



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 6

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. § 11-6-1 *et seq.* be temporarily suspended:

| Rule Section | Temporary Suspension |
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| 11-6-2.12 (suspend only the strikethrough language) | 2.12. "Reporting period" means the two-year period preceding the renewal deadline for a license issued by the Board. Continuing education satisfactory to the Board must be obtained in each reporting period. |

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| <p>11-6-3.1 (suspend only the strikethrough language)</p> | <p>3.1. Physicians. -- Successful completion of a minimum of fifty hours of continuing medical education satisfactory to the Board during the preceding two-year period is required for the biennial renewal of a medical license. At least thirty hours of the required fifty hours must be related to the physician's area or areas of specialty.</p> |
| <p>11-6-3.2 (suspend only the strikethrough language)</p> | <p>3.2. Podiatric physicians. -- Successful completion of a minimum of fifty hours of continuing podiatric education satisfactory to the Board during the preceding two-year period is required for the biennial renewal of a podiatric license. At least thirty hours of the hours must be related to the podiatric physician's area or areas of specialty. Types and categories of continuing podiatric education activity satisfactory to the Board for podiatric physicians are:</p> <p style="padding-left: 40px;">3.2.a. Continuing podiatric education:</p> <p style="padding-left: 80px;">3.2.a.1. Approved by the APMA or Council on Podiatric Medical Education;</p> <p style="padding-left: 80px;">3.2.a.2. Presented or sponsored by any of the podiatry colleges in the United States;</p> <p style="padding-left: 80px;">3.2.a.3. Designated as Category I by the AMA or the American Academy of Family Physicians; or</p> <p style="padding-left: 80px;">3.2.a.4. Presented or sponsored by the West Virginia Podiatric Medical Association.</p> |
| <p>11-6-5.6 (suspend only the strikethrough language)</p> | <p>5.6. Reinstatement Applicants. - As a part of a reinstatement application, an eligible applicant shall certify his or her completion of all required continuing education for the previous reporting period, and shall submit written documentation satisfactory to the Board corroborating applicant's certification of continuing education compliance.</p> |
| <p>11-6-5.7 (suspend only the strikethrough language)</p> | <p>5.7. Reactivation applicants. – An eligible applicant seeking reactivation of licensure shall submit a reactivation application packet, which includes an initial licensure application accompanied by any corroborating documentation or verifications required by the Board for reactivation applicants, the reactivation application fee, and one of the following:</p> <p style="padding-left: 40px;">5.7.a. Certification and written documentation of successful completion of continuing education for the reporting period associated with the applicant's last period of licensure with the Board;</p> <p style="padding-left: 40px;">5.7.b. Certification and written documentation of successful completion of fifty hours of continuing education satisfactory to the Board within two-year period preceding the application submission date; or</p> |

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| | <p>5.7.c. An attestation by the applicant that he or she holds an active status license in another state which requires the periodic completion of a minimum number of continuing education hours as a condition of continued licensure, and that the applicant is currently compliant with all such continuing education requirements.</p> |
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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 all West Virginia physicians hold a license scheduled to expire on June 30, 2020. These temporary rule suspensions will facilitate protection of the public by reducing regulatory strain on providers responding to the COVID-19 emergency by providing additional time for the completion of continuing education beyond the current June 30, 2020 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.