

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4834

BY DELEGATES HAMRICK, HOWELL, FOSTER,

PORTERFIELD AND WAXMAN

[Introduced February 11, 2020; Referred to the
Committee on Health and Human Resources then
Government Organization]

1 A BILL to amend and reenact §30-7-4 of the Code of West Virginia, 1931, as amended, and to
2 amend and reenact §30-7A-5 of said code, all relating to prohibiting state nursing boards
3 from limiting the number of students a nursing school may admit to the school.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. REGISTERED PROFESSIONAL NURSES.

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

1 (a) The board shall meet at least once each year and shall elect from its members a
2 president and a secretary. The secretary shall also act as Treasurer of the board. The board may
3 hold such other meetings during the year as it may deem necessary to transact its business. A
4 majority, including one officer, of the board shall constitute a quorum at any meeting. The board
5 is hereby authorized and empowered to:

6 ~~(a)~~(1) Adopt and, from time to time, amend such rules and regulations, not inconsistent
7 with this article, as may be necessary to enable it to carry into effect the provisions of this article;

8 ~~(b)~~(2) Prescribe standards for educational programs preparing persons for licensure to
9 practice registered professional nursing under this article;

10 ~~(c)~~(3) Provide for surveys of such educational programs at such time as it may deem
11 necessary;

12 ~~(d)~~(4) Accredite such educational programs for the preparation of practitioners of registered
13 professional nursing as shall meet the requirements of this article and of the board;

14 ~~(e)~~(5) Deny or withdraw accreditation of educational programs for failure to meet or
15 maintain prescribed standards required by this article and by the board;

16 ~~(f)~~(6) Examine, license and renew the licenses of duly qualified applicants;

17 ~~(g)~~(7) Conduct hearings upon charges calling for discipline of a licensee or revocation or
18 suspension of a license;

19 ~~(h)~~(8) Keep a record of all proceedings of the board;

20 ~~(i)(9)~~ Make a biennial report to the Governor and the Legislative Oversight Commission
 21 for Health and Human Resources Accountability;

22 ~~(j)(10)~~ Appoint and employ a qualified person, who shall not be a member of the board, to
 23 serve as executive secretary to the board;

24 ~~(k)(11)~~ Define the duties and fix the compensation for the executive secretary; and

25 ~~(l)(12)~~ Employ such other persons as may be necessary to carry on the work of the board.

26 **(b)** All fees and other moneys collected by the board pursuant to the provisions of this
 27 article shall be kept in a separate fund and expended solely for the purpose of this article. No part
 28 of this special fund shall revert to the General Funds of this state. The compensation provided by
 29 this article and all expenses incurred under this article shall be paid from this special fund. No
 30 compensation or expense incurred under this article shall be a charge against the General Funds
 31 of this state.

32 (c) Nothing in this article authorizes the board to limit or attempt to limit the number of
 33 students a nursing school may admit. The board may not withhold accreditation of a nursing
 34 school based on the school's number of students.

ARTICLE 7A. PRACTICAL NURSES.

§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 or her by the Licensed Practical Nurses'
17 Association of West Virginia, Inc., which list shall contain the names of at least two licensed
18 practical nurses for each board member so to be appointed, who shall have been licensed by
19 examination and who shall have not less than five years' experience as a licensed practical nurse.
20 The doctor of medicine so appointed shall be selected by the Governor from two nominations
21 submitted to him or her by the West Virginia State Medical Association; each registered
22 professional nurse so appointed shall be selected by the Governor from two nominations
23 submitted to him or her by the West Virginia Nurses Association, Inc.; the hospital administrator
24 shall be appointed by the Governor from two nominations submitted to him or her by the West
25 Virginia Hospital Association; and the vocational educator shall be appointed by the Governor
26 from two nominations submitted to him or her by the State Board of Education. Any member of
27 the board may be eligible for reappointment, but no member shall serve more than two successive
28 terms. The board is hereby authorized to appoint and employ a qualified person to perform the
29 duties of executive secretary and to act as educational advisor to the board. Such secretary shall
30 act under the direction of the board. The board shall furnish the secretary a headquarters and
31 shall provide such office equipment and clerical assistance as the duties of the office may require.
32 The board shall have power to appoint such nurses, deputies, clerks, assistants, inspectors and
33 employees as shall be necessary for the proper exercise of the powers and duties of the board.
34 The compensation and expenses of the members of the board and its appointees and employees
35 shall be paid out of such funds as are allocated to the board in its annual budget. The secretary

36 shall keep the records of proceedings of the board, and shall keep a registry of the names and
37 addresses of all practical nurses registered under this article, which registry shall be a public
38 record. Said board shall hold not less than two regular meetings each year and such additional
39 meetings at such times and places as the board may determine. The board is authorized to adopt
40 and, from time to time, to revise such rules and regulations not inconsistent with this article, as
41 may be necessary to enable it to carry into effect the provisions hereof. The board shall prescribe
42 curricula and standards for schools and courses preparing persons for licensure under this article.
43 It shall survey such schools and courses at such times as it may deem necessary. It shall survey
44 and accredit such schools, clinical practice areas and courses as meet the requirements of this
45 article and of the board. It shall examine, license and renew the license of duly qualified
46 applicants.

47 Nothing in this article authorizes the board to limit or attempt to limit the number of students
48 a nursing school may admit. The board may not withhold accreditation of a nursing school based
49 on the school's number of students.

NOTE: The purpose of this bill is to. remove the authority of state nursing boards to limit the number of students a nursing school may admit to the school.

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