

PROPOSED REGULATIONS

VIRGINIA BOARD OF NURSING

TITLE OF REGULATIONS: 18 VAC 90-20-10 et seq.

BOARD OF NURSING REGULATIONS

**STATUTORY AUTHORITY: §§ 54.1-2400 and 54.1-3005
OF THE CODE OF VIRGINIA**

Effective:

PART I.

GENERAL PROVISIONS.

18 VAC 90-20-30. Fees.

Fees required in connection with the licensing of applicants by the board are:

1. Application for licensure by examination	\$25-105
2. Application for licensure by endorsement	\$50-105
<u>3. Reapplication for licensure by examination</u>	<u>\$25</u>
<u>3.4. Biennial licensure renewal</u>	<u>\$40-70</u>
<u>5. Late renewal</u>	<u>\$25</u>
<u>4.6. Reinstatement of <u>lapsed</u> license</u>	<u>\$50-120</u>
<u>7. Reinstatement of suspended or revoked license</u>	<u>\$160</u>
<u>5.8. Duplicate license</u>	<u>\$15-5</u>
<u>9. Replacement wall certificate.....</u>	<u>\$15</u>
<u>6.10. Verification of license</u>	<u>\$25</u>
<u>7.11. Transcript of all or part of applicant/licensee records.....</u>	<u>\$20 25</u>
<u>8.12. Returned check charge.....</u>	<u>\$15 25</u>
<u>9.13. Application for CNS registration.....</u>	<u>\$50 95</u>
<u>10.14. Biennial renewal of CNS registration</u>	<u>\$30 60</u>
<u>11.15. Reinstatement of lapsed CNS registration</u>	<u>\$25 105</u>
<u>12.16. Verification of CNS registration to another jurisdiction.....</u>	<u>\$25</u>
<u>17. Late renewal of CNS registration.....</u>	<u>\$20</u>

PART III.

LICENSURE AND PRACTICE.

18 VAC 90-20-190. Licensure by examination.

- A. The board shall authorize the administration of examinations for registered nurse licensure and examinations for practical nurse licensure.
- B. A candidate shall be eligible to take the examination (i) upon receipt by the board of the completed application, fee and an official transcript from the nursing education program; and (ii) when a determination has been made that no grounds exist upon which the board may deny licensure pursuant to § 54.1-3007 of the Code of Virginia.
- C. To establish eligibility for licensure by examination, an applicant for the licensing examination shall:
 - 1. File the required application, any necessary documentation and fee no later than 60 days prior to the first day of the month in which the applicant expects to take the examination.
 - 2. Arrange for the board to receive an official transcript from the nursing education program which shows either:
 - a. That the degree or diploma has been awarded, or
 - b. That all requirements for awarding the degree or diploma have been met and specifies the date of conferral.
 - 3. File a new application and reapplication fee if:
 - a. The examination is not taken within six months of the date that the Board determines the applicant to be eligible; or
 - b. Eligibility is not established within six months of the original filing date.

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- D. The minimum passing standard on the examination for registered nurse licensure and practical nurse licensure shall be determined by the board.
- E. Any applicant suspected of giving or receiving unauthorized assistance during the examination may be noticed for a hearing pursuant to the provisions of the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia) to determine eligibility for licensure or reexamination.
- F. The board shall not release examination results of a candidate to any individual or agency without written authorization from the applicant or licensee.
- G. Practice of nursing pending receipt of examination results.
 - 1. An eligible candidate who has filed an application for licensure in Virginia may practice nursing in Virginia for a period not to exceed 90 days between completion of the nursing education program and the receipt of the results of the candidate's first licensing examination.
 - 2. Candidates who practice nursing as provided in subdivision 1 of this subsection shall use the designation "R.N. Applicant" or "L.P.N. Applicant" when signing official records.
 - 3. The designations "R.N. Applicant" and "L.P.N. Applicant" shall not be used by applicants who either do not take the examination within 90 days following completion of the nursing education program or who have failed the examination.
- H. Applicants who fail the examination.
 - 1. An applicant who fails the licensing examination shall not be licensed or be authorized to practice nursing in Virginia.
 - 2. An applicant for licensure by reexamination shall file the required application and reapplication fee no later than 60 days prior to the first day of the month in which the applicant expects to take the examination in order to establish eligibility.

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3. Applicants who have failed the examination for licensure in another U.S. jurisdiction but satisfy the qualifications for licensure in this jurisdiction may apply for licensure by examination in Virginia. Such applicants shall submit the required application and fee. Such applicants shall not, however, be permitted to practice nursing in Virginia until the requisite license has been issued.

18 VAC 90-20-230. Reinstatement of lapsed licenses.

A. A nurse whose license has lapsed may be reinstated within one renewal period by payment of the current renewal fee and the late renewal fee.

A.B. A nurse whose license has lapsed for more than one renewal period shall file a reinstatement application and pay the ~~current renewal fee and the~~ reinstatement fee.

C. A nurse whose license has been suspended or revoked by the board may apply for reinstatement by filing a reinstatement application and paying the fee for reinstatement after suspension or revocation.

B.D. The board may request evidence that the nurse is prepared to resume practice in a competent manner.

PART VI.

CERTIFIED NURSE AIDES.

18 VAC 90-20-350. Nurse aide registry.

A. Initial certification by examination.

1. To be placed on the registry and certified, the nurse aide must:
 - a. Satisfactorily complete a nurse aide education program approved by the board; or
 - b. Be enrolled in a nursing education program preparing for registered nurse or practical nurse licensure, have completed at least one nursing course which includes clinical experience involving client care; or

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- c. Have completed a nursing education program preparing for registered nurse licensure or practical nurse licensure; and
- d. Pass the competency evaluation required by the board; and
- e. Submit the required application and fee to the board.

2. Initial certification by endorsement.

- a. A graduate of a state approved nurse aide education program who has satisfactorily completed a competency evaluation program and is currently registered in another state may apply for certification in Virginia by endorsement.
- b. An applicant for certification by endorsement shall submit the required application and fee and submit the required verification form to the credentialing agency in the state where registered, certified or licensed within the last two years.

3. Initial certification shall be for two years.

B. Renewal of certification.

1. No less than 30 days prior to the expiration date of the current certification, an application for renewal shall be mailed by the board to the last known address of each currently registered certified nurse aide.
2. The certified nurse aide shall return the complete application with the required fee of ~~\$30~~ 45 and verification of performance of nursing-related activities for compensation within the preceding two years. The board shall also charge a fee of ~~\$15~~ 25 for a returned check.
3. Failure to receive the application for renewal shall not relieve the certificate holder of the responsibility for renewing the certification by the expiration date.
4. A certified nurse aide who has not performed nursing-related activities for compensation during the two years preceding the expiration date of the certification shall repeat and pass the nurse aide competency evaluation prior to applying for recertification.

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- C. Reinstatement of lapsed certification. An individual whose certification has lapsed shall file the required application and renewal fee and:
1. Verification of performance of nursing-related activities for compensation prior to the expiration date of the certificate and within the preceding two years; or
 2. When nursing activities have not been performed during the preceding two years, evidence of having repeated and passed the nurse aide competency evaluation.
- D. Evidence of change of name. A certificate holder who has changed his name shall submit as legal proof to the board a copy of the marriage certificate or court order authorizing the change. A duplicate certificate shall be issued by the board upon receipt of such evidence and the required fee.
- E. Requirements for current mailing address.
1. All notices required by law and by this chapter to be mailed by the board to any certificate holder shall be validly given when mailed to the latest address on file with the board.
 2. Each certificate holder shall maintain a record of his current mailing address with the board.
 3. Any change of address by a certificate holder shall be submitted in writing to the board within 30 days of such change.