

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 11-20

By the Governor

WHEREAS, a State of Emergency was declared on the Sixteenth Day of March, Two Thousand Twenty for all counties in West Virginia (the “State of Emergency Declaration”), to allow agencies to coordinate and create necessary measures to prepare for and respond to the outbreak of respiratory disease caused by a novel coronavirus now known as COVID-19; and

WHEREAS, Chapter 15, Article 5, Section 6 of the Code of West Virginia authorizes the Governor to, among other things, suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders, rules of any state agency, if strict compliance therewith would in any way prevent, hinder, or delay necessary action in coping with the emergency; and

WHEREAS, Executive Order 7-20 and 10-20 suspended certain provisions and sections of statute that strict compliance therewith would prevent, hinder, or delay necessary action in coping with the emergency; and

WHEREAS, there have been additional statutory regulations identified by the West Virginia Board of Respiratory Care, West Virginia Court Reporters Association, and the West Virginia Division of Natural Resources that are preventing the state from best coping with the emergency and assisting the citizens of West Virginia; and

WHEREAS, the Board of Medicine has identified a provision in Executive Order 7-20 that would benefit from additional clarification and amendment.

NOW, THEREFORE, I, JIM JUSTICE, pursuant to the authority vested in me pursuant to the provision of Chapter 15, Article 5, Section 6 of the Code of West Virginia, hereby **DECLARE and ORDER** that, the following statutory regulations are to be suspended for the duration of the State of Emergency:

1. Requirement that a license application is to be submitted with a license fee of two hundred dollars (W. Va. Code § 30-34-7(a));
2. Requirement that every licensee shall renew his or her license on or before the first day of January of each year by payment of a fee established by the board (W. Va. Code § 30-34-7(b));
3. Requirement that a person on inactive license status wanting to return to active status must pay a renewal fee (W. Va. Code §30-34-7(c));
4. Requirement that upon payment of the proper fees, an applicant for a license to practice respiratory care shall submit to the board written evidence (W. Va. Code § 30-34-8(a));
5. Requirement that the board may issue temporary student permits for a period of up to six months by meeting certain criteria set forth by the board and an initial permit application fee, and may renew the permit for six months by paying a renewal fee (W. Va. Code § 30-34-9(a)(4)(d));
6. With respect to the provisions of Code applicable to court reporters and other notaries, the requirements of personal appearance for a notarial act that relates to a statement made in or a signature executed on record (W. Va. Code § 39-4-6);
7. Requirement that West Virginia residents have a fishing license from the Twenty-sixth day of March, Two Thousand Twenty through the Twenty-fourth day of April, Two Thousand Twenty (W. Va. Code § 20-2-7);
8. Any statute or rule that prescribes time limits or deadlines by which state agencies or political subdivisions or agencies thereunder must hold hearings, and allowing abeyance of such hearings or for such hearings to be conducted by telephonic means, at the sole discretion of the applicable state agency or political subdivision or agencies thereunder; provided, that where a deadline is constitutional, the agency shall conduct the hearing telephonically, through other remote technology, or in compliance with any court order.

FURTHER, I DECLARE and ORDER that the following paragraphs of Executive Order 7-20 are hereby amended as follows:

1. Paragraph 5 is hereby deleted in its entirety and replaced with the following:

Requirement for Physician Assistant licensure as follows: to permit the Boards, in their discretion, to temporarily suspend or modify the requirements for temporary license applicants for the purpose of authorizing limited emergency licensing; to permit the Boards, in their discretion, to temporarily suspend or modify the requirements for reinstatement of a license suspended by failure to make a biennial renewal for the purpose of authorizing limited emergency licensing; to temporarily suspend the requirement that a physician assistant may not commence practice pursuant to a practice agreement filed with the appropriate board until the PA receives written authorization from the Board; to temporarily remove the collaboration limit which currently prohibits a physician from collaborating with more than five physician assistants at a time in non-hospital settings; and any provision of W. Va. Code §§ 30-3E-10 through 11 which would prohibit the Boards from, in their discretion, streamlining the authorization to practice process or accepting email notices of Practice Agreements and Practice Notifications (W. Va. Code § 30-3E-5; W. Va. Code § 30-3E-7; W. Va. Code § 30-3E-9(c)(3); W. Va. Code § 30-3E-9(e))

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



DONE at the Capitol in the City of
Charleston, State of West Virginia, this
Twenty-fifth day of March, in the year of our
Lord, Two Thousand Twenty in the One

Hundred Fifty-seventh year of the State.


GOVERNOR

By the Governor


SECRETARY OF STATE