

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5233

By Delegates Tully, Summers, Mallow, Jennings,
DeVault, T. Clark, Warner, Dittman, Crouse, E. Pritt,
and Dean

[Introduced January 26, 2024; Referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §30-7-4 of the Code of West Virginia, 1931, as amended, all relating
 2 to requiring the Board of Registered Nurses to comply with the Open Governmental
 3 Procedures Act, share a computer link to meetings that are live streamed, and publicly post
 4 meeting minutes to its website.

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 has all the powers and duties set forth in this article, in §30-1-1 *et seq.* of this
 2 code and elsewhere in law, including the ability to:

3 (1) Hold meetings: Provided, That, the meetings shall be held in a manner consistent with
 4 the Open Governmental Proceedings Act, §6-9A-1 *et seq.* of this code, and that the board shall, as
 5 part of its public meeting notice, post to its website a computer link for any meeting that is live
 6 streamed: *Provided, however,* That the board shall publicly post to its website the minutes of all
 7 meetings no later than seven days after the meeting is held.

8 (2) Establish procedures for submitting, approving, and rejecting applications for a license
 9 and permit;

10 (3) Determine the qualifications of an applicant for a license and permit;

11 (4) Establish the fees charged under the provisions of this article;

12 (5) Issue, renew, restrict, deny, suspend, revoke, or reinstate a license and permit;

13 (6) Prepare, conduct, administer, and grade written, oral, or written and oral examinations
 14 for a license;

15 (7) Contract with third parties to administer the examinations required under the provisions
 16 of this article;

17 (8) Maintain records of the examinations the board, or a third party, administers, including
 18 the number of persons taking the examination and the pass and fail rate;

19 (9) Maintain an office and hire, discharge, establish the job requirements, and fix the
20 compensation of employees, and contract with persons necessary to enforce the provisions of this
21 article;

22 (10) Employ investigators, attorneys, hearing examiners, consultants, and other
23 employees as may be necessary who are exempt from the classified service and who serve at the
24 will and pleasure of the board;

25 (11) Delegate hiring of employees to the executive director;

26 (12) Investigate alleged violations of the provisions of this article and legislative rules,
27 orders, and final decisions of the board;

28 (13) Conduct disciplinary hearings of persons regulated by the board;

29 (14) Determine disciplinary action and issue orders;

30 (15) Institute appropriate legal action for the enforcement of the provisions of this article;

31 (16) Maintain an accurate registry of names and addresses of all persons regulated by the
32 board;

33 (17) Keep accurate and complete records of its proceedings, and certify the same as may
34 be necessary and appropriate;

35 (18) Public meeting minutes to its website within 14 days of a meeting;

36 (19) Propose rules in accordance with the provisions of §29A-3-1 *et seq.* of this code to
37 implement the provisions of this article;

38 (20) Sue and be sued in its official name as an agency of this state;

39 (21) Approve a nursing school;

40 (22) Establish a nurse health program;

41 (23) Implement the provisions of the enhanced nurse licensure compact in accordance
42 with §30-7B-1 *et seq.* of this code;

43 (24) Coordinate with and assist the Center for Nursing in accordance with §30-7B-1 *et seq.*
44 of this code; and

45 (25) Confer with the Attorney General or his or her assistant in connection with legal
46 matters and questions.

47 (b) All fees and other moneys collected by the board pursuant to the provisions of this
48 article shall be kept in a separate fund and expended solely for the purpose of this article. No part
49 of this special fund shall revert to the General Funds of this state. The compensation provided by
50 this article and all expenses incurred under this article shall be paid from this special fund. No
51 compensation or expense incurred under this article shall be a charge against the General Funds
52 of this state.

NOTE: The purpose of this bill is to require the Board of Registered Nurses to comply with the Open Governmental Procedures Act, share a computer link to meetings that are live streamed, and publicly post meeting minutes to its website.

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