49 the state minimum pay scale as set forth in section eight-a of this article;

50 (3) "Class title" means the name of the position or job held by a service person;

51 (4) "Accountant I" means a person employed to maintain payroll records and reports and  
52 perform one or more operations relating to a phase of the total payroll;

53 (5) "Accountant II" means a person employed to maintain accounting records and to be  
54 responsible for the accounting process associated with billing, budgets, purchasing and related  
55 operations;

56 (6) "Accountant III" means a person employed in the county board office to manage and  
57 supervise accounts payable, payroll procedures, or both;

58 (7) "Accounts payable supervisor" means a person employed in the county board office  
59 who has primary responsibility for the accounts payable function and who either has completed  
60 twelve college hours of accounting courses from an accredited institution of higher education or  
61 has at least eight years of experience performing progressively difficult accounting tasks.  
62 Responsibilities of this class title may include supervision of other personnel;

63 (8) "Aide I" means a person selected and trained for a teacher-aide classification such as  
64 monitor aide, clerical aide, classroom aide or general aide;

65 (9) "Aide II" means a service person referred to in the "Aide I" classification who has  
66 completed a training program approved by the state board, or who holds a high school diploma  
67 or has received a general educational development certificate. Only a person classified in an Aide  
68 II class title may be employed as an aide in any special education program

69 (10) "Aide III" means a service person referred to in the "Aide I" classification who holds a  
70 high school diploma or a general educational development certificate; and

71 (A) Has completed six semester hours of college credit at an institution of higher  
72 education; or

73 (B) Is employed as an aide in a special education program and has one year's experience  
74 as an aide in special education;

75 (11) "Aide IV" means a service person referred to in the "Aide I" classification who holds a  
76 high school diploma or a general educational development certificate; and

77 (A) Has completed eighteen hours of State Board-approved college credit at a regionally  
78 accredited institution of higher education, or

79 (B) Has completed fifteen hours of State Board-approved college credit at a regionally  
80 accredited institution of higher education; and has successfully completed an in-service training  
81 program determined by the state board to be the equivalent of three hours of college credit;

82 (12) "Audiovisual technician" means a person employed to perform minor maintenance on  
83 audiovisual equipment, films, and supplies and who fills requests for equipment;

84 (13) "Auditor" means a person employed to examine and verify accounts of individual  
85 schools and to assist schools and school personnel in maintaining complete and accurate records  
86 of their accounts;

87 (14) "Autism mentor" means a person who works with autistic students and who meets  
88 standards and experience to be determined by the state board. A person who has held or holds  
89 an aide title and becomes employed as an autism mentor shall hold a multiclassification status  
90 that includes both aide and autism mentor titles, in accordance with section eight-b of this article;

91 (15) "Braille specialist" means a person employed to provide braille assistance to students.  
92 A service person who has held or holds an aide title and becomes employed as a braille specialist  
93 shall hold a multiclassification status that includes both aide and braille specialist title, in  
94 accordance with section eight-b of this article;

95 (16) "Bus operator" means a person employed to operate school buses and other school  
96 transportation vehicles as provided by the state board;

97 (17) "Buyer" means a person employed to review and write specifications, negotiate  
98 purchase bids and recommend purchase agreements for materials and services that meet  
99 predetermined specifications at the lowest available costs;

100 (18) "Cabinetmaker" means a person employed to construct cabinets, tables, bookcases

101 and other furniture;

102 (19) "Cafeteria manager" means a person employed to direct the operation of a food  
103 services program in a school, including assigning duties to employees, approving requisitions for  
104 supplies and repairs, keeping inventories, inspecting areas to maintain high standards of  
105 sanitation, preparing financial reports and keeping records pertinent to food services of a school;

106 (20) "Carpenter I" means a person classified as a carpenter's helper;

107 (21) "Carpenter II" means a person classified as a journeyman carpenter;

108 (22) "Chief mechanic" means a person employed to be responsible for directing activities  
109 which ensure that student transportation or other county board-owned vehicles are properly and  
110 safely maintained;

111 (23) "Clerk I" means a person employed to perform clerical tasks;

112 (24) "Clerk II" means a person employed to perform general clerical tasks, prepare reports  
113 and tabulations, and operate office machines;

114 (25) "Computer operator" means a qualified person employed to operate computers;

115 (26) "Cook I" means a person employed as a cook's helper;

116 (27) "Cook II" means a person employed to interpret menus and to prepare and serve  
117 meals in a food service program of a school. This definition includes a service person who has  
118 been employed as a "Cook I" for a period of four years;

119 (28) "Cook III" means a person employed to prepare and serve meals, make reports,  
120 prepare requisitions for supplies, order equipment and repairs for a food service program of a  
121 school system;

122 (29) "Crew leader" means a person employed to organize the work for a crew of  
123 maintenance employees to carry out assigned projects;

124 (30) "Custodian I" means a person employed to keep buildings clean and free of refuse;

125 (31) "Custodian II" means a person employed as a watchman or groundsman;

126 (32) "Custodian III" means a person employed to keep buildings clean and free of refuse,



127 to operate the heating or cooling systems and to make minor repairs;

128 (33) “Custodian IV” means a person employed as a head custodian. In addition to  
129 providing services as defined in “Custodian III” duties may include supervising other custodian  
130 personnel;

131 (34) “Director or coordinator of services” means an employee of a county board who is  
132 assigned to direct a department or division.

133 (A) Nothing in this subdivision prohibits a professional person or a professional educator  
134 from holding this class title;

135 (B) Professional personnel holding this class title may not be defined or classified as  
136 service personnel unless the professional person held a service personnel title under this section  
137 prior to holding the class title of “director or coordinator of services;”

138 (C) The director or coordinator of services is classified either as a professional person or  
139 a service person for state aid formula funding purposes;

140 (D) Funding for the position of director or coordinator of services is based upon the  
141 employment status of the director or coordinator either as a professional person or a service  
142 person; and

143 (E) A person employed under the class title “director or coordinator of services” may not  
144 be exclusively assigned to perform the duties ascribed to any other class title as defined in this  
145 subsection: *Provided*, That nothing in this paragraph prohibits a person in this position from being  
146 multiclassified;

147 (35) “Draftsman” means a person employed to plan, design and produce detailed  
148 architectural/engineering drawings;

149 (36) “Early Childhood Classroom Assistant Teacher I” means a person who does not  
150 possess minimum requirements for the permanent authorization requirements, but is enrolled in  
151 and pursuing requirements;

152 (37) “Early Childhood Classroom Assistant Teacher II” means a person who has

153 completed the minimum requirements for a state-awarded certificate for early childhood  
154 classroom assistant teachers as determined by the state board;

155 (38) “Early Childhood Classroom Assistant Teacher III” means a person who has  
156 completed permanent authorization requirements, as well as additional requirements comparable  
157 to current paraprofessional certificate;

158 (39) “Educational Sign Language Interpreter I” means a person employed to provide  
159 communication access across all educational environments to students who are deaf or hard of  
160 hearing, and who holds the Initial Paraprofessional Certificate – Educational Interpreter pursuant  
161 to state board policy;

162 (40) “Educational Sign Language Interpreter II” means a person employed to provide  
163 communication access across all educational environments to students who are deaf or hard of  
164 hearing, and who holds the Permanent Paraprofessional Certificate – Educational Interpreter  
165 pursuant to state board policy;

166 (41) “Electrician I” means a person employed as an apprentice electrician helper or one  
167 who holds an electrician helper license issued by the State Fire Marshal;

168 (42) “Electrician II” means a person employed as an electrician journeyman or one who  
169 holds a journeyman electrician license issued by the State Fire Marshal;

170 (43) “Electronic technician I” means a person employed at the apprentice level to repair  
171 and maintain electronic equipment;

172 (44) “Electronic technician II” means a person employed at the journeyman level to repair  
173 and maintain electronic equipment;

174 (45) “Executive secretary” means a person employed as secretary to the county school  
175 superintendent or as a secretary who is assigned to a position characterized by significant  
176 administrative duties;

177 (46) “Food services supervisor” means a qualified person who is not a professional person  
178 or professional educator as defined in section one, article one of this chapter. The food services

179 supervisor is employed to manage and supervise a county school system's food service program.  
180 The duties include preparing in-service training programs for cooks and food service employees,  
181 instructing personnel in the areas of quantity cooking with economy and efficiency and keeping  
182 aggregate records and reports;

183 (47) "Foreman" means a skilled person employed to supervise personnel who work in the  
184 areas of repair and maintenance of school property and equipment;

185 (48) "General maintenance" means a person employed as a helper to skilled maintenance  
186 employees, and to perform minor repairs to equipment and buildings of a county school system;

187 (49) "Glazier" means a person employed to replace glass or other materials in windows  
188 and doors and to do minor carpentry tasks;

189 (50) "Graphic artist" means a person employed to prepare graphic illustrations;

190 (51) "Groundsman" means a person employed to perform duties that relate to the  
191 appearance, repair and general care of school grounds in a county school system. Additional  
192 assignments may include the operation of a small heating plant and routine cleaning duties in  
193 buildings;

194 (52) "Handyman" means a person employed to perform routine manual tasks in any  
195 operation of the county school system;

196 (53) "Heating and air conditioning mechanic I" means a person employed at the apprentice  
197 level to install, repair and maintain heating and air conditioning plants and related electrical  
198 equipment;

199 (54) "Heating and air conditioning mechanic II" means a person employed at the  
200 journeyman level to install, repair and maintain heating and air conditioning plants and related  
201 electrical equipment;

202 (55) "Heavy equipment operator" means a person employed to operate heavy equipment;

203 (56) "Inventory supervisor" means a person employed to supervise or maintain operations  
204 in the receipt, storage, inventory and issuance of materials and supplies;

205 (57) "Key punch operator" means a qualified person employed to operate key punch  
206 machines or verifying machines;

207 (58) "Licensed practical nurse" means a nurse, licensed by ~~the West Virginia Board of~~  
208 ~~Examiners for Licensed Practical Nurses~~ the West Virginia Board of Examiners for Registered  
209 Professional Nurses, employed to work in a public school under the supervision of a school nurse;

210 (59) "Locksmith" means a person employed to repair and maintain locks and safes;

211 (60) "Lubrication man" means a person employed to lubricate and service gasoline or  
212 diesel-powered equipment of a county school system;

213 (61) "Machinist" means a person employed to perform machinist tasks which include the  
214 ability to operate a lathe, planer, shaper, threading machine and wheel press. A person holding  
215 this class title also should have the ability to work from blueprints and drawings;

216 (62) "Mail clerk" means a person employed to receive, sort, dispatch, deliver or otherwise  
217 handle letters, parcels and other mail;

218 (63) "Maintenance clerk" means a person employed to maintain and control a stocking  
219 facility to keep adequate tools and supplies on hand for daily withdrawal for all school  
220 maintenance crafts;

221 (64) "Mason" means a person employed to perform tasks connected with brick and block  
222 laying and carpentry tasks related to these activities;

223 (65) "Mechanic" means a person employed to perform skilled duties independently in the  
224 maintenance and repair of automobiles, school buses and other mechanical and mobile  
225 equipment to use in a county school system;

226 (66) "Mechanic assistant" means a person employed as a mechanic apprentice and  
227 helper;

228 (67) "Multiclassification" means a person employed to perform tasks that involve the  
229 combination of two or more class titles in this section. In these instances the minimum salary  
230 scale is the higher pay grade of the class titles involved;

231 (68) "Office equipment repairman I" means a person employed as an office equipment  
232 repairman apprentice or helper;

233 (69) "Office equipment repairman II" means a person responsible for servicing and  
234 repairing all office machines and equipment. A person holding this class title is responsible for the  
235 purchase of parts necessary for the proper operation of a program of continuous maintenance  
236 and repair;

237 (70) "Painter" means a person employed to perform duties painting, finishing and  
238 decorating wood, metal and concrete surfaces of buildings, other structures, equipment,  
239 machinery and furnishings of a county school system;

240 (71) "Paraprofessional" means a person certified pursuant to section two-a, article three  
241 of this chapter to perform duties in a support capacity including, but not limited to, facilitating in  
242 the instruction and direct or indirect supervision of students under the direction of a principal, a  
243 teacher or another designated professional educator.

244 (A) A person employed on the effective date of this section in the position of an aide may  
245 not be subject to a reduction in force or transferred to create a vacancy for the employment of a  
246 paraprofessional;

247 (B) A person who has held or holds an aide title and becomes employed as a  
248 paraprofessional shall hold a multiclassification status that includes both aide and  
249 paraprofessional titles in accordance with section eight-b of this article; and

250 (C) When a service person who holds an aide title becomes certified as a paraprofessional  
251 and is required to perform duties that may not be performed by an aide without paraprofessional  
252 certification, he or she shall receive the paraprofessional title pay grade;

253 (72) "Payroll supervisor" means a person employed in the county board office who has  
254 primary responsibility for the payroll function and who either has completed twelve college hours  
255 of accounting from an accredited institution of higher education or has at least eight years of  
256 experience performing progressively difficult accounting tasks. Responsibilities of this class title

257 may include supervision of other personnel;

258 (73) "Plumber I" means a person employed as an apprentice plumber and helper;

259 (74) "Plumber II" means a person employed as a journeyman plumber;

260 (75) "Printing operator" means a person employed to operate duplication equipment, and  
261 to cut, collate, staple, bind and shelve materials as required;

262 (76) "Printing supervisor" means a person employed to supervise the operation of a print  
263 shop;

264 (77) "Programmer" means a person employed to design and prepare programs for  
265 computer operation;

266 (78) "Roofing/sheet metal mechanic" means a person employed to install, repair, fabricate  
267 and maintain roofs, gutters, flashing and duct work for heating and ventilation;

268 (79) "Sanitation plant operator" means a person employed to operate and maintain a water  
269 or sewage treatment plant to ensure the safety of the plant's effluent for human consumption or  
270 environmental protection;

271 (80) "School bus supervisor" means a qualified person:

272 (A) Employed to assist in selecting school bus operators and routing and scheduling  
273 school buses, operate a bus when needed, relay instructions to bus operators, plan emergency  
274 routing of buses and promote good relationships with parents, students, bus operators and other  
275 employees; and

276 (B) Certified to operate a bus or previously certified to operate a bus;

277 (81) "Secretary I" means a person employed to transcribe from notes or mechanical  
278 equipment, receive callers, perform clerical tasks, prepare reports and operate office machines;

279 (82) "Secretary II" means a person employed in any elementary, secondary, kindergarten,  
280 nursery, special education, vocational, or any other school as a secretary. The duties may include  
281 performing general clerical tasks; transcribing from notes; stenotype, mechanical equipment or a  
282 sound-producing machine; preparing reports; receiving callers and referring them to proper

283 persons; operating office machines; keeping records and handling routine correspondence.  
284 Nothing in this subdivision prevents a service person from holding or being elevated to a higher  
285 classification;

286 (83) "Secretary III" means a person assigned to the county board office administrators in  
287 charge of various instructional, maintenance, transportation, food services, operations and health  
288 departments, federal programs or departments with particular responsibilities in purchasing and  
289 financial control or any person who has served for eight years in a position which meets the  
290 definition of "Secretary II" or "Secretary III";

291 (84) "Sign Support Specialist" means a person employed to provide sign supported  
292 speech assistance to students who are able to access environments through audition. A person  
293 who has held or holds an aide title and becomes employed as a sign support specialist shall hold  
294 a multiclassification status that includes both aide and sign support specialist titles, in accordance  
295 with section eight-b of this article.

296 (85) "Supervisor of maintenance" means a skilled person who is not a professional person  
297 or professional educator as defined in section one, article one of this chapter. The responsibilities  
298 include directing the upkeep of buildings and shops, and issuing instructions to subordinates  
299 relating to cleaning, repairs and maintenance of all structures and mechanical and electrical  
300 equipment of a county board;

301 (86) "Supervisor of transportation" means a qualified person employed to direct school  
302 transportation activities properly and safely, and to supervise the maintenance and repair of  
303 vehicles, buses and other mechanical and mobile equipment used by the county school system.  
304 After July 1, 2010, all persons employed for the first time in a position with this classification title  
305 or in a multiclassification position that includes this title shall have five years of experience working  
306 in the transportation department of a county board. Experience working in the transportation  
307 department consists of serving as a bus operator, bus aide, assistant mechanic, mechanic, chief  
308 mechanic or in a clerical position within the transportation department;

309 (87) "Switchboard operator-receptionist" means a person employed to refer incoming  
310 calls, to assume contact with the public, to direct and to give instructions as necessary, to operate  
311 switchboard equipment and to provide clerical assistance;

312 (88) "Truck driver" means a person employed to operate light or heavy duty gasoline and  
313 diesel-powered vehicles;

314 (89) "Warehouse clerk" means a person employed to be responsible for receiving, storing,  
315 packing and shipping goods;

316 (90) "Watchman" means a person employed to protect school property against damage  
317 or theft. Additional assignments may include operation of a small heating plant and routine  
318 cleaning duties;

319 (91) "Welder" means a person employed to provide acetylene or electric welding services  
320 for a school system; and

321 (92) "WVEIS data entry and administrative clerk" means a person employed to work under  
322 the direction of a school principal to assist the school counselor or counselors in the performance  
323 of administrative duties, to perform data entry tasks on the West Virginia Education Information  
324 System, and to perform other administrative duties assigned by the principal.

325 (j) Notwithstanding any provision in this code to the contrary, and in addition to the  
326 compensation provided for service personnel in section eight-a of this article, each service person  
327 is entitled to all service personnel employee rights, privileges and benefits provided under this or  
328 any other chapter of this code without regard to the employee's hours of employment or the  
329 methods or sources of compensation.

330 (k) A service person whose years of employment exceeds the number of years shown and  
331 provided for under the state minimum pay scale set forth in section eight-a of this article may not  
332 be paid less than the amount shown for the maximum years of employment shown and provided  
333 for in the classification in which he or she is employed.

334 (l) Each county board shall review each service person's job classification annually and



335 shall reclassify all service persons as required by the job classifications. The state superintendent  
336 may withhold state funds appropriated pursuant to this article for salaries for service personnel  
337 who are improperly classified by the county boards. Further, the state superintendent shall order  
338 a county board to correct immediately any improper classification matter and, with the assistance  
339 of the Attorney General, shall take any legal action necessary against any county board to enforce  
340 the order.

341 (m) Without his or her written consent, a service person may not be:

342 (1) Reclassified by class title; or

343 (2) Relegated to any condition of employment which would result in a reduction of his or  
344 her salary, rate of pay, compensation or benefits earned during the current fiscal year; or for which  
345 he or she would qualify by continuing in the same job position and classification held during that  
346 fiscal year and subsequent years.

347 (n) Any county board failing to comply with the provisions of this article may be compelled  
348 to do so by mandamus and is liable to any party prevailing against the board for court costs and  
349 the prevailing party's reasonable attorney fee, as determined and established by the court.

350 (o) Notwithstanding any provision of this code to the contrary, a service person who holds  
351 a continuing contract in a specific job classification and who is physically unable to perform the  
352 job's duties as confirmed by a physician chosen by the employee, shall be given priority status  
353 over any employee not holding a continuing contract in filling other service personnel job  
354 vacancies if the service person is qualified as provided in section eight-e of this article.

355 (p) Any person employed in an aide position on the effective date of this section may not  
356 be transferred or subject to a reduction in force for the purpose of creating a vacancy for the  
357 employment of a licensed practical nurse.

358 (q) Without the written consent of the service person, a county board may not establish  
359 the beginning work station for a bus operator or transportation aide at any site other than a county  
360 board-owned facility with available parking. The workday of the bus operator or transportation

361 aide commences at the bus at the designated beginning work station and ends when the  
362 employee is able to leave the bus at the designated beginning work station, unless he or she  
363 agrees otherwise in writing. The application or acceptance of a posted position may not be  
364 construed as the written consent referred to in this subsection.

365 (r) Itinerant status means a service person who does not have a fixed work site and may  
366 be involuntarily reassigned to another work site. A service person is considered to hold itinerant  
367 status if he or she has bid upon a position posted as itinerant or has agreed to accept this status.  
368 A county board may establish positions with itinerant status only within the aide and autism mentor  
369 classification categories and only when the job duties involve exceptional students. A service  
370 person with itinerant status may be assigned to a different work site upon written notice ten days  
371 prior to the reassignment without the consent of the employee and without posting the vacancy.  
372 A service person with itinerant status may be involuntarily reassigned no more than twice during  
373 the school year. At the conclusion of each school year, the county board shall post and fill,  
374 pursuant to section eight-b of this article, all positions that have been filled without posting by a  
375 service person with itinerant status. A service person who is assigned to a beginning and ending  
376 work site and travels at the expense of the county board to other work sites during the daily  
377 schedule, is not considered to hold itinerant status.

378 (s) Any service person holding a classification title on June 30, 2013, that is removed from  
379 the classification schedule pursuant to amendment and reenactment of this section in the year  
380 2013, has his or her employment contract revised as follows:

381 (1) Any service person holding the Braille or Sign Language Specialist classification title  
382 has that classification title renamed on his or her employment contract as either Braille Specialist  
383 or Sign Support Specialist. This action does not result in a loss or reduction of salary or  
384 supplement by any employee. Any seniority earned in the Braille or Sign Language Specialist  
385 classification prior to July 1, 2013, continues to be credited as seniority earned in the Braille  
386 Specialist or Sign Support Specialist classification;

387           (2) Any service person holding the Paraprofessional classification title and holding the  
 388 Initial Paraprofessional Certificate – Educational Interpreter has the title Educational Sign  
 389 Language Interpreter I added to his or her employment contract. This action does not result in a  
 390 loss or reduction of salary or supplement by any employee. Any seniority earned in the  
 391 Paraprofessional classification prior to July 1, 2013, continues to be credited as seniority earned  
 392 in the Educational Sign Language Interpreter I classification; and

393           (3) Any service person holding the Paraprofessional classification title and holding the  
 394 Permanent Paraprofessional Certificate – Educational Interpreter has the title Educational Sign  
 395 Language Interpreter II added to his or her employment contract. This action does not result in a  
 396 loss or reduction of salary or supplement by any employee. Any seniority earned in the  
 397 Paraprofessional classification prior to July 1, 2013, continues to be credited as seniority earned  
 398 in the Educational Sign Language Interpreter II classification;

399           (t) Any person employed as an aide in a kindergarten program who is eligible for full  
 400 retirement benefits before the first day of the instructional term in the 2020-2021 school year, may  
 401 not be subject to a reduction in force or transferred to create a vacancy for the employment of a  
 402 less senior Early Childhood Classroom Assistant Teacher;

403           (u) A person who has held or holds an aide title and becomes employed as an Early  
 404 Childhood Classroom Assistant Teacher shall hold a multiclassification status that includes aide  
 405 and/or paraprofessional titles in accordance with section eight-b of this article.

## **CHAPTER 18C. STUDENT LOANS; SCHOLARSHIPS AND STATE AID.**

### **ARTICLE 3. HEALTH PROFESSIONALS STUDENT LOAN PROGRAMS.**

#### **§18C-3-4. Nursing Scholarship Program; Center for Nursing Fund; administration; scholarship awards; service requirements.**

1           (a) There is continued in the State Treasury a special revenue account known as the  
 2 “Center for Nursing Fund” to be administered by the commission to implement the provisions of

3 this section and article seven-b, chapter thirty of this code. Any moneys in the account on the  
4 effective date of this section are transferred to the commission's administrative authority.  
5 Balances remaining in the fund at the end of the fiscal year do not expire or revert to the general  
6 revenue. All costs associated with the administration of this section and article seven-b, chapter  
7 thirty of this code shall be paid from the Center for Nursing Fund under the direction of the Vice  
8 Chancellor for Administration. Administrative costs are to be minimized and the maximum amount  
9 feasible is to be used to fund awards for students in nursing programs.

10 (b) The account is funded from the following sources:

11 (1) A supplemental licensure fee, not to exceed \$10 per year, to be paid by all nurses  
12 licensed by the board of Examiners for Registered Professional Nurses, pursuant to section eight-  
13 a, article seven, chapter thirty of this code or ~~and the board of Examiners for Licensed Practical~~  
14 ~~Nurses, pursuant to section seven-a, article seven-a, chapter thirty of this code;~~

15 (2) Repayments, including interest as set by the Vice Chancellor for Administration,  
16 collected from recipients who fail to practice or teach in West Virginia under the terms of the  
17 scholarship agreement; and

18 (3) Any other funds from any source as may be added to the account.

19 (c) In consultation with the Board of Directors of the West Virginia Center for Nursing,  
20 established pursuant to article seven-b, chapter thirty of this code, the commission shall  
21 administer a scholarship, designated the Nursing Scholarship Program, designed to benefit  
22 nurses who practice in hospitals and other health care institutions or teach in state nursing  
23 programs.

24 (1) Awards are available for students enrolled in accredited nursing programs in West  
25 Virginia. A recipient shall execute an agreement to fulfill a service requirement or repay the  
26 amount of any award received.

27 (2) Awards are made as follows, subject to the rule required by this section:

28 (A) An award for any student may not exceed the full cost of education for program

29 completion.

30 (B) An award of up to \$3,000 is available for a student in a licensed practical nurse  
31 education program. A recipient is required to practice nursing in West Virginia for one year  
32 following program completion.

33 (C) An award of up to \$7,500 is available for a student who has completed one half of a  
34 registered nurse education program. A recipient is required to teach or practice nursing in West  
35 Virginia for two years following program completion.

36 (D) An award of up to \$15,000 is available to a student in a nursing master's degree  
37 program or a doctoral nursing or education program. A recipient is required to teach in West  
38 Virginia for two years following program completion.

39 (E) An award of up to \$1,000 per year is available for a student obtaining a licensed  
40 practical nurse teaching certificate. A recipient is required to teach in West Virginia for one year  
41 per award received.

42 (d) An award recipient shall satisfy one of the following conditions:

43 (1) Fulfill the service requirement pursuant to this section and the legislative rule; or

44 (2) Repay the commission for the amount awarded, together with accrued interest as  
45 stipulated in the service agreement.

46 (e) The commission shall promulgate a rule for legislative approval pursuant to article  
47 three-a, chapter twenty-nine-a of this code to implement and administer this section. The rule  
48 shall provide for the following:

49 (1) Eligibility and selection criteria for program participation;

50 (2) Terms of a service agreement which a recipient shall execute as a condition of  
51 receiving an award;

52 (3) Repayment provisions for a recipient who fails to fulfill the service requirement;

53 (4) Forgiveness options for death or disability of a recipient;

54 (5) An appeal process for students denied participation or ordered to repay awards; and

55 (6) Additional provisions as necessary to implement this section.

## CHAPTER 30. PROFESSIONS AND OCCUPATIONS.

### ARTICLE 1. GENERAL PROVISIONS APPLICABLE TO ALL STATE BOARDS OF EXAMINATION OR REGISTRATION REFERRED TO IN CHAPTER.

#### §30-1-7a. Continuing education.

1 (a) Each board referred to in this chapter shall establish continuing education  
2 requirements as a prerequisite to license renewal. Each board shall develop continuing education  
3 criteria appropriate to its discipline, which shall include, but not be limited to, course content,  
4 course approval, hours required and reporting periods.

5 (b) Notwithstanding any other provision of this code or the provision of any rule to the  
6 contrary, each person issued a license to practice medicine and surgery or a license to practice  
7 podiatry or licensed as a physician assistant by the West Virginia Board of Medicine, each person  
8 issued a license to practice dentistry by the West Virginia Board of Dental Examiners, each person  
9 issued a license to practice optometry by the West Virginia Board of Optometry, each person  
10 licensed as a pharmacist by the West Virginia Board of Pharmacy, each person licensed to  
11 practice registered professional nursing or licensed as a licensed practical nurse or an advanced  
12 nurse practitioner by the West Virginia Board of Examiners for Registered Professional Nurses  
13 ~~each person licensed as a licensed practical nurse by the West Virginia State Board of Examiners~~  
14 ~~for Licensed Practical Nurses~~ and each person licensed to practice medicine and surgery as an  
15 osteopathic physician and surgeon or licensed or certified as an osteopathic physician assistant  
16 by the West Virginia Board of Osteopathy shall complete drug diversion training, best-practice  
17 prescribing of controlled substances training and training on prescribing and administration of an  
18 opioid antagonist, as the trainings are established by his or her respective licensing board, if that  
19 person prescribes, administers or dispenses a controlled substance, as that term is defined in  
20 section one hundred one, article one, chapter sixty-a of this code.

21 (1) Notwithstanding any other provision of this code or the provision of any rule to the  
22 contrary, the West Virginia Board of Medicine, the West Virginia Board of Dental Examiners, the  
23 West Virginia Board of Optometry, the West Virginia Board of Pharmacy, the West Virginia Board  
24 of Examiners for Registered Professional Nurses ~~the West Virginia State Board of Examiners for~~  
25 ~~Licensed Practical Nurses~~ and the West Virginia Board of Osteopathy shall establish continuing  
26 education requirements and criteria appropriate to their respective discipline on the subject of  
27 drug diversion training, best-practice prescribing of controlled substances training and prescribing  
28 and administration of an opioid antagonist training for each person issued a license or certificate  
29 by their respective board who prescribes, administers or dispenses a controlled substance, as  
30 that term is defined in section one hundred one, article one, chapter sixty-a of this code, and shall  
31 develop a certification form pursuant to subdivision (b)(2) of this section.

32 (2) Each person who receives his or her initial license or certificate from any of the boards  
33 set forth in subsection (b) of this section shall complete the continuing education requirements  
34 set forth in subsection (b) of this section within one year of receiving his or her initial license from  
35 that board and each person licensed or certified by any of the boards set forth in subsection (b)  
36 of this section who has held his or her license or certificate for longer than one year shall complete  
37 the continuing education requirements set forth in subsection (b) of this section as a prerequisite  
38 to each license renewal: *Provided*, That a person subject to subsection (b) of this section may  
39 waive the continuing education requirements for license renewal set forth in subsection (b) of this  
40 section if he or she completes and submits to his or her licensing board a certification form  
41 developed by his or her licensing board attesting that he or she has not prescribed, administered  
42 or dispensed a controlled substance, as that term is defined in section one hundred one, article  
43 one, chapter sixty-a of this code, during the entire applicable reporting period.

44 (c) Notwithstanding any other provision of this code or the provision of any rule to the  
45 contrary, each person licensed to practice registered professional nursing or licensed as an  
46 advanced nurse practitioner or a licensed practical nurse by the West Virginia Board of Examiners

47 for Registered Professional Nurses, ~~each person licensed as a licensed practical nurse by the~~  
48 ~~West Virginia State Board of Examiners for Licensed Practical Nurses~~ each person issued a  
49 license to practice midwifery as a nurse-midwife by the West Virginia Board of Examiners for  
50 Registered Professional Nurses, each person issued a license to practice chiropractic by the West  
51 Virginia Board of Chiropractic, each person licensed to practice psychology by the Board of  
52 Examiners of Psychologists, each person licensed to practice social work by the West Virginia  
53 Board of Social Work and each person licensed to practice professional counseling by the West  
54 Virginia Board of Examiners in Counseling shall complete two hours of continuing education for  
55 each reporting period on mental health conditions common to veterans and family members of  
56 veterans, as the continuing education is established or approved by his or her respective licensing  
57 board. The two hours shall be part of the total hours of continuing education required by each  
58 board and not two additional hours.

59 (1) Notwithstanding any other provision of this code or the provision of any rule to the  
60 contrary, on or before July 1, 2015, the boards referred to in this subsection shall establish  
61 continuing education requirements and criteria and approve continuing education coursework  
62 appropriate to their respective discipline on the subject of mental health conditions common to  
63 veterans and family members of veterans, in cooperation with the Secretary of the Department of  
64 Veterans' Assistance. The continuing education shall include training on inquiring about whether  
65 the patients are veterans or family members of veterans, and screening for conditions such as  
66 post-traumatic stress disorder, risk of suicide, depression and grief and prevention of suicide.

67 (2) On or after July 1, 2017, each person licensed by any of the boards set forth in this  
68 subsection shall complete the continuing education described herein as a prerequisite to his or  
69 her next license renewal.

**ARTICLE 1. GENERAL PROVISIONS APPLICABLE TO ALL STATE BOARDS OF  
EXAMINATION OR REGISTRATION REFERRED TO IN CHAPTER.**



**§30-1-20. Certain boards to regulating health care professions to gather retirement information and include in annual reports.**

1 (a) The health related professional licensing boards referred to in subsection (c) of this  
2 section shall request that their licensees provide the boards with their anticipated retirement  
3 dates, age, gender, percentage of time working direct services, percentage of time working  
4 administration and county of practice, in order to facilitate planning for future workforce needs for  
5 health care professionals.

6 (b) The boards shall redact personal identifiers and include only aggregate data in the  
7 annual reports required by the provisions of section twelve of this article, beginning with the annual  
8 report due on or before January 1, 2016.

9 (c) The provisions of this section apply to:

10 (1) The West Virginia Board of Medicine, established pursuant to the provisions of article  
11 three of this chapter;

12 ~~(2) The West Virginia Board of Examiners for Registered Professional Nurses, established  
13 pursuant to the provisions of article seven of this chapter;~~

14 ~~(3) (2)~~ The West Virginia Board of Examiners for Licensed Practical Nurses, established  
15 pursuant to the provisions of article seven-a of this chapter;

16 ~~(4) (3)~~ The West Virginia Board of Pharmacy, established pursuant to the provisions of  
17 article five of this chapter;

18 ~~(5) (4)~~ The West Virginia Board of Dentistry, established pursuant to the provisions of  
19 article four of this chapter; and

20 ~~(6) (5)~~ The West Virginia Board of Osteopathy, established pursuant to the provisions of  
21 article fourteen of this chapter.

**ARTICLE 7A. PRACTICAL NURSES.**

**§30-7A-1. Definitions.**

1 (a) The term “practical nursing” means the performance for compensation of selected

2 nursing acts in the care of the ill, injured, or infirm under the direction of a registered professional  
3 nurse or a licensed physician or a licensed dentist, and not requiring the substantial specialized  
4 skill, judgment and knowledge required in professional nursing.

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

7 (c) The term “board” as used in this article, shall mean ~~the board of examiners for licensed~~  
8 ~~practical nurses as set forth in section five of this article~~ the Board of Examiners for Registered  
9 Professional Nurses as set forth in section three, article seven of this chapter.

**§30-7A-5. Board of examiners; powers; duties.**

1 ~~The Governor shall appoint, by and with the advice and consent of the Senate, seven~~  
2 ~~citizens of the State of West Virginia who shall constitute the “West Virginia state board of~~  
3 ~~examiners for licensed practical nurses” and they shall be charged with the duty of administering~~  
4 ~~the provisions of this article. Of the seven members so appointed two shall be licensed practical~~  
5 ~~nurses, one of whom shall be a graduate of an approved school of practical nursing, and both of~~  
6 ~~whom shall have had not less than five years' experience as licensed practical nurses, two shall~~  
7 ~~be registered professional nurses, at least one of whom shall be experienced in practical nurse~~  
8 ~~education; one shall be a doctor of medicine; one shall be a hospital administrator actively~~  
9 ~~engaged as such in this state and one shall be a vocational educator. Such appointments shall~~  
10 ~~be for terms of five years each, except that in the initial appointments, one licensed practical nurse~~  
11 ~~and one registered professional nurse shall be appointed for a term of five years, one licensed~~  
12 ~~practical nurse and one registered professional nurse shall be appointed for a term of four years,~~  
13 ~~the doctor of medicine shall be appointed for a term of three years, the hospital administrator shall~~  
14 ~~be appointed for a term of two years and the vocational educator shall be appointed for a term of~~  
15 ~~one year. The practical nurses so to be appointed, initially and subsequently, shall be selected by~~  
16 ~~the Governor from a list to be submitted to him by the Licensed Practical Nurses' Association of~~  
17 ~~West Virginia, Inc., which list shall contain the names of at least two licensed practical nurses for~~

18 ~~each board member so to be appointed, who shall have been licensed by examination and who~~  
19 ~~shall have not less than five years' experience as a licensed practical nurse. The doctor of~~  
20 ~~medicine so appointed shall be selected by the Governor from two nominations submitted to him~~  
21 ~~by the West Virginia state medical association; each registered professional nurse so appointed~~  
22 ~~shall be selected by the Governor from two nominations submitted to him by the West Virginia~~  
23 ~~Nurses Association, Inc.; the hospital administrator shall be appointed by the Governor from two~~  
24 ~~nominations submitted to him by the West Virginia hospital association; and the vocational~~  
25 ~~educator shall be appointed by the Governor from two nominations submitted to him by the State~~  
26 ~~Board of Education. Any member of the board may be eligible for reappointment, but no member~~  
27 ~~shall serve more than two successive terms. The board is hereby authorized to appoint and~~  
28 ~~employ a qualified person to perform the duties of executive secretary and to act as educational~~  
29 ~~advisor to the board. Such secretary shall act under the direction of the board. The board shall~~  
30 ~~furnish the secretary a headquarters and shall provide such office equipment and clerical~~  
31 ~~assistance as the duties of the office may require. The board shall have power to appoint such~~  
32 ~~nurses, deputies, clerks, assistants, inspectors and employees as shall be necessary for the~~  
33 ~~proper exercise of the powers and duties of the board. The compensation and expenses of the~~  
34 ~~members of the board and its appointees and employees shall be paid out of such funds as are~~  
35 ~~allocated to the board in its annual budget. The secretary shall keep the records of proceedings~~  
36 ~~of the board, and shall keep a registry of the names and addresses of all practical nurses~~  
37 ~~registered under this article, which registry shall be a public record. Said board shall hold not less~~  
38 ~~than two regular meetings each year and such additional meetings at such times and places as~~  
39 ~~the board may determine~~

40 (a) The West Virginia State Board of Examiners for Licensed Practical Nurses, previously  
41 authorized by this section, is hereby abolished. The duties and powers of the West Virginia State  
42 Board of Examiners for Licensed Practical Nurses in effect prior to the reenactment of this section  
43 are hereby transferred to the West Virginia Board of Examiners for Registered Professional

44 Nurses.

45 (b) On the effective date of the reenactment of this section, all equipment and records  
46 necessary to effectuate the purposes of this article shall be transferred to the West Virginia Board  
47 of Examiners for Registered Professional Nurses.

48 (c) The rules of the West Virginia State Board of Examiners for Licensed Practical Nurses  
49 in effect immediately prior to the effective date of the reenactment of this section shall remain in  
50 force and effect until new or additional rules are promulgated by the West Virginia Board of  
51 Examiners for Registered Professional Nurses, pursuant to subsection (d) of this section. To the  
52 extent that the rules of the previous board adequately fulfill the objectives of this article, the West  
53 Virginia Board of Examiners for Registered Professional Nurses may continue to enforce such  
54 rules. Such rules will be deemed to be actions taken by the West Virginia Board of Examiners for  
55 Registered Professional Nurses to fulfill the duties transferred to such board and will remain in  
56 effect without further action by the West Virginia Board of Examiners for Registered Professional  
57 Nurses or the Legislature.

58 (d) The board is authorized to adopt and, from time to time, to revise such rules and  
59 regulations not inconsistent with this article, as may be necessary to enable it to carry into effect  
60 the provisions hereof. The board shall prescribe curricula and standards for schools and courses  
61 preparing persons for licensure under this article. It shall survey such schools and courses at such  
62 times as it may deem necessary. It shall survey and accredit such schools, clinical practice areas  
63 and courses as meet the requirements of this article and of the board. It shall examine, license  
64 and renew the license of duly qualified applicants.

**ARTICLE 7B. CENTER FOR NURSING.**

**§30-7B-4. Board of directors.**

1 (a) The center is governed by a board of directors consisting of the following members  
2 appointed by the Governor:

3 (1) ~~Two~~ Three representatives from the West Virginia Board of Examiners for Registered

4 Professional Nurses, as follows:

5 (A) One representing a bachelor or higher degree program; ~~and~~

6 (B) One representing an associate degree program; and

7 (C) One representing an educational program to become a licensed practical nurse.

8 ~~(2) One representative from the West Virginia Board of Examiners for Licensed Practical~~  
9 ~~Nurses;~~

10 ~~(3) (2)~~ One representative from the West Virginia Nurses Association;

11 ~~(4) (3)~~ One nurse representing a rural health care facility;

12 ~~(5) (4)~~ One director of nursing;

13 ~~(6) (5)~~ One health care administrator;

14 ~~(7) (6)~~ One registered professional staff nurse engaged in direct patient care;

15 ~~(8) (7)~~ One licensed practical nurse engaged in direct patient care;

16 ~~(9) (8)~~ Two citizen members as required by section four-a, article one, chapter thirty of this  
17 code;

18 ~~(10) (9)~~ Two ex officio, nonvoting members, as follows:

19 (A) The Secretary of the Department of Health and Human Resources or his or her  
20 designee; and

21 (B) A representative from WorkForce West Virginia.

22 (b) Members are appointed for four-year terms. A member may not serve more than two  
23 consecutive terms.

24 (c) The board shall elect annually from its voting members a president and a secretary as  
25 required by section three, article one, chapter thirty of this code. A majority of the appointed  
26 members constitutes a quorum.

27 (d) The Governor shall fill any vacancy within thirty days of occurrence.

28 (e) The members of the board who are in office on the effective date of this section, unless  
29 sooner removed, shall continue to serve until their successors have been appointed and qualified.

**ARTICLE 24. QUALIFICATION OF ARMED FORCES HEALTH TECHNICIANS FOR  
CIVILIAN HEALTH OCCUPATIONS.**

**§30-24-3. Qualification for examination for license as a licensed practical nurse.**

1           Any person who has served on active duty in the medical corps of any of the Armed Forces  
2 of the United States and who has successfully completed the course of instruction required to  
3 qualify him or her for rating as a medical specialist advanced, medical service technician,  
4 advanced hospital corpsman technician, medical corpsman, medical service specialist or class A  
5 hospital corpsman, or other equivalent rating in his or her particular branch of the Armed Forces,  
6 and whose service in the Armed Forces was under honorable conditions, may submit to ~~the West~~  
7 ~~Virginia state board of examiners for licensed practical nurses~~ the West Virginia Board of  
8 Examiners for Registered Professional Nurses, a photostatic copy of the certificate issued to him  
9 or her certifying successful completion of such course of instruction, a photostatic copy of his or  
10 her discharge from the Armed Forces, an application for license as a licensed practical nurse and  
11 the prescribed fee.

12           If the certificate and discharge, as evidenced by the photostatic copies thereof, the  
13 application and prescribed fee are in order, and if the veteran meets all of the requirements of  
14 article seven-a of this chapter, except the requirements therein specified requiring an applicant to  
15 have completed a course of study in an accredited school for practical nurses as defined by such  
16 board, to hold a diploma therefrom and to have completed such other general educational  
17 requirements as may be prescribed by such board, the veteran shall be permitted,  
18 notwithstanding any provision of said article seven-a to the contrary, to take the same examination  
19 or examinations as are required under section six of said article seven-a for applicants who do  
20 not apply for a license under the provisions of this article twenty- four. If the veteran passes such  
21 examination or examinations, he or she shall be licensed as a licensed practical nurse, and such  
22 veteran shall thereafter be subject to all of the provisions of said article seven-a. If the veteran

23 does not pass such examination or examinations, the provisions of said article seven-a relating  
24 to reexaminations (by cross reference to section six, article one of this chapter) shall apply to such  
25 veteran the same as they apply to a person who does not apply for a license under the provisions  
26 of this article twenty-four.

NOTE: The purpose of this bill is to abolish the West Virginia State Board of Examiners for Licensed Practical Nurses and transfer all duties and powers previously belonging to the West Virginia State Board of Examiners for Licensed Practical Nurses to the West Virginia Board of Examiners for Registered Professional Nurses.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.