

Senate Bill No. 275

(By Senators Foster and Beach)

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[Introduced January 26, 2011; referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.]

A BILL to amend and reenact §30-7-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-7A-9 of said code, all relating to exempting care of the sick from nursing licensing provisions when the nonmedical care is provided in connection with the practice of the religious tenets of any church or religious organization by or for its members.

Be it enacted by the Legislature of West Virginia:

That §30-7-12 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §30-7A-9 of said code be amended and reenacted, all to read as follows:

ARTICLE 7. REGISTERED PROFESSIONAL NURSES.

§30-7-12. Exceptions.

This article shall not be construed to prohibit:

- (a) The furnishing of nursing assistance in an emergency; or
- (b) The practice of nursing incidental to a program of study

1 by students enrolled in a nursing education program accredited by
2 the board; ~~or~~

3 (c) The practice of any legally qualified nurse of another
4 state who is employed by the United States or any bureau, division
5 or agency thereof, while in the discharge of his or her official
6 duties; or

7 (d) The care of the sick when done in connection with the
8 practice of religious tenets of any church or religious
9 organization and by or for its adherents. However, that care must
10 be at the request of the recipient and be delivered in the
11 requestor's home or in a religious nonmedical health care
12 institution as defined in 42 U.S.C. §1395x(ss)(1), and that care
13 may only include religious nonmedical health care services.

14 **ARTICLE 7A. PRACTICAL NURSES.**

15 **§30-7A-9. Construction of article; acts not prohibited.**

16 The provisions of this article shall not be construed as
17 prohibiting:

18 (1) The care of a sick, disabled, injured, crippled or infirm
19 person by a member or members of such person's family, or by close
20 relatives, or by domestic servants, housekeepers or household aides
21 thereof, whether employed regularly or because of emergency
22 circumstances due to illness or other disabilities.

23 (2) The work and services of auxiliary hospital personnel,
24 such as nursing aides, maids, orderlies, technicians, volunteer

1 workers and other like hospital employees.

2 (3) Practical nursing by students enrolled in accredited
3 schools for practical nursing incidental to their course of study.

4 (4) Practice of nursing in this state by any legally qualified
5 practical nurse of another state or country for a period not to
6 exceed six months or whose engagement requires such practical nurse
7 to accompany and care for a patient temporarily residing in this
8 state during the period of such engagement.

9 (5) Nursing services rendered by a graduate of an approved
10 school of practical nursing working under qualified supervision
11 during the period between completion of his or her course of
12 nursing education and notification of the results of the first
13 licensing examination following graduation. In cases of hardship
14 and upon petition to the board, the board may grant an extension of
15 such period to such graduate.

16 (6) The care of the sick when done in connection with the
17 practice of religious tenets of any church or religious
18 organization and by or for its adherents. However, that care must
19 be at the request of the recipient and be delivered in the
20 requestor's home or in a religious nonmedical health care
21 institution as defined in 42 U.S.C. §1395x(ss)(1), and that care
22 may only include religious nonmedical health care services.

NOTE: The purpose of this bill is to exempt from the nursing licensing provisions the nonmedical care of the sick when done in connection with the practice of religious tenets of any church or

religious organization and by or for its members.

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