STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 30-20

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, control ingress and egress to and from a disaster area or an area where large-scale threat exists, the movement of persons within the area, and the occupancy of premises therein, and to perform and exercise other functions, powers, and duties that are necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS, Executive Order 16-20 declared all elective medical procedures to be prohibited, but provided that patients would still have access to urgent, medically necessary procedures like those needed to preserve the patient's life or long-term health, and that the prohibition would apply equally to all types of elective medical procedures performed in hospitals, offices, and clinics throughout the state; and

WHEREAS, since the issuance of Executive Order 16-20, implementation of successful public health measures has resulted in revised projections of rates of infection and COVID-19 related deaths in West Virginia, as well as ever-strengthening supply chains for personal protective equipment ("PPE") and other medical equipment and supplies, resulting in greater hospital preparedness and response capacity; and

WHEREAS, Executive Order 28-20 previously ordered that more urgent elective medical procedures could be resumed at hospitals and ambulatory surgical centers that are regulated by OHFLAC, and by health care providers at such hospitals or ambulatory surgical centers, upon application to and approval by OHFLAC; and

WHEREAS, resumption of procedures and operations at clinics, offices, and other facilities operated by or with medical and health care providers licensed by boards under Chapter 30 of the West Virginia Code, except for the hospitals and ambulatory surgical centers regulated by OHFLAC that are and remain subject to the terms of Executive Order 28-20 to ensure adequate response capacity and resources at such facilities, is in the public interest and is appropriate at this time; and

WHEREAS, it is likewise in the public interest that the medical and health care boards of licensure and/or regulation under Chapter 30 of the West Virginia Code develop, publish, and disseminate guidance and best practices to their respective memberships and professional communities for the safe resumption or expansion of services, in order to protect the medical and health care providers and the public alike against the COVID-19 virus; and

NOW, THEREFORE, I, JIM JUSTICE, pursuant to the authority vested in me pursuant to the provisions of Chapter 15, Article 5, Section 6 and Chapter 15, Article 5, Section 1 of the Code of West Virginia, hereby **DECLARE** and **ORDER**, effective as of 12:00 AM, Eastern Standard Time, on the Thirtieth day of April, Two Thousand Twenty, unless rescinded or otherwise postponed by subsequent executive order prior to the effective date of this Order, that:

1. Executive Order 16-20, as amended and supplemented by Executive Order 28-20, is terminated for all facilities and health care providers and practitioners, except those hospitals and ambulatory surgical centers regulated by OHFLAC, and by health care providers at such hospitals or ambulatory surgical centers, that are and remain subject to the terms of Executive Order 16-20, as amended and supplemented by Executive Order 28-20.
2. All Chapter 30 Health Care Boards (as defined in Section 4 below), are hereby directed to develop, publish, and disseminate guidance, including as to timing of

implementation and resumption or expansion of services under the jurisdiction of the respective boards, and best practices to their respective memberships and professional communities for the safe resumption or expansion of services, in order to protect the medical and health care providers and the public alike against the COVID-19 virus.

3. All clinics, offices, and other facilities operated by or with medical and health care professionals licensed or regulated by Chapter 30 Health Care Boards, except for the hospitals and ambulatory surgical centers subject to Section 1 of this Order, may resume all operations and procedures, including elective procedures, according to such guidance and best practices as is disseminated by the applicable Chapter 30 Health Care Board(s) pursuant to Section 2 of this Order.
4. The term "Chapter 30 Health Care Boards" as used in this Order includes the following boards of licensure and/or regulation established under Chapter 30 of the West Virginia Code:
    a. West Virginia Acupuncture Board, established under Article 36 of Chapter 30 of the Code of West Virginia;
    b. West Virginia Board of Chiropractic, established under Article 16 of Chapter 30 of the Code of West Virginia;
    c. West Virginia Board of Examiners in Counseling, established under Article 31 of Chapter 30 of the Code of West Virginia;
    d. West Virginia Board of Dentistry, established under Article 4 of Chapter 30 of the Code of West Virginia;
    e. West Virginia Board of Licensed Dieticians, established under Article 35 of Chapter 30 of the Code of West Virginia;
    f. West Virginia Board of Hearing-Aid Dealers, established under Article 26 of Chapter 30 of the Code of West Virginia;
    g. West Virginia State Board of Examiners for Licensed Practical Nurses, established under Article 7A of Chapter 30 of the Code of West Virginia;
    h. West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners, established under Article 23 of Chapter 30 of the Code of West Virginia;

i. West Virginia Board of Medicine, established under Article 3 of Chapter 30 of the Code of West Virginia;

j. West Virginia Board of Occupational Therapy, established under Article 28 of Chapter 30 of the Code of West Virginia;

k. West Virginia Board of Optometry, established under Article 8 of Chapter 30 of the Code of West Virginia;

l. West Virginia Board of Osteopathic Medicine, established under Article 14 of Chapter 30 of the Code of West Virginia;

m. West Virginia Board of Pharmacy, established under Article 5 of Chapter 30 of the Code of West Virginia;

n. West Virginia Board of Physical Therapy, established under Article 20 of Chapter 30 of the Code of West Virginia;

o. State Board of Examiners of Psychologists, established under Article 21 of Chapter 30 of the Code of West Virginia;

p. West Virginia Board of Examiners for Registered Professional Nurses, established under Article 7 of Chapter 30 of the Code of West Virginia;

q. West Virginia Board of Respiratory Care, established under Article 34 of Chapter 30 of the Code of West Virginia;

r. West Virginia Board of Social Work, established under Article 30 of Chapter 30 of the Code of West Virginia; and

s. West Virginia Board of Examiners for Speech-Language Pathology and Audiology, established under Article 32 of Chapter 30 of the Code of West Virginia.

5. All clinics, offices, and other facilities that resume or expand operations under this Order shall ensure that sufficient occupationally appropriate PPE and other medical equipment and resources are sufficiently available and that such clinics, offices, and other facilities must be aware of statewide PPE, supplies, equipment, and medicine needs and must be prepared to contribute as necessary.

6. All guidance and best practices documents developed, published, and disseminated by Chapter 30 Health Care Boards shall also be provided to the West Virginia Department of Health and Human Services, Bureau for Public Health.

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-seventh day of April, 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