

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4495

BY DELEGATES HANSHAW (MR. SPEAKER) AND SKAFF,

[BY REQUEST OF THE EXECUTIVE]

[Introduced February 02, 2022; Referred to the
Committee on Health and Human Resources]

1 A BILL to amend and reenact §30-7-2 of the Code of West Virginia, 1931, as amended, relating
2 to allowing eligible professional nurses and advance practice registered nurses, or the
3 equivalent, to practice in West Virginia; providing for registration with the West Virginia
4 Board of Examiners for Registered Professional Nurses; providing for timely consideration
5 and approval or denial of applications for registration; and revising the style of certain
6 phrases.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. REGISTERED PROFESSIONAL NURSES.

§30-7-2. License required to practice.

1 (a) ~~Except under the provisions of subsection (c) of this section or as otherwise expressly~~
2 ~~allowed under this section, it~~ is unlawful for any person not licensed under the provisions of this
3 article to practice or to offer to practice registered professional nursing in this state, or to use any
4 title, sign, card or device to indicate that such person is a registered professional nurse: *Provided,*
5 That any professional nurse holding an active, unencumbered license to practice in another state,
6 who accompanies a patient to whom he or she administers nursing care while such patient is in
7 transit or being transported into, out of, or through this state, may practice without a license issued
8 under this article with the following limitations: (1) Such nurse may only administer nursing care
9 to the patient whom they are accompanying in this state; and (2) under no circumstances is any
10 such nurse authorized to practice nursing in this state for longer than 48 hours within any three-
11 month period; and (3) under no circumstances shall any such nurse hold him or herself out as a
12 registered professional nurse licensed in this state. ~~Such forty-eight hour~~ The 48-hour period shall
13 commence and run from the time such nurse first enters the borders of this state in the company
14 of his or her patient and therefrom run continuously, whether or not such nurse dispenses nursing
15 care, until ~~such forty-eight hour~~ the 48-hour period has elapsed.

16 (b) To practice as an advanced practice registered nurse in this state, a person must have
17 a valid advanced practice registered nurse license issued by the board or must be registered with

18 the board under subsection (c) of this section. ‡ Except under the provisions of subsection (c) of
19 this section or as otherwise expressly allowed under this section, it is unlawful for any person to
20 practice or offer to practice as an advanced practice registered nurse, to use any title, sign, card
21 or device to indicate or give the impression that such person is an advanced practice registered
22 nurse or to practice as, perform the role of, or use any title, sign, card or device to indicate that
23 the person is a certified registered nurse anesthetist, certified nurse-midwife, clinical nurse
24 specialist or certified nurse practitioner, unless that person is currently licensed by or registered
25 with the board as an advanced practice registered nurse.

26 (c) Any professional nurse or advance practice registered nurse, or equivalent, holding an
27 active, unencumbered license to practice in another state may practice in the State of West
28 Virginia upon registration with and confirmation of unencumbered license status by the West
29 Virginia Board of Examiners for Registered Professional Nurses. Upon receiving an application
30 for registration from a professional nurse or advance practice registered nurse, or equivalent,
31 holding an active license to practice in another state, the West Virginia Board of Examiners for
32 Registered Professional Nurses shall, within five days, contact the applicable state licensing body
33 for the state in which an applicant professional nurse or advance practice registered nurse, or
34 equivalent, claims unencumbered licensure and shall approve or deny registration based upon
35 the report of the applicable state licensing body, and shall communicate the decision to the
36 professional nurse or advance practice registered nurse, or equivalent, and any employer listed
37 on an application, by electronic means, within five additional days. For the purposes of this
38 subsection, an unencumbered license has no outstanding or pending complaints, investigations,
39 consent orders, board orders, pending disciplinary proceedings, or other similar outstanding
40 issues related to such license.

NOTE: The purpose of this bill is to allow for nurses licensed in another state to practice in the State of West Virginia upon registration with 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.