STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 10-20

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 Five, 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, on the nineteenth day of March, Two Thousand Twenty, Executive Order 7-20 suspended certain provisions and sections of statute that if strict compliance therewith would in any way prevent, hinder, or delay necessary action in coping with the emergency;

WHEREAS, there have been additional statutory regulations identified by our agencies that are preventing the state from best assisting the citizens of West Virginia; and

WHEREAS, the Board of Medicine and the Board of Osteopathic Medicine have identified a number of provisions 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 Five, 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 poll worker training may only begin within 30 days of the election (W. Va. Code § 3-1-46(c));
2. Requirement that there be at least 30 days prior to Election Day to establish a satellite precinct (W. Va. Code § 3-3-2a(b)(1));
3. Requirement that voters who wish to vote an absentee-by-mail ballot must request an absentee ballot application by "oral or written request" (W. Va. Code § 3-3-5(a));
4. Requirements that the official designated to supervise and conduct absentee voting must provide to the voter an absentee ballot within just one day of receiving the absentee ballot application. Provided, that the remaining requirements regarding the appropriate address, delivery method, materials, instructions, notices, and other information are not suspended (W. Va. Code § 3-3-5(e)(1)).
5. Requirement that precincts must be operated separately with separate equipment and poll workers (W. Va. Code § 3-1-5(a) and W. Va. Code § 3-4A-30);
6. Requirements that precincts must have at least 5 poll workers present to operate on Election Day (W. Va. Code § 3-1-29, 30);
7. Requirement that any person practicing or offering to practice as a registered nurse (RN) or advanced practice registered nurse (APRN) have a license issued by the West Virginia Board of Registered Professional Nurses (W. Va. Code § 30-7-2), with the exception of those with pending complaints, investigations, consent orders, board orders, or pending disciplinary proceedings and provided the RN or APRN is licensed in another state;
8. Requirement that RN and APRN licenses have a renewal period requirement (W. Va. Code §30-7-8);
9. Requirement for supervision or presence of any other healthcare provider when anesthesia is administered by a certified registered nurse anesthetist (CRNAs) (W. Va. Code §30-7-15);

10. Requirement for APRN authorization for prescriptive authority, collaborative requirements for prescriptive authority, prescriptive formulary limitations, prescriptive refill and supply limitations, and other prescriptive limitations including continuing education and renewal requirements (W. Va. Code §30-7-15a, §30-7-15b, §30-7-15c);
11. Requirement that RNs and APRNs furnish completion of continuing education, including drug diversion and veterans' mental health, for licensure or licensure renewal (W. Va. Code §30-1-7a);
12. 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 1 is hereby deleted in its entirety and replaced with the following:

   Requirement of full licensure for allopathic physicians and surgeons who have no pending complaints, investigations, consent orders, board orders, or pending disciplinary proceedings and who possess valid, unrestricted medical licensure in another state, district, or territory of the United States or, at one time, possessed an unrevoked license issued by the Board of Medicine but are now retired or in inactive status (W. Va. Code § 30-3-13(a)) and (W. Va. Code § 30-3-12(h)(j));

2. Paragraph 2 is hereby deleted in its entirety and replaced with the following:

   Requirement for telemedicine providers to be licensed in West Virginia (W.Va. Code § 30-3-13a(b)(2) and (W. Va. Code § 30-3-13(b))), provided that such provider possesses an unrestricted medical license in their own state and otherwise complies with the provisions of W. Va. Code § 30-3-13a;

3. Paragraph 7 is hereby deleted in its entirety and replaced with the following

   Requirement of full licensure for osteopathic physicians and surgeons who have no pending complaints, investigations, consent orders, board orders, or pending

disciplinary proceedings and who possess valid, unrestricted medical licensure in another state, district, or territory of the United States or, at one time, possessed a license issued by the Board of Osteopathic Medicine, which has not been revoked, but are now retired or in inactive status (W. Va. Code § 30-14-1) and (W. Va. Code § 30-14-10(a), (c), (d));

4. Paragraph 11 is deleted in its entirety and replaced with the following:

Requirement that telemedicine be performed by video only (W. Va. Code § 30-14-12d(c))) and (W. Va. Code § 30-3-13a(c).

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-third 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