

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

ENROLLED

Committee Substitute

for

Senate Bill 518

BY SENATORS BLAIR (MR. PRESIDENT) AND BALDWIN

(BY REQUEST OF THE EXECUTIVE)

[Passed March 12, 2022; in effect from passage]

1 AN ACT to repeal §30-7-1a, §30-7-15e, and §30-7-20 of the Code of West Virginia, 1931, as
2 amended, and to amend and reenact §30-7-3, §30-7-4, §30-7-6, §30-7-7, §30-7-8, §30-
3 7-8a, §30-7-20, all relating to the practice of registered nursing; updating the board
4 membership; updating the board's powers; updating licensure requirements; updating the
5 requirements for temporary permits; providing license requirements for license renewal;
6 reconstituting the nursing shortage study commission; and removing outdated provisions.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. REGISTERED PROFESSIONAL NURSES.

**§30-7-1a. Eligibility for licensure by meeting requirements which existed prior to the
legislative enactments during the 2012 legislative session.**

1 [Repealed].

§30-7-3. Board of examiners for registered professional nurses.

1 (a) The West Virginia Board of Examiners for Registered Professional Nurses is renamed
2 the West Virginia Board of Registered Nurses effective July 1, 2022. The members of the West
3 Virginia Board of Examiners for Registered Professional Nurses shall remain as members until
4 the new appointments are made.

5 (b) By July 1, 2022, the Governor, by and with the advice and consent of the Senate, shall
6 appoint a new board as follows:

7 (1) One person licensed as an advanced practice registered professional nurse by the
8 board;

9 (2) One person who is certified as a dialysis technician by the board;

10 (3) Four persons licensed as a registered professional nurse by the board and meet the
11 following requirements:

12 (A) One registered professional nurse, who provides direct patient care in a long-term care
13 facility, home health or hospice;

14 (B) Two registered professional nurses, who provide direct patient care in a hospital
15 setting or acute care setting; and,

16 (C) One registered professional nurse, who teaches nursing; and,

17 (4) One citizen member who is not licensed under the provisions of this chapter and who
18 has never performed any services as a health care professional.

19 (c) Organizations that represent nurses may submit to the Governor recommendations for
20 the appointment of the licensed board members.

21 (d) The appointment term is four years. A member may not serve more than two
22 consecutive terms. A member may continue to serve until his or her successor has been
23 appointed and qualified.

24 (e) Each member of the board shall be a resident of this state during the appointment
25 term.

26 (f) A vacancy on the board shall be filled by appointment by the Governor for the unexpired
27 term of the member whose office is vacant.

28 (g) The Governor may remove any member from the board for neglect of duty,
29 incompetency, or official misconduct.

30 (h) A licensed member of the board immediately and automatically forfeits membership to
31 the board if his or her license to practice is disciplined in any jurisdiction.

32 (i) A member of the board immediately and automatically forfeits membership to the board
33 if he or she is convicted of a felony under the laws of any jurisdiction or becomes a nonresident
34 of this state.

35 (j) The board shall elect one of its members as president and one member as secretary
36 who shall serve at the will and pleasure of the board.

37 (k) A member of the board is entitled to receive compensation and expense
38 reimbursement in accordance with §30-1-1 *et seq.* of this code.

39 (l) A simple majority of the membership serving on the board at a given time is a quorum
40 for the transaction of business.

41 (m) The board shall hold at least two meetings annually. Other meetings shall be held at
42 the call of the president or upon the written request of four members, at the time and place as
43 designated in the call or request.

44 (n) Prior to commencing his or her duties as a member of the board, each member shall
45 take and subscribe to the oath required by section five, article four of the Constitution of this state.

46 (o) A board member, when acting in good faith and without malice, shall enjoy immunity
47 from individual civil liability while acting within the scope of their duties as board members.

**§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
2 this 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
17 this 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
20 the 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;

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;

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*
40 *seq.* of this code; and

41 (25) 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.

§30-7-6. License to practice registered professional nursing.

1 (a) The board may issue a license to practice registered nursing to an applicant who meets
2 the following requirements:

- 3 (1) Is at least 18 years of age;
- 4 (2) Has completed an approved four-year high school course of study or the equivalent
5 thereof, as determined by the appropriate educational agency;
- 6 (3) Has completed a nursing education program;
- 7 (4) Has passed an examination approved by the board;
- 8 (5) Has paid the application fee specified by rule;
- 9 (6) Has completed a criminal background check, as required by §30-1D-1 *et seq.* of this
10 code; and
- 11 (7) Is not an alcohol or drug abuser, as these terms are defined in §27-1A-11 of this code,
12 unless an applicant in an active recovery process, which may be evidenced by participation in a
13 Nurse Health Program, structured aftercare, or a 12-step program or other similar group or
14 process, may be considered.

15 (b) A license to practice registered professional nursing issued by the board shall for all
16 purposes be considered a license issued under this section: *Provided*, That a person holding a
17 license shall renew the license.

§30-7-7. License to practice advanced practice registered nursing.

1 (a) The board may issue an advanced practice registered nurse license to an applicant
2 who meets the following requirements:

3 (1) Is at least 18 years of age;

4 (2) Is currently certified by a national certification organization, approved by the board, in
5 one or more of the following nationally recognized advance practice registered nursing roles:
6 Certified registered nurse anesthetist, certified nurse-midwife, clinical nurse specialist, or certified
7 nurse practitioner;

8 (3) Has paid the application fee specified by legislative rule; and

9 (4) Is not an alcohol or drug abuser, as these terms are defined in §27-1A-11 of this code,
10 unless an applicant in an active recovery process, which may, in the discretion of the board, be
11 evidenced by participation in a Nurse Health Program, structured aftercare, or a 12-step program
12 or other similar group or process, may be considered.

13 (b) An advanced practice registered nurse license issued by the board and in good
14 standing on the effective date of the amendments to this section shall for all purposes be
15 considered an advanced practice registered nurse license issued under this section: *Provided,*
16 That a person holding an advanced practice registered nurse license shall renew the license.

17 (c) An applicant, who is licensed in another jurisdiction as an advanced practice registered
18 nurse, is eligible to apply for licensure.

19 (d) By virtue of being a licensed advanced practice registered nurse that person is also
20 licensed as a registered professional nurse. The board may not charge an additional fee for
21 registered professional nurse license

§30-7-8. License renewal.

1 (a) Persons regulated by this article shall annually or biennially, renew his or her board
2 authorization by completing a form prescribed by the board and submitting any other information
3 required by the board.

4 (b) The board shall charge a fee for each renewal of a board authorization and shall charge
5 a late fee for any renewal not paid by the due date.

6 (c) The board may deny an application for renewal for any reason which would justify the
7 denial of an original application.

§30-7-8a. Temporary permits.

1 The board may issue a temporary permit to a person applying for a license under this
2 article.

§30-7-15e. Joint Advisory Council on Limited Prescriptive Authority.

1 [Repealed.]

§30-7-18. Nursing shortage study commission.

1 (a) A nursing shortage study commission shall be created by the board. The board shall
2 appoint 9 members to the commission. The board shall appoint:

3 (1) One individual who is on the board;

4 (2) Two individuals that are employed as registered professional nurses in a hospital and
5 who work primarily providing direct patient care;

6 (3) Two registered professional nurses who work as long-term care nurses, one of whom
7 works in a nursing home and one of whom works for a home health agency, both of whom work
8 primarily providing direct patient care;

9 (4) One nursing administrator;

10 (5) The Chancellor of the Higher Education Policy Commission;

11 (6) The West Virginia Nurses' Association President; and

12 (7) The Executive Director of the Center for Nursing.

13 (b) Members of the commission are not entitled to compensation for services performed
14 as members, but are entitled to reimbursement for all reasonable and necessary expenses
15 actually incurred in the performance of their duties. Five of the appointed members is a quorum
16 for the purpose of conducting business. The board shall meet at least monthly. The board shall

17 designate a chair, who is not a public official. The commission shall conduct all meetings in
18 accordance with the open meeting law pursuant to §6-9A-1 *et seq.* of this code.

19 (c) The commission shall:

20 (1) Study the nursing shortage in West Virginia and ways to alleviate it, including, but not
21 limited to:

22 (A) Evaluating mechanisms currently available in the state and elsewhere intended to
23 enhance education, recruitment, and retention of nurses in the workforce and to improve quality
24 of care;

25 (B) Assessing the impact of shortages in nursing personnel on access to, and the delivery
26 of, quality patient care;

27 (C) Developing recommendations on strategies to reverse the growing shortage of
28 qualified nursing personnel in the state, including:

29 (i) Determining what changes are needed to existing programs, current scholarship
30 programs and funding mechanisms to better reflect and accommodate the changing health care
31 delivery environment and to improve quality of care to meet the needs of patients;

32 (ii) Facilitating career advancement within nursing;

33 (iii) Identifying more accurately specific shortage areas in a more timely manner;

34 (iv) Attracting middle and high school students into nursing as a career; and

35 (v) Projecting a more positive and professional image of nursing.

36 (2) Report its findings and recommendation to the Joint Committee on Health by
37 December 1, 2022.

38 (3) Terminate January 1, 2023.

§30-7-20. Pilot program.

1 [Repealed.]

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

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

In effect from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

The within this the.....
Day of, 2022.

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Governor