



West Virginia

Board of Medicine

COVID-19 Special Edition

Changes in Medical Regulation Resulting from State of Emergency

On March 16, Gov. Jim Justice declared a State of Emergency related to the COVID-19 pandemic. The State of Emergency will continue for an indefinite period.

Since then, the West Virginia Board of Medicine has been working with the Governor's Office to identify ways that state rules and regulations can be modified to both protect the public and provide some regulatory relief to practitioners who are on the front line of the state's fight against COVID-19.

The Governor has subsequently issued a series of Executive Orders which are aimed at surging the medical response in this emergency. [Executive Order 7-20](#), as amended by [Executive Orders 10-20](#) and [11-20](#), suspends certain statutory provisions of the Medical Practice Act and Physician Assistants Practice Act, and provides regulatory flexibility to the Board during the State of Emergency. As a result, the Board has taken action to implement rule suspensions, emergency rules and other practices aimed at supporting the medical profession during this crisis.

This special edition of the Board's newsletter provides information regarding all these updates, temporary rule suspensions and emerging provisions. Additionally, the Board will continue reaching out via eblast with updated information on COVID-19 for the duration of the State of Emergency.

To all medical providers who are engaged in the fight against COVID-19, the Board thanks you for your professionalism, your dedication to your patients, and your commitment to helping West Virginians during this public health emergency.

COVID-19 Resources

The Board of Medicine will continue to keep its [website](#) updated with current links and information related to the COVID-19 outbreak.

These additional resources also provide the most up to date information available during this time:

- [CDC Information for Providers](#)
- [WVDHHR COVID-19 Resources](#)
- [WV Local Health Departments](#)
- [DEA COVID-19 Resources](#)

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Emergency Rule Regarding Registration to Practice During a Declared State of Emergency

Physicians and/or physician assistants licensed in another state, or who are inactive or retired from West Virginia practice, may provide medical care in West Virginia under special provisions during the State of Emergency, subject to such limitations and conditions as the Governor may prescribe.

The West Virginia Board of Medicine has promulgated an emergency rule to create a registration process for eligible physicians and PAs to practice in West Virginia during the COVID-19 pandemic. [Emergency Rule 11 CSR 14](#), Registration to Practice During Declared State of Emergency, became effective March 26. To be eligible to practice pursuant to this rule, the physician or PA must register with the Board. The following providers who want to provide medical care in West Virginia are eligible:

- Physicians who hold unrestricted licensure in another state;
- PAs who hold unrestricted licensure in another state;
- Certain inactive or expired status West Virginia physicians; and
- Certain expired status West Virginia PAs.

Registrants may practice medicine in West Virginia consistent with their scope of practice and the standard of care, and may practice in person or via telemedicine technologies to West Virginia patients. Registered PAs must practice in collaboration with physicians pursuant to a Practice Agreement or Practice Notification.

To register, providers must submit a one-page registration form and photo ID. There is no fee for registration under the emergency rule. The Board is currently accepting registrations.

To register, **out of state physicians and physician assistants:** (1) must hold a valid, permanent, current, and unrestricted license to practice in another state; (2) must not be the subject of a pending or active complaint, investigation, Consent Order, Board Order or pending disciplinary proceeding in any jurisdiction; and, (3) must not have not surrendered a license while under investigation or had a license revoked in any jurisdiction.

Inactive and retired physicians and physician assistants are eligible to register if they: (1) were in good standing at the time their WV license became inactive or expired; (2) have participated in active clinical practice within the last five years; (3) no longer hold an active status medical or PA license in any state; (4) are not the subject of a pending or active complaint, investigation, Consent Order, Board Order or pending disciplinary proceeding in any jurisdiction; and, (5) have not surrendered a license while under investigation or had a license revoked in any jurisdiction.

If you know a provider who meets the criteria to register for practice in West Virginia during a declared state of emergency, please share this information. Applications are available on the Board's website at www.wvbom.wv.gov.

MD REGISTRATION FORMS AND INSTRUCTIONS

[Out of State Licensed MD Registration For Emergency Practice](#)

[Retired or Inactive Status West Virginia MD Registration For Emergency Practice](#)

PA REGISTRATION FORMS AND INSTRUCTIONS

[Out of State Licensed PA Registration For Emergency Practice](#)

[Retired WV PA Registration For Emergency Practice](#)

Temporary Rule Changes Expedite PA Practice Authorization

During the COVID-19 State of Emergency, the Board of Medicine is implementing temporary, streamlined processes for physician assistant Practice Agreements and Practice Notifications to facilitate practitioner surge and agility. Eligible providers must currently hold either an active license or authorized emergency registration with the West Virginia Board of Medicine prior to submitting either a Practice Agreement or Practice Notification. These changes took effect on March 27 and will continue throughout the duration of the declared State of Emergency. These temporary changes include:

1. **STREAMLINED PRACTICE AGREEMENT FORM** - The Board has developed a streamlined Practice Agreement form for use during this period. While the collaborating physician and PA must both provide information on the form, the information is more limited, and the Board will not require original signatures.

2. **SUSPENSION OF PROCEDURE LOGS FOR APPROVED ADVANCED DUTIES** - The new Practice Agreement form includes a separate form for the delegation of advanced duties from the approved list. Instead of submitting practice logs, the collaborating physician is responsible for determining when the PA may perform the delegated advanced duties with general collaboration instead of personal collaboration.

3. **SUSPENSION OF COLLABORATION LIMITS** - During the State of Emergency, collaborating physicians may collaborate with as many PAs as appropriate. The limit of five PAs per collaborating physician is suspended.

4. **FEE WAIVER** - All Practice Agreement and Practice Notification filing fees are temporarily waived.

5. **E-FILING** - The Board requests that providers e-file all new Practice Agreements and Practice Notifications. Please e-file by submitting a complete and legible copy of your proposed Practice Agreement or Practice Notification to Sheree.J.Thompson@wv.gov. Original forms are not required at this time.

6. **IMMEDIATE AUTHORIZATION/ACTIVATION UPON E-FILING** - For providers who e-file during the State of Emergency, the e-filed Practice Agreement is authorized, and the Practice Notification is activated, upon e-filing. While the Board may need to follow up for clarification, as long as the e-filing is complete and signed by all required parties, the PA can commence practice immediately upon e-filing. The Board encourages all e-filers to keep a copy of the filing email.

7. **CONTACT INFORMATION** – Please be sure to include your current email and mailing address on your filing. If the email and mailing address supplied on the form do not match your information on file with the Board, your contact information will be updated consistent with the new information provided.

Telemedicine Regulations Relaxed During State of Emergency

To ensure maximum flexibility for our licensees and to surge response to COVID-19, the Board encourages the use of telemedicine technologies, consistent with the standard of care, and where appropriate for patients. Executive Order 7-20, as amended by Executive Order 10-20, suspends certain provisions of the Medical Practice Act to facilitate the use of telemedicine technologies.

Use of Audio-Only Telemedicine Technologies

During the duration of the COVID-19 emergency, the prohibition on establishing a provider-patient relationship is temporarily suspended. If audio-only communication satisfies the standard of care for a particular patient presentation, it may be used to establish a provider-patient relationship and to provide patient care. This regulatory suspension does not address the reimbursement of audio-only patient encounters. While there have been some [reimbursement changes implemented by CMS](#), it generally requires telehealth to include audio and video components. However, on March 26, Cabinet Secretary Bill Crouch of the WV Department of Health and Human Services indicated that the WV Bureau for Medical Services is allowing telehealth for non-emergency visits, and that this allowance includes audio-only encounters.

OCR to Exercise Discretion in Telemedicine Related HIPAA Enforcements

The U.S. Department of Health and Human Services Office for Civil Rights (OCR) has announced that during the COVID-19 public health emergency it will exercise its enforcement discretion and will not impose penalties for HIPAA rules violations by providers who are engaging in good faith efforts to respond to the COVID-19 emergency via telehealth. OCR has issued [guidance](#) on this issue that identifies some public facing platforms that are not covered by this enforcement discretion.

Out-Of-State Physicians

Out-of-state physicians who hold an unrestricted medical license in at least one other state and are not currently subject to certain disciplinary actions or proceedings may practice telemedicine to West Virginia patients by registering with the WV Board of Medicine. There is no fee to register. By registering for limited authority to practice in West Virginia during the COVID-19 emergency, practitioners in bordering states can conduct routine patient encounters with their WV patients via telehealth technologies.

Physician Assistants

Physician assistants with authorized Practice Agreements or active Practice Notifications may practice via telemedicine, where appropriate and in collaboration with physicians, even if the PA's Practice Agreement and/or Practice Notification does not specifically identify telemedicine as an authorized practice modality. Out-of-state PAs, like out-of-state physicians, can register with the Board to practice in West Virginia during the COVID-19 emergency, and may use telemedicine technologies in such practice. The out-of-state PA also must file a Practice Agreement or Practice Notification to practice in collaboration with physicians.

Board of Pharmacy Secures Emergency Rule

Two drugs, chloroquine and hydroxychloroquine, are thought to potentially be helpful in the treatment of COVID-19. The West Virginia Board of Pharmacy secured an [emergency rule](#), effective March 21, to ensure that these drugs are dispensed only to individuals currently in need of them.

Licensees may only prescribe chloroquine or hydroxychloroquine if both of the following criteria are met:

- The prescription bears a written diagnosis from the prescriber consistent for its use; and,
- The prescription is limited to no more than 30 tablets.

No refills may be permitted unless a new prescription is furnished. This does not apply to patients who have been previously established on the medication prior to the rule.

Provisions of Seven Board Rules Temporarily Suspended

West Virginia Board of Medicine licensees are on the front line of the COVID-19 epidemic, and the Board is committed to seeking emergency measures to assist them as they work to protect and serve the citizens of West Virginia.

On March 26, provisions of seven Board rules were suspended temporarily to facilitate protection of the public by encouraging provider surge and reducing regulatory strain on providers and government during the State of Emergency. These rule suspensions will facilitate license and renewal extensions for all 2020 renewals and provide greater flexibility for physician assistant practice during the COVID-19 emergency.

The suspension memoranda and the associated rules are available for review on the Board's website, www.wvbom.wv.gov, or by clicking on the appropriate link below.

[11 CSR 1A Licensing and Disciplinary Procedures: Physicians; Podiatric Physicians and Surgeons](#)

[11 CSR 1B Licensure, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants](#)

[11 CSR 3 Board Organization and Meeting Procedures; Complaint and Contested Case Hearing Procedures](#)

[11 CSR 5 Dispensing of Prescription Drugs by Practitioners](#)

[11 CSR 6 Continuing Education for Physicians and Podiatric Physicians](#)

[11 CSR 7 Formation and Approval of Professional Limited Liability Companies](#)

[11 CSR 12 Permitting and Disciplinary Procedures; Educational Permits for Graduate Medical Interns, Residents and Fellows](#)

Licensure and Registration Extensions Granted

To assist the West Virginia Board of Medicine in relieving regulatory burdens on practitioners who are responding to the COVID-19 pandemic, the Governor has suspended certain provisions of the Medical Practice Act to give the Board flexibility regarding license expiration and renewal during the current State of Emergency.

This has allowed the Board to extend the expiration date of all licenses, permits, registrations and authorizations which are scheduled to expire between now and June 30. Relatedly, renewal for all such credentials will also be extended.

Renewal will begin as scheduled at 8:30 am EDT on May 6 but will be extended until 4:30 pm EDT on Sept. 30. This also will apply to all PLLCs and, upon request, to any Medical Corporations which are scheduled to expire between now and June 30. Below is a list of licenses that are set for renewal on or before June 30 and their extended deadline date.

Renewals for 2020	Renewal Begins	Extended Deadline
Physicians with last names beginning with letters A-L	May 6 8:30 am EDT	Sept. 30 4:30 pm EDT
Controlled Substance Dispensing Practitioner Registrations that expire on June 30	May 6 8:30 am EDT	Sept. 30 4:30 pm EDT
Educational Permits	May 6 8:30 am EDT	Sept. 30 4:30 pm EDT
Professional Limited Liability Companies (PLLCs) that expire on June 30	May 6 8:30 am EDT	Sept. 30 4:30 pm EDT
Medical Corporations that expire on or before June 30	Rolling renewals	Rolling extensions upon request

When renewing a medical license, the licensee will still need to attest that he/she has completed all required continuing medical education (CME) at the time the renewal is submitted. CME requirements are available for review in the Continuing Medical Education Section of the Board’s website www.wvbom.wv.gov.

Register to Volunteer

West Virginia has an official online registration and credentialing site to facilitate health and medical response for those willing to volunteer to serve in an emergency, as well as non-emergency situations.

You can now register with the [West Virginia Responder Emergency Deployment Information Site](#). You will be required to provide basic personal and professional information. Registration is open to WV’s health and medical professionals, as well as others who live or work in WV and are willing to assist during a health-related emergency.

Board Office Closed to the Public

To protect the health and safety of the public and our staff, the Board office will be closed to the public until further notice. We will continue to accept post, parcel and package deliveries. Board staff members are available to assist via email or telephone.

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