



State of West Virginia Board of Medicine

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MARK A. SPANGLER, MA
EXECUTIVE DIRECTOR

MEMORANDUM

TO: The Honorable Mac Warner
Secretary of State

FROM: Mark A. Spangler, Executive Director
West Virginia Board of Medicine

DATE: March 26, 2020

RE: Temporary Suspension of Certain Provisions of 11 CSR 5

The West Virginia Board of Medicine is the state agency charged with protecting the health and safety of the public through licensure, regulation and oversight of medical doctors (MDs), podiatric physicians (DPMs), and collaborating physician assistants (PAs).

On March 16, 2020, the Honorable Governor of the State of West Virginia, Jim Justice, declared a State of Emergency to address the COVID-19 pandemic and delegated "to all state agencies the ability to suspend rules, if strict compliance therewith would in any way prevent, hinder or delay necessary action in coping with the emergency."

On March 19, 2020, Governor Justice issued Executive Order 7-20, authorizing the suspension of certain regulations codified in the West Virginia Medical Practice Act, W. Va. Code § 30-3-1 *et seq.* and the West Virginia Physician Assistants Act, W. Va. Code § 30-3E-1 *et seq.* to suspend certain statutory provisions relative to the regulation of physician and physician assistant practice in West Virginia. On March 23, 2020, by way of Executive Order 10-20, Governor Justice amended the provisions of Executive Order 7-20, relating to the suspension of certain regulations related to physician practice in West Virginia.

In accord with the March 16, 2020 Emergency Proclamation and Executive Orders 7-20 and 10-20, the Board of Medicine respectfully requests that the following provisions of W. Va. Code R. § 11-5-1 *et seq.* be temporarily suspended:

Rule Section	Temporary Suspension
11-5-3.6 (suspend only the strikethrough language)	3.6. An initial controlled substance dispensing registration shall expire on the same date as the practitioner's medical, podiatric or physician assistant license, unless renewed prior to that date. Thereafter, registration shall be valid for a period of two years.

11-5-3.8 (suspend only the strikethrough language)	3.8. After the initial registration period, all controlled substance dispensing registrations shall be valid for a period of two years , and the annual registration fee shall be collected biennially at a rate of thirty dollars per dispensing location.
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Board of Medicine licensees are on the front line of the COVID-19 epidemic, and the Board is committed to seeking emergency measures to assist them as they work to protect and serve the citizens of West Virginia. Half of West Virginia physicians hold licenses scheduled to expire on June 30, 2020. Associated Controlled Substance Dispensing Registrations also expire on June 30, 2020. Pursuant to Executive Order 7-20, the Board has the flexibility to extend physician renewal. These temporary rule suspensions will facilitate protection of the public by reducing regulatory strain on providers as they respond to the COVID-19 emergency by extending current authorizations to dispense and the associated renewal deadline.

Thank you for your time and attention to this request. If granted, the Board of Medicine further requests that the identified rule provisions be suspended until the State of Emergency is lifted.