

NURSE PRACTICE ACT



January 12, 1982

**Act # 4666 Section 415 Title 3
Virgin Islands Code Subchapter IV
Bill No. 14-0094**

**FOURTEENTH LEGISLATURE OF THE VIRGIN ISLANDS
OF THE UNITED STATES**

Regular Session

1981

To Consolidate the Board of Nurse-Midwife Examiners and Board of Nurses Examiners into a single Board of Nurse Licensure, and for other purposes.

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BE IT ENACTED by the Legislature of the Virgin Islands:

SECTION 1. Subsection (a) of Section 415, Title 3, Virgin Islands Code, is hereby amended to read as follows:

“(a) The following boards are hereby established within the Department:

- (1) The Board of Medical Examiners
- (2) The Board of Dental Examiners
- (3) The Board of Pharmacy
- (4) The Board of Nurse Licensure
- (5) The Board of Optometrical Examiners
- (6) The Board of Physical Therapy
- (7) The Board of Chiropractic Examiners
- (8) The Board of Podiatry Examiners”

SECTION 2. (a) Paragraphs (4) and (5) of subsection (b), Section 415, Title 3, Virgin Islands Code, are hereby deleted and a new paragraph (4) is substituted therefore to read as follows:

“(4) The Board of Nurse Licensure- one nurse anesthetist, one nurse midwife, one nurse educator, three nurses from varied areas of specialization, three licensed practical nurses and two voting lay five to be appointed for initial terms of two years and six for initial terms of three years. Thereafter, all terms be for three years. No appointee shall serve more than two consecutive terms. Each member of the Board shall have been a citizen of the United States and a resident of the United States Virgin Islands for at least five years. Each nurse appointee shall possess a license to practice nursing in the Virgin Islands, shall have at least five years of experience in nursing, and shall preferably be actively engaged in nursing at the time of the appointment. All nurse specialists should be certified in their area of practice. A panel of nominees, representative of all three islands, shall be submitted by recognized organized nursing organizations or groups to the Governor at least 90 days prior to the expiration of the term of

each board member, from which panel the Governor in consultation with the Commissioner of Health may select his appointees to the board.”

(b) The existing paragraphs (6), (7), (8), and (9) of subsection (b), Section 415, Title 3, Virgin Islands Code, are hereby renumbered paragraphs (5), (6), (7), and (8) respectively.

SECTION 3. Subsection (e) of Section 415, Title 3, Virgin Islands Code, is hereby amended by designating the existing language thereof as paragraph (1) of subsection (e) and by adding a new paragraph (2) to read as follows:

“(2) The Governor may remove any member of the Board of Nurse Licensure for neglect of any duty required by law or for incompetence or unprofessional or dishonorable conduct as recommended by the Board of Nurse Licensures.”

SECTION 4. Section 1 of Title 27, Virgin Islands Code, is hereby amended by deleting the words “the Board of Nurse Examiners for matters referred to in Subchapter IV of this Chapter, Nursing; the Board of Nurse-Midwife Examiners for matters referred to in Subchapter V of this Chapter, Nurse-Midwifery” and by inserting in lieu thereof the words “the Board of Nurse Licensure for matters referred in Subchapter IV of this Chapter. Nursing”.

SECTION 5. Section 3 of Title 27, Virgin Islands Code, is hereby amended by adding the following sentence at the end thereof:

“For the Board of Nurse Licensure, six of the eleven voting members shall constitute a quorum.”

SECTION 6. Chapter 1 of Title 27, Virgin Islands Code; is hereby amended by deleting Subchapters IV and V in their entirety and by inserting in lieu thereof a new Subchapter IV to read as follows:

“Subchapter IV. Nursing”

“§ 91. Definitions

(a) Description of the practice of nursing- the practice of nursing as performed by a “registered nurse” is a process in which substantial knowledge derived from biological, physical and behavioral sciences is applied to the assessment, planning, intervention and evaluation of persons who are experiencing changes in the normal life process; or who require assistance in the maintenance and promotion of health; and in the management of illness; or infirmity; or in the achievement of dignified death. The Nursing process is executed directly or indirectly thorough acts of supervision, or teaching, of others. It includes the administration of medication, and treatment as established by standardized protocols or prescribed by a licensed physician or dentist. The nurse may independently initiate emergency action.

The registered nurse who is credentialed in a special area of nursing practice may perform such additional acts as are authorized by the Virgin Islands Board of Nurse Licensure.

(b) Description of the practice of nurse specialist- the practice of a “nurse specialist” means the performance of advanced or specialized nursing acts which require post basic registered nurse education and experience for which the specialist has been credentialed by a certifying body which is recognized by the Board.

(c) Description of licensed practical nurse- the practice of nursing by a “licensed practical nurse” means the basic application of the nursing process under the direction and supervision of a registered nurse, licensed physician, and/or licensed dentist to persons who are experiencing changes in the normal life process, or who require assistance in the maintenance and promotion of health, and in the management of illness, injury or infirmity, or in the achievement of dignified death. The licensed practical nurse executes such acts as the administration of medication and treatment as established by standardized protocol or prescribed by a licensed physician or dentist. In addition, the licensed practical nurse may initiate emergency action if specifically prepared and authorized.

“§ 92. Purpose; unlawful practice of nursing;
License required

In order to safeguard life and health, any person practicing or offering to practice nursing in the Virgin Islands for compensation or personal profit shall be required to submit evidence that he or she is qualified to so practice and shall be licensed as provided in this Subchapter. It shall be unlawful for any person to practice or to offer to practice nursing in the Virgin Islands or to use any title, abbreviation, sign, card or device to indicate that such a person is practicing nursing unless such a person has been duly licensed and registered under the provisions of this Subchapter.

“§ 93. Powers and duties of Board

The Board of Nurse Licensure shall have the power and duty to –

(1) within 120 days of the enactment of this Subchapter adopt, amend or repeal such rules and regulations and by-laws consistent with this Subchapter as may be necessary to enable it to carry into effect the provisions of this Subchapter, which rules, regulations, or by-laws, when approved by the Governor shall be deemed a part of and of the same effect as this Subchapter.

(2) review schools of nursing curricula according to established and published standards which prepare students for licensure under this Subchapter;

(3) approve such schools of nursing which meet the requirements of this Subchapter and of the Board;

(4) schedule examinations for duly-qualified applicants in accordance with the National Council of State Boards of Nurses and license and review licenses of duly-qualified applicants;

(5) review pertinent documents and render a decision of an applicant’s eligibility to sit the examination for licensure following prescribed rules and regulations;

(6) conduct hearings upon charges calling for discipline of a licensee or revocation of a license;

(7) issue subpoenas, compel the appearance of the witnesses and administer oaths to persons giving testimony at hearings;

(8) cause prosecution of all persons violating this Subchapter and incur the necessary expenses thereof;

(9) review and revise application and renewal forms to provide pertinent information to be utilized for statistical purposes;

(10) maintain and publish annually a registry of nurse manpower;

(11) establish rules and regulations governing the requirements of continuing education as prerequisite for license renewal and for acceptance of certificates;

(12) review examination and licensing fee schedules and revise as necessary;

(13) establish rules and regulations regarding currency of practice and competency of recognized specialties;

(14) establish and/or prepare an annual budget for the Board's operation;

(15) make an annual report to the Governor and the Legislature;

(16) appoint and employ a qualified person who shall not be a member of the Board of serve as executive secretary;

(17) employ such other persons as may be necessary to carry out the work of the Board;

(18) reimburse board members for all actual and necessary expenditures incurred while actually engaged in the discharge of official duties;

(19) maintain membership and active participation in the National Council of State Boards of Nurses; and

(20) function as a liaison between the National Council of State Boards of Nurses and the nursing community in the dissemination of information and support participation at functions and activities at the national level.

“§ 94. Registered Nurse

(a) An applicant for a license to practice as a Registered Nurse shall submit to the Board written evidence, verified by oath, that said applicant - -

- (1) is of good character;
- (2) is in good physical and mental health;
- (3) has completed an approved high school course of study or the equivalent thereof and meets such other preliminary requirements as the Board may prescribe; and
- (4) has completed a basic professional curriculum in an accredited school of nursing and holds credentials therefrom.

(b) The applicant shall be required to pass a written examination as prescribed in the Rules and Regulations. Each examination may be supplemented by an oral practical examination. Upon successfully passing such examination the Board shall issue to the applicant a license to practice as a registered nurse.

(c) The Board shall issue a license to practice nursing as a registered nurse without examination to an applicant who is a graduate of a school of nursing and who has been duly licensed as a registered

nurse by examination under the laws of another state or jurisdiction of the United States if, in the opinion of the Board, the applicant meets the qualifications prescribed in the Rules and Regulations as a registered nurse in the Virgin Islands.

(d) Applicants who are graduates of a foreign nurse educational program shall be obligated to sit an examination for licensure. The Board shall review pertinent documents of the applicant and render a decision of the applicant's eligibility to sit the examination for licensure.

(e) Any person who holds a license to practice as a registered nurse in the Virgin Islands shall have the right to use the title "Registered Nurse" and the abbreviation "R.N.". No other person shall assume such title or use such abbreviation or any other words, letters, signs, or figures to indicate that the person using the same is a registered nurse.

(f) A graduate nurse is an individual who has satisfactorily completed and accredited program preparing him or her for beginning individuals who are graduates of such programs may use the title "Graduate Nurse" and the abbreviation "G.N." for a maximum of one year past eligibility for sitting the licensing examination for registered nurses.

(g) Any person who holds a license or certificate of registration to practice nursing as a registered nurse which is valid on the effective date of this Subchapter shall thereafter be deemed to be a licensed registered nurse under provisions of this Subchapter.

"§ 95. Licensed Practical Nurse

(a) An applicant for license to practice as a licensed practical nurse shall submit to the Board written evidence, verified by oath, that the applicant --

- (1) is of good character;
- (2) is in good physical and mental health;
- (3) has completed an approved high school course

of study or the equivalent thereof, and has met the other preliminary requirements prescribed by the Board; and

(4) has successfully completed the prescribed curriculum in an accredited school of practical nursing and holds a diploma therefrom.

(b) The applicant shall be required to pass a written examination in such subjects as the Board prescribes in the Rules and Regulations. Each written examination may be supplemented by an oral or practical examination. Upon successfully passing such examination, the Board shall issue to the applicant a license to practice as a licensed practical nurse.

(c) The Board may issue a license to practice as a licensed practical nurse without examination to any applicant who has been duly registered or licensed as a practical nurse or a person entitled to perform similar services under a different title under laws of another state or jurisdiction of the United States, if in the opinion of the Board, the applicant meets the requirements for a licensed practical nurse in the Virgin Islands.

(d) Any person holding a license to practice as a practical nurse in the Virgin Islands shall have the right to use the title "Licensed Practical Nurse" and the abbreviation "L.P.N.". No other person shall assume such title or use such abbreviation or other words, letters, signs, or figures to indicate that the person using the same is a licensed practical nurse.

(e) Any person who holds a license or certificate of registration which is valid on the effective date of this Section shall thereafter be deemed to be a licensed practical nurse under the provisions of this Subchapter.

A graduate practical nurse is an individual who has satisfactorily completed an accredited program preparing her to begin practice as a nurse. Only individuals who are graduates of such programs may use the title Graduate Practical Nurse and abbreviation G.P.N. for a maximum of one year past eligibility for sitting the licensing examination for Licensed Practical Nurses.

"§ 96. Certificate of Nursing Specialities

(a) The Board of Nurse Licensure may issue certificates attesting to the qualifications of the several nursing specialties provided that said certificate for each specialty --

(1) requires satisfactory completion of a formal post basic registered nurse education program of at least one academic year duration, which prepared the individual for advanced specialized nursing practice; and

(2) includes certification by a specialty board accepted by the former Virgin Islands Board of Nurse Examiners, or graduation from an accredited program leading to a Master Degree in a nursing clinical specialty area.

(b) The Board shall provide by its rules and regulations the appropriate requirements for the following specialties:

- (1) Nurse Midwife
- (2) Nurse Anesthetist
- (3) Nurse Practitioner
- (4) Clinical Nurse Specialist
- (5) Other categories as may be determined by the Board

“§ 97. Renewal of license and certificate

(a) The license of every person licensed under the provisions of this Subchapter shall be renewed every two years. Registered nurses shall renew their license in even years and practical nurses shall renew their license in odd years. This Board shall mail an application for renewal of licensing to every person to whom a license was issued during the current period on or before October 15th. The applicant shall complete the application form and return it to the Board with the renewal fee. The Board shall verify the accuracy of the application and issue the applicant a renewal for the current period beginning January 1st and expiring December 31st. Such certification of renewal shall render the holder thereof a legal practitioner of nursing for the period stated on the certificate of renewal.

(b) Any licensee who allows such license to lapse for one year may renew his or her license by application and payment of current renewal fees.

(c) Any person practicing nursing during the time his or her license has lapsed shall be considered an illegal practitioner, and shall be subject to the penalty provided for violations of this Subchapter.

(d) The Board shall prescribe continuing education as a prerequisite for license renewal or acceptance of certificate.

(e) A licensee may request that his or her license be placed on an inactive status. A license which has been inactive for less than one year may be reactivated by the submission of an application for renewal and the payment of later renewal penalty fees.

(f) A license that has been inactive for more than one year may be reactivated upon reapplication to the Board and payment of all required fees. The Board shall require evidence of continuing education commensurate with the number of years the license was inactive or evidence of involvement in the practicing of nursing.

(g) Any license which is inactive for more than 10 years shall automatically be suspended. One year prior to the automatic suspension of the license, the Board shall give written notice to the licensee.

(h) A suspended license may be reinstated by application and payment of all required fees. Additionally, the Board shall require evidence of continuing education or involvement in the practice of nursing within another state or a recognized jurisdiction...

(i) If the applicant cannot provide evidence of continuing education or involvement in the practice of nursing. He or she shall be required to successfully complete a formal refresher program as prescribed by the Board.

(j) Fees Schedules –

(1) Fee schedules for all licensing activities shall be established and revised as necessary by the Board.

(2) There is established the Board of Nurse Licensure Revolving Fund in which shall be deposited all monies received in form of fees by the Board of Nurse Licensure. Monies shall be disbursed from the Nurse Licensure Revolving Fund by the Commissioner of Finance, upon the certification of the Chairman of the Board of Nurse Licensure, to pay the administrative expenses of the Board.

“§ 98. Schools of nursing

(a) The Board shall adopt rules regarding educational objectives, broad curriculum guidelines, and such administrative procedure as are necessary to insure that the program will prepare persons to begin the practice of nursing according to the objectives of the program and the definition of nursing as stated in this Subchapter.

(b) Persons desiring approval of a proposed nursing program from the Board shall apply to the Board for such approval and submit evidence showing compliance with the rules of the Board.

(c) Nursing programs complying with the rules of the Board shall be granted approval by the Board.

(d) The Board shall make periodic reviews of approved programs of nursing to determine compliance with the standards and rules established by the Board. If the Board determines that the approved program is not in compliance with its standards, a written statement indicating the areas of noncompliance shall be given to the nursing program, and a reasonable time given to permit compliance. The Board may place nursing programs on probationary status until such time as its standards are adhered to. If, at the conclusion of the probationary period the program fails to meet the Board’s standards, approval shall be rescinded. Any school having its approval rescinded shall have the right to reapply.

(e) A nursing program not granted initial or continued approval after reapplication may appeal to a court of competent jurisdiction within 30 days of written notification by the Board of its decision.

“ § 99. Exemptions

No provision of this Subchapter shall be construed as prohibiting –

- (1) care to the sick rendered by family members friends, non-institutionalized persons, or incidental care given by domestic hired help, as long as such care does not include the practice of nursing as defined in this Subchapter;
- (2) assistance by anyone in case of an emergency;
- (3) the practice of nursing by a student enrolled in an approved school of nursing;
- (4) the practice of nursing by a nurse currently licensed in one of the United States or its territories for a period of up to 90 days, after providing the employer with satisfactory evidence of current licensure, and after having submitted proper application and fees to the Board for licensure prior to employment. This time may be extended by the Board for administrative reasons when necessary;
- (5) the practice of nursing by a licensed nurse in another state by one who is employed by the United States Government, or any bureau, agency, or division thereof, while in the discharge of official duties;
- (6) the practice of nursing by graduates of an approved school or its equivalent, for a period up to one year after becoming eligible to sit the licensing examination, provided that they practice under the direct supervision of a registered nurse. The Board shall determine what constitutes direct nursing supervision; and
- (7) the performance of basic nursing care by nursing assistance, supervised by a registered nurse or licensed practical nurse.

“§ 100. Disciplinary proceedings

(a) The Board may deny, revoke or suspend any license to practice nursing issued by the Board or applied for in accordance with the provisions of this Subchapter, upon proof that the person --

- (1) is guilty of fraud or deceit, in procuring or attempting to procure a license to practice nursing;
- (2) is guilty of a felonious act;
- (3) is guilty incompetent by reason of negligence;
- (4) is addicted to the use of a drug which interferes with the competent function of any duties;

(5) is mentally ill; or

(6) is guilty of violating the nursing profession Code of Ethics, or has willfully and repeatedly violated any of the provisions of this Subchapter.

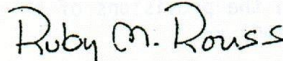
(b) Upon the filing of a sworn complaint with the Board charging a person with having been guilty of any action specified in subsection (a) of this Section as grounds for disciplinary action, the Board shall appoint members to investigate the charge, together with a notice of the hearing, to be served on the accused at least 20 days prior thereto. The attendance of witnesses and production of evidence at the hearing may be compelled by subpoena issued by the Board, which shall be served in accordance with law. The accused shall have the right to appear personally or by counsel or both, to procure witnesses, and to offer evidence on his or her behalf. A complete stenographic record of all hearings shall be kept and made available in the case of appeals. Appeals from decisions of the Board may be made to a competent court of law.

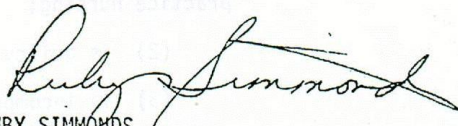
(c) If the caused is found guilty of the charges the Board may refuse to issue a license to the applicant or may revoke or suspend the license.

(d) A revoked or suspended license may be reissued after one (1) year in the discretion of the Board.”

Thus passed by the Legislature of the Virgin Islands on December 16, 1981.

Witness our Hands and the Seal of the Legislature of the Virgin Islands this 16th Day of December, A.D., 1981.


RUBY M. ROUSS
President


RUBY SIMMONDS
Legislative Secretary