

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 5681**

By Delegates White, Parsons, Coop-Gonzalez,

Eldridge, and Dillon

[Introduced February 17, 2026; referred to the

Committee on Health and Human Resources

1 A BILL to amend and reenact §30-7-1, §30-7-4, §30-7-6b, and §30-7-15b of the Code of West  
2 Virginia, 1931, as amended, relating to registered professional nurses; providing  
3 definitions; restricting certain rules and policies; and allowing qualified certified nurse  
4 practitioners and certified nurse midwives to prescribe, administer, and dispense  
5 prescriptions drugs without a collaborating physician.

*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 agreement,~~  
9 ~~in which an advanced practice registered nurse may prescribe drugs in collaboration with a~~  
10 ~~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-care,  
14 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 of  
21 medications and treatments as prescribed by a licensed physician, a licensed dentist or a licensed  
22 advanced practice registered nurse, or the application of such nursing procedures as involve  
23 understanding of cause and effect in order to safeguard life and health of a patient and others; and

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

**§30-7-4. Organization and meetings of board; quorum; powers and duties generally;**

**executive**

**secretary;**

**funds.**

1 (a) The board has all the powers and duties set forth in this article, in §30-1-1 *et seq.* of this  
2 code and elsewhere in law, including the ability to:

3 (1) Hold meetings;

4 (2) Establish procedures for submitting, approving, and rejecting applications for a license  
5 and permit;

6 (3) Determine the qualifications of an applicant for a license and permit;

7 (4) Establish the fees charged under the provisions of this article;

8 (5) Issue, renew, restrict, deny, suspend, revoke, or reinstate a license and permit;

9 (6) Prepare, conduct, administer, and grade written, oral, or written and oral examinations  
10 for a license;

11 (7) Contract with third parties to administer the examinations required under the provisions  
12 of this article;

13 (8) Maintain records of the examinations the board, or a third party, administers, including  
14 the number of persons taking the examination and the pass and fail rate;

15 (9) Maintain an office and hire, discharge, establish the job requirements, and fix the  
16 compensation of employees, and contract with persons necessary to enforce the provisions of this

17 article;

18 (10) Employ investigators, attorneys, hearing examiners, consultants, and other  
19 employees as may be necessary who are exempt from the classified service and who serve at the  
20 will and pleasure of the board;

21 (11) Delegate hiring of employees to the executive director;

22 (12) Investigate alleged violations of the provisions of this article and legislative rules,  
23 orders, and final decisions of the board;

24 (13) Conduct disciplinary hearings of persons regulated by the board;

25 (14) Determine disciplinary action and issue orders;

26 (15) Institute appropriate legal action for the enforcement of the provisions of this article;

27 (16) Maintain an accurate registry of names and addresses of all persons regulated by the  
28 board;

29 (17) Keep accurate and complete records of its proceedings, and certify the same as may  
30 be necessary and appropriate;

31 (18) Public meeting minutes to its website within 14 days of ~~a meeting approval~~;

32 (19) Propose rules in accordance with the provisions of §29A-3-1 *et seq.* of this code to  
33 implement the provisions of this article;

34 (20) Sue and be sued in its official name as an agency of this state;

35 (21) Approve a nursing school;

36 (22) Establish a nurse health program; and

37 ~~(23) Implement the provisions of the enhanced nurse licensure compact in accordance~~  
38 ~~with §30-7B-1 *et seq.* of this code;~~

39 ~~(24) Coordinate with and assist the Center for Nursing in accordance with §30-7B-1 *et seq.*~~  
40 ~~of this code; and~~

41 ~~(25)~~ (23) Confer with the Attorney General or his or her assistant in connection with legal  
42 matters and questions.

43 (b) All fees and other moneys collected by the board pursuant to the provisions of this  
44 article shall be kept in a separate fund and expended solely for the purpose of this article. No part  
45 of this special fund shall revert to the General Funds of this state. The compensation provided by  
46 this article and all expenses incurred under this article shall be paid from this special fund. No  
47 compensation or expense incurred under this article shall be a charge against the General Funds  
48 of this state.

49 (c) The board may not propose any rules or implement any policies that would prohibit  
50 advanced practice registered nurse from practicing without supervision of a physician.

**§30-7-6b. Special volunteer license; civil immunity for voluntary services rendered to indigents.**

1 (a) There is established a special volunteer license for advanced practice registered  
2 nurses retired or retiring from the active practice of nursing who wish to donate their expertise for  
3 the care and treatment of indigent and needy patients in the clinical setting of clinics organized, in  
4 whole or in part, for the delivery of health care services without charge. The special volunteer  
5 advanced practice registered nurse license shall be issued by the West Virginia Board of  
6 Examiners for Registered professional nurses to advanced practice registered nurses licensed or  
7 otherwise eligible for licensure pursuant to this article and the rules promulgated hereunder  
8 without the payment of an application fee, license fee or renewal fee, shall be issued for the  
9 remainder of the licensing period, and renewed consistent with the boards other licensing  
10 requirements. The board shall develop application forms for the special license provided in this  
11 subsection which shall contain the advanced practice registered nurse's acknowledgment that:

12 (1) The advanced practice registered nurse's practice pursuant to the special volunteer  
13 advanced practice registered nurses license will be exclusively devoted to providing nursing care  
14 to needy and indigent persons in West Virginia;

15 (2) The advanced practice registered nurse will not receive any payment or compensation,  
16 either direct or indirect, or have the expectation of any payment or compensation but may donate

17 to the clinic the proceeds of any reimbursement, for any nursing services rendered pursuant to the  
18 special volunteer advanced practice registered nurse license;

19 (3) The advanced practice registered nurse will supply any supporting documentation that  
20 the board may reasonably require; and

21 (4) The advanced practice registered nurse agrees to continue to participate in continuing  
22 education as required by the board for the special volunteer advanced practice registered nurse  
23 license.

24 (b) Any person licensed as an advanced practice registered nurse in this state whose  
25 license is in good standing may donate their expertise for the care and treatment of indigent and  
26 needy patients pursuant to an arrangement with a clinic organized, in whole or in part, for the  
27 delivery of health care services without charge to the patient. Services rendered pursuant to an  
28 arrangement may be performed in either the office of the advanced practice registered nurses or  
29 the clinical setting.

30 (c) A An advanced practice registered nurse ~~and his or her collaborating physician~~ who  
31 ~~render~~ renders nursing service to indigent and needy patients of a clinic organized, in whole or in  
32 part, for the delivery of health care services without charge pursuant to a special volunteer  
33 advanced practice registered nurse license authorized pursuant to subsection (a) of this section or  
34 pursuant to an arrangement with a clinic as authorized pursuant to subsection (b) of this section  
35 without payment or compensation or the expectation or promise of payment or compensation is  
36 immune from liability for any civil action arising out of any act or omission resulting from the  
37 rendering of the nursing service at the clinic unless the act or omission was the result of the  
38 advanced practice registered nurse's ~~and his or her collaborating physician's~~ gross negligence or  
39 willful misconduct. For the immunity pursuant to this subsection to apply, there must be a written  
40 agreement between the ~~licensed practical~~ advanced practice registered nurse and the clinic  
41 pursuant to which the advanced practice registered nurse will provide voluntary uncompensated  
42 nursing services ~~under the control of~~ pursuant to an arrangement with the clinic to patients of the

43 clinic before the rendering of any services by the advanced practice registered nurse at the clinic:  
44 *Provided*, That any clinic entering into such written agreement is required to maintain liability  
45 coverage of not less than \$1 million per occurrence.

46 (d) Notwithstanding the provisions of subsection (b) of this section, a clinic organized, in  
47 whole or in part, for the delivery of health care services without charge is not relieved from imputed  
48 liability for the negligent acts of a an advanced practice registered nurse rendering voluntary  
49 nursing services at or for the clinic pursuant to a special volunteer advanced practice registered  
50 nurse license authorized pursuant to subsection (a) of this section or who renders such care and  
51 treatment pursuant to an arrangement with a clinic as authorized pursuant to subsection (b) of this  
52 section.

53 (e) For purposes of this section, "otherwise eligible for licensure" means the satisfaction of  
54 all the requirements for licensure as listed in section six of this article and in the rules promulgated  
55 thereunder, except the fee requirements of that section and of the legislative rules promulgated by  
56 the board relating to fees.

57 (f) Nothing in this section may be construed as requiring the board to issue a special  
58 volunteer advanced practice registered nurse license to any advanced practice registered nurse  
59 whose license is or has been subject to any disciplinary action or to any advanced practice  
60 registered nurse who has surrendered his or her license or caused such license to lapse, expire  
61 and become invalid in lieu of having a complaint initiated or other action taken against his or her  
62 license, or who has elected to place a an advanced practice registered nurse license in inactive  
63 status in lieu of having a complaint initiated or other action taken against his or her license, or who  
64 has been denied a an advanced practice registered nurse license.

65 (g) Any policy or contract of liability insurance providing coverage for liability sold, issued or  
66 delivered in this state to any advanced practice registered nurse covered pursuant to the  
67 provisions of this article shall be read so as to contain a provision or endorsement whereby the  
68 company issuing such policy waives or agrees not to assert as a defense on behalf of the

69 policyholder or any beneficiary thereof, to any claim covered by the terms of such policy within the  
70 policy limits, the immunity from liability of the insured by reason of the care and treatment of needy  
71 and indigent patients by a an advanced practice registered nurse who holds a special volunteer  
72 advanced practice registered nurse license or who renders such care and treatment pursuant to  
73 an arrangement with a clinic as authorized pursuant to subsection (b) of this section.

**§30-7-15b. Eligibility for prescriptive authority; application; fee; collaborative relationships  
and agreements.**

1 (a) An advanced practice registered nurse shall be eligible to apply for authorization to  
2 prescribe drugs pursuant to ~~section fifteen-a~~ §30-7-15a of this article code after satisfying the  
3 following requirements:

4 (1) Have applied for licensure or be licensed and certified in West Virginia as an advanced  
5 practice registered nurse;

6 (2) Be at least eighteen years of age;

7 (3) Have completed forty-five contact hours of education in pharmacology ~~and clinical~~  
8 ~~management of drug therapy~~ under a program approved by the board, fifteen hours of which shall  
9 have been completed within the two-year period immediately prior to ~~entering into a prerequisite~~  
10 ~~collaborative relationship:~~ initial licensure and each subsequent renewal: *Provided*, That an  
11 advanced practice registered nurse does not require a collaborative relationship in order to qualify  
12 under this section and §30-7-15a of this code;

13 (4) Provide the board with evidence that he or she is a person of good moral character and  
14 not addicted to alcohol or the use of controlled substances;

15 (5) Does not have his or her advanced practice registered nursing license, certification or  
16 registration in any jurisdiction suspended, limited or revoked; and

17 (6) Submit a completed, ~~notarized~~ application to the board, accompanied by a fee as  
18 established by the board by rule.

19 (b) The board shall authorize an applicant to prescribe, administer, and dispense

20 prescription drugs under the terms of a collaborative agreement and in accordance with section  
21 ~~fifteen-a~~ §30-7-15a of this article code and applicable legislative rules if the applicant has met the  
22 prerequisites of subsection (a) of this section and the following additional prerequisites are  
23 satisfied:

24 ~~(1) The board is satisfied that the collaborating physician is licensed in good standing;~~

25 ~~(2) The collaborative agreement is sufficient in form;~~

26 ~~(1) (3) The applicant has completed the education requirements; and~~

27 ~~(2) (4) The applicant has submitted a completed application on forms developed by the~~  
28 board and paid an application fee established by the board in legislative rule: Provided, That an  
29 advanced practice registered nurse does not require a collaborative relationship in order to qualify  
30 under this section.

31 ~~(c) A collaborative agreement for a collaborative relationship for prescriptive practice~~  
32 ~~between a physician and an advanced practice registered nurse shall be set forth in writing and~~  
33 ~~include, but not be limited to, the following:~~

34 ~~(1) Mutually agreed upon written guidelines or protocols for prescriptive authority as it~~  
35 ~~applies to the advanced practice registered nurse's clinical practice;~~

36 ~~(2) Statements describing the individual and shared responsibilities of the advanced~~  
37 ~~practice registered nurse and the collaborating physician;~~

38 ~~(3) Periodic and joint evaluation of prescriptive practice; and~~

39 ~~(4) Periodic joint review and updating of the written guidelines or protocols.~~

40 ~~(d) Verification of a collaborative agreement shall be filed with the board by the advanced~~  
41 ~~practice registered nurse with documentation of completion of the education requirements~~  
42 ~~described in subsection (a) of this section. The board shall forward a copy of the verified~~  
43 ~~agreement to the board through which the collaborative physician is licensed.~~

44 ~~(e) The board shall, upon application, authorize an advanced practice registered nurse to~~  
45 ~~prescribe prescription drugs in accordance with section fifteen-a of this article code without the~~

46 ~~further requirement of a collaborative agreement if the applicant has satisfied the following~~  
47 ~~prerequisites:~~

48 ~~(1) Has practiced at least three years in a duly documented collaborative relationship with~~  
49 ~~granted prescriptive authority; and~~

50 ~~(2) Licensed in good standing with the board; and~~

51 ~~(3) Has submitted a completed application on forms developed by the board and paid an~~  
52 ~~application fee established by the board in legislative rule.~~

53 ~~(f) Notwithstanding the provisions of subsection (e) of this section, the board may require~~  
54 ~~an advanced practice registered nurse practice in a collaborative agreement if the board~~  
55 ~~determines, by order arising out of the board's complaint process, that a collaborative relationship~~  
56 ~~is necessary for the rehabilitation of a licensee or for protection of the public.~~

NOTE: The purpose of this bill is to empower qualified certified nurse practitioners and certified nurse midwives to prescribe, administer, and dispense prescription drugs without a collaborating physician.

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