



STATE OF WEST VIRGINIA
BOARD OF OSTEOPATHIC MEDICINE

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MEMORANDUM

DATE: March 26, 2020
TO: Mac Warner
Secretary of State
FROM: Jonathan T. Osborne
Executive Director of the West Virginia Board of Osteopathic Medicine
RE: **Suspension of Rules in Response to COVID-19**

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2020 MAR 26 P 12:09

FILED

The West Virginia Board of Osteopathic Medicine requests that the rules described below be temporarily suspended, effective immediately, pursuant to W. Va. Code § 15-5-6(c)(7) and the State of Emergency declared by Governor Justice on March 16, 2020. The Board further requests that the subject rules remain suspended until the Board terminates this Notice or the State of Emergency is lifted, whichever occurs first.

1. In order to maximize the number of healthcare providers available during the State of Emergency, the Board suspends licensure requirements set forth in **24 CSR 1** and **24 CSR 2** for the following categories of DOs and PAs:

- a. DOs and PAs who are not currently or formerly licensed in West Virginia and who hold valid, unrestricted medical licensure in another state, district, or territory of the United States and who have no pending complaints, investigations, or disciplinary proceedings; and
- b. DOs and PAs who, at one time, possessed a license issued by the Board of Osteopathic Medicine but are now retired or in inactive status with no pending complaints, investigations, consent orders, board orders, or pending disciplinary proceedings.

Suspension of these requirements will allow the Board to grant temporary licenses for the duration of the State of Emergency to DOs and PAs satisfying one of the two categories. DOs and PAs seeking temporary licensure will be required to file an application for a temporary license with the Board. The Board waives licensure fees set forth in **24 CSR 5** for DOs or PAs who are granted a temporary license to practice in West Virginia during the State of Emergency. Strict compliance with these rules would hinder or delay necessary action in coping with the emergency declared by the Governor.

2. Pursuant to **W. Va. CSR § 24-1-15.2.g** and **W. Va. CSR § 24-2-17**, respectively, DOs and PAs are required to biennially furnish proof of completion of Continuing Medical Education requirements prior to renewing their licenses. In order to relieve DOs and PAs responding to the COVID-19 emergency, the Board temporarily extends the applicable deadline for submitting proof of CME hours for a period of up to six (6) months. DOs and PAs may apply CME hours obtained after the applicable deadline to the current reporting period. However, in no event may CME hours be applied to more than one reporting period. DOs and PAs shall still be

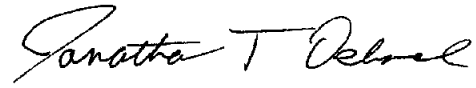
required to comply with all other renewal requirements by the applicable deadline, including filing an application and paying applicable fees. Strict compliance with these rules would hinder or delay necessary action in coping with the emergency declared by the Governor.

3. The Board temporarily extends the deadline for graduate medical trainees to submit applications for renewals of educational permits as set forth in **W. Va. CSR § 24-1-13**. Strict compliance with this rule would hinder or delay necessary action in coping with the emergency declared by the Governor.

4. During the 2020 Regular Session, the Legislature passed SB 770 which made changes to the Board's requirements for post-graduate training to remove a requirement that will no longer be available to licensees after July 1, 2020 (AOA approved programs), and to remove the requirement that individuals graduating from ACGME programs have to complete 40 hours of Continuing Medical Education prior to licensure that their M.D. counterparts do not have to complete. Therefore, the Board suspends the post-doctoral training requirements set forth in **W. Va. CSR § 24-1-4.2.c**, to the extent they are inconsistent with SB 770. Strict compliance with this rule would hinder or delay necessary action in coping with the emergency declared by the Governor.

5. In recognition of the potentially fluid and dynamic nature of providing medical care during the COVID-19 emergency, the Board will allow PAs and hospitals to notify the Board via email of new collaborating physicians under practice agreements and notifications. This temporary measure affects the provisions of **W. Va. CSR § 24-2-11** and **W. Va. CSR § 24-2-14**. The Board also temporarily suspends the fees associated with making changes to practice agreements and practice notifications set forth in the aforementioned provisions and **24 CSR 5**. Nothing in this rule suspension shall be construed to modify the scope of practice or prevailing standard of care

applicable to PAs. Strict compliance with these rules would hinder or delay necessary action in coping with the emergency declared by the Governor.

A handwritten signature in black ink, reading "Janatha T. Delval". The signature is written in a cursive style with a large initial 'J' and a distinct 'T'.

(Agency Representative)