

Dr. Sue Painter, DNP, RN
Executive Director

email: rnboard@wv.gov
web address: wvrnboard.wv.gov



TELEPHONE:

(304) 744-0900

FAX (304) 744-0600

STATE OF WEST VIRGINIA
BOARD OF EXAMINERS FOR REGISTERED PROFESSIONAL NURSES
90 MacCorkle Avenue, SW
Suite 203
South Charleston, WV 25303-1443

March 23, 2020

Mac Warner, The Honorable Secretary of State,
Secretary of State's Office – Administrative Law
Bldg. 1, Suite 157-K
1900 Kanawha Blvd. East
Charleston, WV 25305-0770

FILED
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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

RE: West Virginia Code of State Rules
Administrative Notice of Suspension of 19 CSR 3-3.1.a.4; 19 CSR 3-4.2;
19 CSR 3-7.1.d.; 19 CSR 3-7.1.e.; 19 CSR 3-7.2.c.; 19 CSR 3-11.1;
19 CSR 8-3.1.b.

The Honorable Governor of the State of West Virginia, Jim Justice, declared a State of Emergency on March 16, 2020, to address the emergency created by the worldwide COVID-19 pandemic, or more commonly known as the novel coronavirus. With surrounding states having confirmed COVID-19 cases and now West Virginia having multiple confirmed case, the Governor, in accordance with emergency powers granted to the Governor pursuant to W. Va. Code § 15-5-6, and more specifically W. Va. Code §15-5-6(c)(7) and as stated in the Governor's Proclamation Declaring a State of Emergency issued on March 16, 2020, the West Virginia Board of Examiners for Registered Professional Nurses (Board) at the direction of the Governor seeks to temporarily suspend the requirements of certain rules as set forth below.

The suspension of the law and rules is sought because the Board has received information indicating applicants are not able to obtain certain information required for licensure due to the restrictions being placed on the entities that have the information needed by the applicants in order to achieve licensure. Specifically, some facilities where fingerprints can be submitted to obtain background checks have closed. As to the verification of licensure for endorsement applicants, the Board can more quickly verify the applicants license by utilizing what is contained on the individual state's website rather than requiring the nurse to submit a request through the system maintained by the National Council of State Boards of Nursing. The extension of the temporary permit beyond the 90 days is necessary because the facilities where applicants can sit for the required NCLEX examination are closing or have already closed. Suspension of this rule will allow the applicants to maintain a temporary permit to practice until the ability to sit for the examination is achieved.

In the best interest of public health, safety and welfare of the citizens of the State of West Virginia it is essential that the Board have the ability to continue to license applicants during this crisis. The Board will continue to exercise all its powers to assure the safety of the public.

In accordance with W. Va. Code §15-5-6(c)(7), the Governor suspends 19 CSR 3-3.1.a.4; 19 CSR 3-4.2; 19 CSR 3-7.1.d.; 19 CSR 3-7.1.e.; 19 CSR 3-7.2.c.; 19 CSR 3-11.1; 19 CSR 8-3.1.b., with strikethroughs indicating stricken language and underscoring indicating new language, as follows:

§19-3-3. Application for Examination

19 CSR 3-3.1.a.4.

3.1.a.4. The applicant shall submit to a state and a national electronic criminal history records check for the purpose of determining whether the applicant has been charged with, indicted for, or convicted of a crime that may have bearing upon the applicant's fitness to hold a license. Provided that, if the facility where the applicant is to submit finger prints for the purposes set forth in this rule is closed due to the emergency caused by the COVID-19 crisis and the applicant cannot report to a different facility within a 50 mile radius of the applicant's home, the applicant shall submit to the requirements of this rule as soon as the state of emergency is lifted by the Governor in West Virginia or as soon as other fingerprinting resources have become made available to the applicant, which ever comes first. In no such case shall applicants submit to criminal history records checks later than thirty (30) days after the state of emergency has been lifted by the Governor.

§19-3-4. Temporary Permit to Practice as a Registered Professional Nurse.

19 CSR 3-4.2

4.2. The board may issue a temporary permit to an applicant for examination following graduation from a state approved nursing education program. The temporary permit expires ~~ninety (90) days following graduation,~~ or at the time licensure examination results are announced, whichever comes first. A temporary permit is not renewable.

§19-3-7. Licensure by Endorsement.

19 CSR 3-7.1.d.

7.1.d. ~~have submitted~~ the board will obtain a verification of licensure from the state in which he or she was originally licensed and the state in which he or she is

currently employed if it is different than the original state of licensure. ~~If these boards participate in the licensure verification system maintained by the National Council of State Boards of Nursing, the applicant shall follow the process of verification to another state in accordance with the procedures set in place for that system.~~

19 CSR 3-7.1.e.

7.1.e The applicant shall submit to a state and a national electronic criminal history records check for the purpose of determining whether the applicant has been charged with, indicted for, or convicted of a crime that may have bearing upon the applicant's fitness to hold a license. Provided that, if the facility where the applicant is to submit finger prints for the purposes set forth in this rule is closed due to the emergency caused by the COVID-19 crisis and the applicant cannot report to a different facility within a 50 mile radius of the applicant's home, the applicant shall submit to the requirements of this rule as soon as the state of emergency is lifted by the Governor in West Virginia or as soon as other fingerprinting resources have become made available to the applicant, whichever comes first. In no such case shall applicants submit to criminal history records checks later than thirty (30) days after the state of emergency has been lifted by the Governor.

7.2. Temporary permit for endorsement applicant.

19 CSR 3-7.2.c.

~~7.2.c. The temporary permit expires ninety (90) days from the date of issuance and the expiration date shall be printed on the temporary permit.~~

§19-3-11. Verification of Licensure to Another State Board of Nursing.

19 CSR 3-11.1

11.1. The board shall provide a verification of West Virginia licensure upon submission of a written request by the licensee for the verification and payment of a fee set forth in the board's rule, §19 CSR 12, Fees. ~~Should the board participate in the licensure verification system as maintained by the National Council of State Boards of Nursing, the licensee shall follow the process of endorsement to another state in accordance with the procedures set in place for that system.~~ If the licensee is a graduate of a school which has closed and his or her records are on file in the board office, the board shall provide a copy of school records upon written request and payment of the fees set forth in the board's rule, Fees, 19 CSR 12.

§19-8-3. Application and Eligibility for Limited Prescriptive Authority.

19 CSR 8-3.1.b.

~~3.1.b. Provide documentation of the use of pharmacotherapy in clinical practice in the education program;~~

§19-11-3. Continuing Education.

3.1.2. Each applicant for renewal of a license, if the license is currently active, ~~or reinstatement of a license if a license is lapsed or on the non-practicing list,~~ shall verify that he or she has satisfactorily completed twelve (12) contact hours of continuing education during the one year reporting period prescribed in subdivision 3.1.1 of this rule.

Suspension of the above rules shall take effect immediately and shall cease upon the filing of a Notice lifting the suspension or upon the termination of the State of Emergency, whichever occurs first.

If you have any questions, please feel free to contact the Board at:

**West Virginia Board of Examiners
for Registered Professional Nurses**
90 MacCorkle Ave. SW, Suite 203
South Charleston, WV 25303
Phone: (304) 744-0900 or 1-877-743-NURS(6877)
Fax: (304) 744-0600
Web Address: www.wvrnboard.wv.gov
Email: nboard@wv.gov

Sincerely,



Sue Painter, DNP, RN
Executive Director