

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

### **Senate Bill 684**

By Senators Grady and Rucker

[Introduced February 20, 2023; referred  
to the Committee on Health and Human Resources]

1 A BILL to amend and reenact §30-7-5 of the Code of West Virginia, 1931, as amended, relating to  
2 schools of nursing achieving board approval and maintaining nursing board standards and  
3 accreditation.

*Be it enacted by the Legislature of West Virginia:*

## **ARTICLE 7. REGISTERED PROFESSIONAL NURSES.**

### **§30-7-5. Schools of nursing.**

1 (a) An institution, desiring to be approved by the board for the preparation of practitioners  
2 of registered professional nursing, shall file an application with the board with the information  
3 required. It shall submit written evidence that:

4 (1) It is prepared to give a program of nursing education which meets the standards  
5 prescribed by the board;

6 (2) It is prepared to meet all other standards prescribed in this article and by the board; and

7 (3) Annual reports designated by the board shall be submitted.

8 (b) If the board determines that any such nationally accredited or board approved school is  
9 not maintaining the standards required, the board shall immediately notify the nationally  
10 accredited or board approved school of this, in writing, specifying the defect or defects. A school  
11 which fails to correct these conditions to the satisfaction of the board, within a reasonable time,  
12 shall be removed from the list of approved schools.

13 ~~(b)~~ (c) A nursing program is determined to be board approved if the program is accredited  
14 by a national nursing accrediting agency recognized by the United States Department of  
15 Education. The accreditation is considered board approved and is exempt from board rules that  
16 require ongoing approval if the school or program maintains this accreditation.

17 ~~(c)~~ (d) ~~By July 1, 2022, all~~ All nursing programs shall be accredited by a national  
18 accrediting agency recognized by the United States Department of Education. A program ~~created~~  
19 ~~after July 1, 2018~~ shall have 5 years from graduation of the first cohort to obtain accreditation by a  
20 national nursing accrediting agency recognized by the United States Department of Education.

21 ~~(d)~~ (e) The board may require information concerning the nursing program to be reported  
22 to the board by legislative rule. The requested information shall be consistent with information  
23 already being collected by the schools which is required to maintain the program's accreditation or  
24 approval.

25 ~~(e)~~ (f) ~~The board shall approve a new nursing program until the program is accredited by a~~  
26 ~~national nursing accrediting agency recognized by the United States Department of Education~~  
27 Quality indicators for evaluation of a nursing education program include:

28 (1) Accreditation by a national nursing accrediting agency recognized by the United States  
29 Department of Education;

30 (2) No major organizational leadership change including the nursing administrator/director;

31 (3) Clinical simulation as a substitute for traditional clinical experiences does not to exceed  
32 50 percent of its clinical hours;

33 (4) Sustains stable faculty;

34 (5) Graduation rate of 70 percent or higher; and

35 (6) NCLEX-RN pass rates which are at least 80 percent for first-time test-takers in the last  
36 calendar year.

37 (g) Program visits to a nursing pre-licensure program may be conducted if:

38 (1) There are complaints from students, faculty, and clinical agencies;

39 (2) Turnover of program administrators, is defined by more than 3 in 5 years;

40 (3) There are frequent nursing faculty turnover or cuts in numbers of nursing faculty;

41 (4) There is a decreasing trend in NCLEX pass rates, based on the Board's NCLEX pass  
42 rate standard;

43 (5) The graduation rate is below 70 percent, or

44 (6) The clinical simulation as a substitution for traditional clinical experience exceeds 50  
45 percent.

46 (h) The board may grant conditional approval when it determines that a program is not fully

47 meeting quality indicators and standards.

48 (i) If the board determines that an approved nursing education program is not meeting the  
49 criteria set forth in this subsection, the nursing program shall be given a reasonable period to  
50 submit an action plan and to correct the identified program deficiencies.

51 (j) The board shall withdraw approval if, after proper notice and opportunity, it determines  
52 that a nursing education program fails to meet the standards and a nursing education program  
53 fails to correct the identified deficiencies within the time specified.

54 (k) A program denied approval or given less than full approval may appeal that decision. All  
55 such actions shall be in accordance with due process rights.

56 (l) The board may reinstate approval if the program submits evidence of compliance with  
57 nursing education standards within the specified time frame.

58 (m) A nursing education program may be closed due to withdrawal of board approval or  
59 may close voluntarily.

60 (1) Provisions shall be made for maintenance of the standards for nursing education during  
61 the transition to closure;

62 (2) Arrangements shall be made for the secure storage and access to academic records  
63 and transcripts;

64 (3) An acceptable plan is developed for students to complete a board approved program;  
65 and

66 (4) Confirmation, in writing, shall be provided to the board that the plan has been fully  
67 implemented.

NOTE: The purpose of this bill is to provide that quality indicators for evaluation of a nursing education program be defined, describe when program visits to a nursing pre-licensure program may be conducted, granting of conditional approval by the board, and actions if the school closes.

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