

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4156

BY DELEGATES SUMMERS, ELLINGTON, ESPINOSA,

HOUSEHOLDER AND FRICH

[Passed March 10, 2018; in effect from passage.]

1 AN ACT to amend and reenact §30-7-1 and §30-7-5 of the Code of West Virginia, 1931, as
2 amended; to amend said code by adding thereto a new section, designated §30-7-5a; and
3 to amend and reenact §30-7A-8 of said code; and, all relating to the regulation of nursing
4 schools; defining terms; modifying accreditation standards for registered nursing schools;
5 modifying accreditation standards for practical nursing schools; requiring national
6 accreditation of registered nursing schools; setting out school of nursing faculty
7 requirements; establishing the qualifications nursing school faculty members; providing an
8 exception to the qualification of nursing school faculty and permitting practical nursing
9 programs to be regulated by the board.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. REGISTERED PROFESSIONAL NURSES.

§30-7-1. Definitions.

1 As used in this article:

2 “Advanced practice registered nurse” means a registered nurse who has acquired
3 advanced clinical knowledge and skills preparing him or her to provide direct and indirect care to
4 patients as a certified nurse practitioner, certified nurse-midwife, certified registered nurse
5 anesthetist, or clinical nurse specialist, who has completed a board-approved graduate-level
6 education program and who has passed a board-approved national certification examination;

7 “Board” means the West Virginia Board of Examiners for Registered Professional Nurses;

8 “Collaborative relationship” means a working relationship, structured through a written
9 agreement, in which an advanced practice registered nurse may prescribe drugs in collaboration
10 with a qualified physician;

11 “Direct patient care” means the provision of services to a sick, injured, mentally or
12 physically disabled, elderly or fragile patient that requires some degree of interaction with that
13 patient. Direct patient care may include assessment, treatment, counseling, procedures, self-
14 care, patient education, administration of medication, and implementation of a care plan;

15 “Practice of registered professional nursing” or “registered professional nursing” means
16 the performance for compensation of any service requiring substantial specialized judgment and
17 skill based on knowledge and application of principles of nursing derived from the biological,
18 physical and social sciences, such as responsible supervision of a patient requiring skill in
19 observation of symptoms and reactions and the accurate recording of the facts, or the supervision
20 and teaching of other persons with respect to such principles of nursing, or in the administration
21 of medications and treatments as prescribed by a licensed physician, a licensed dentist or a
22 licensed advanced practice registered nurse, or the application of such nursing procedures as
23 involve understanding of cause and effect in order to safeguard life and health of a patient and
24 others; and

25 “Temporary permit” means a permit authorizing the holder to practice registered
26 professional nursing in this state until such permit is no longer effective or the holder is granted a
27 license by the West Virginia State Board of Examiners for Registered Professional Nurses.

§30-7-5. Schools of nursing.

1 (a) A nursing program is determined to be board approved if the program is accredited by
2 a national nursing accrediting agency recognized by the United States Department of Education.
3 The accreditation is considered board approved and is exempt from board rules that require
4 ongoing approval if the school or program maintains this accreditation.

5 (b) By July 1, 2022, all nursing programs shall be accredited by a national accrediting
6 agency recognized by the United States Department of Education. A program created after July
7 1, 2018, shall have 5 years to obtain accreditation by an accrediting agency recognized by the
8 United States Department of Education.

9 (c) The board may require information concerning the nursing program to be reported to
10 the board by legislative rule. The requested information shall be consistent with information
11 already being collected by the schools which is required to maintain the program’s accreditation.

12 (d) The board shall approve a new nursing program until the program is accredited by a
13 national nursing accrediting agency recognized by the United States Department of Education.

§30-7-5a. Schools of nursing faculty requirements.

1 (a) Full-time nursing faculty members shall:

2 (1) Have a graduate degree with a major in nursing; have a bachelor's degree with a major
3 in nursing and be enrolled in a graduate degree program with a major in nursing within one year
4 of employment as a faculty member; or have a bachelor's degree with a major in nursing and at
5 least 10 years of direct patient care experience in nursing;

6 (2) Have evidence of current experience in nursing practice and education sufficient to
7 demonstrate professional competence. For faculty with less than two years' experience in
8 education, the nursing program administrator will submit to the board mentoring and orientation
9 plans as defined by board guidelines and function under the guidance of a faculty member fully
10 qualified in the specific teaching area and professional competence; and

11 (3) Have credentials which verify status as a registered professional nurse in West
12 Virginia.

13 (b) Part-time nursing faculty members shall:

14 (1) Have a graduate degree with a major in nursing; have a bachelor's degree with a major
15 in nursing and be enrolled in a graduate degree program with a major in nursing within one year
16 of employment as a faculty member; or have a bachelor's degree with a major in nursing and at
17 least two years of direct patient care experience in nursing;

18 (2) Have evidence of current experience in nursing practice and education sufficient to
19 demonstrate professional competence. For faculty with less than two years' experience in
20 education, the nursing program administrator will submit to the board mentoring and orientation
21 plans as defined by board guidelines and function under the guidance of a faculty member fully
22 qualified in the specific teaching area and professional competence; and

23 (3) Have credentials which verify status as a registered professional nurse in West
24 Virginia.

25 (c) The board may grant an exception to the requirements in §30-7-5a(a) and §30-7-5a(b)
26 of this code for faculty members who have qualifications other than those set forth in these
27 subsections which are acceptable to the board.

ARTICLE 7A. PRACTICAL NURSES.

§30-7A-8. Schools of practical nursing.

1 (a) A practical nursing program is determined to be board approved if approved by the
2 board, or the program is accredited by a national accrediting agency recognized by the United
3 States Department of Education. The accreditation is considered board approved and is exempt
4 from board rules that require ongoing approval if the school or program maintains this
5 accreditation.

6 (b) By July 1, 2022, all practical nursing programs shall be accredited by a national
7 accrediting agency recognized by the United States Department of Education. A program created
8 after July 1, 2018, shall have 5 years to obtain accreditation by an accrediting agency recognized
9 by the United States Department of Education.

10 (c) The board may require information concerning the practical nursing program to be
11 reported to the board by legislative rule. The requested information shall be consistent with
12 information already being collected by the schools which is required to maintain the program's
13 accreditation.

14 (d) The board shall approve a new practical nursing program until the program is
15 accredited by a national accrediting agency recognized by the United States Department of
16 Education.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

The within this the.....
day of, 2018.

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Governor