

**West Virginia Board of Examiners for  
Speech-Language Pathology and Audiology**

**FILED**

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2020 APR 14 P 1:47

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**Patricia J. Nesbitt, Executive Director**

April 14, 2020

**Via U.S. Mail and E-mail**

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

Re: West Virginia Board of Examiners for Speech-Language Pathology and Audiology  
Temporary Suspension of W. Va. Code R. §§ 29-1-10.1.a, 29-1-10.4.a for Certain  
Applicants

Dear Secretary of State Warner:

The Honorable Governor of the State of West Virginia, Jim Justice, has declared a State of Emergency to address the emergency created by the worldwide coronavirus (COVID-19) pandemic. In a Proclamation issued March 16, 2020, the Governor 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." The Governor has also ordered the closure of schools, grades pre-K through 12, in the State of West Virginia through at least April 30, 2020.

The West Virginia Board of Examiners for Speech-Language Pathology and Audiology ("Board") is actively monitoring the effects of the COVID-19 pandemic. The Board is charged with licensing and regulating the practice of speech-language pathology and audiology in the State of West Virginia. W. Va. Code §§ 30-32-1 et seq. West Virginia Code requires an individual to apply for and obtain a license from the Board in order to practice speech-language pathology and audiology in this State. W. Va. Code § 30-32-1. The Board has statutory authority to promulgate rules setting forth the application and licensure fees. W. Va. Code § 30-32-6. At present, the Board charges an application fee of \$100.00 and a license fee of \$100.00. W. Va. Code R. §§ 29-1-10.1.a, 29-1-10.4.a. As explained herein, the Board believes it necessary, in order to fulfill its primary mission of protecting the public during this crisis, to temporarily suspend these two rules (fees) for certain applicants.

Following his Proclamation, the Governor ordered West Virginia residents to stay at home unless performing an essential activity. See Executive Order No. 09-20, issued March 23, 2020. Among the "essential activities" enumerated in that Order is "obtaining non-elective medical care and treatment and other similar vital services for an individual or a family member of the individual." Further, on March 26, 2020, the WV Department of Health and Human Resources issued a directive, effective at 8 p.m. on March 24, 2020, that "all non-emergent, non-urgent in-person medical, surgical, dental, and any other

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~Patricia Nesbitt – Executive Director~

health care practice or procedure must have immediately ceased.” The DHHR directive further states, “[u]nder all circumstances where clinically possible,

use of telephonic or video communication to provide telemedicine services is strongly urged.” These orders and directives are necessary to combat and limit the spread of COVID-19.

With schools being closed during the COVID-19 pandemic, and in light of the Governor’s orders, students do not have in-person access to speech-language pathology and audiology services. Furthermore, only “[l]icensed speech-language pathologists and audiologists may provide services in this state by telepractice.” W. Va. Code § 30-32-16(a); see also W. Va. Code R. § 29-1-15.6. The Board understands that some providers of speech-language pathology and audiology services in West Virginia schools are certified to do so by the West Virginia Department of Education (“WVDE”), but they do not hold a license with the Board. For these providers to continue to serve students via telepractice, they will need to apply for and obtain a license from the Board.

To encourage those providers to do so, and pursuant to the Governor’s Proclamation, the Board has voted to suspend the application fee and license fee requirements, set forth in W. Va. Code R. §§ 29-1-10.1.a, 29-1-10.4.a, for applications submitted by WVDE-certified individuals from now until June 30, 2020. The Board believes such measures are necessary for West Virginia students to continue to receive vital speech-language pathology and audiology services.

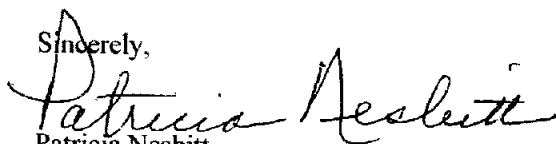
To clarify, only the application fee and license fee are suspended for those applicants who submit proof of WVDE certification; all other requirements, qualifications, and procedures set forth in W. Va. Code §§ 30-32-1 et seq. and W. Va. Code R. §§ 29-1-1 et seq. still apply to such applicants. Further, these fees are only suspended for applications submitted on or before June 30, 2020. Any license applied for during this time period, if granted, is valid until December 31, 2020 and may be renewed pursuant to the Board’s statutes and rules.

The Board has detailed provisions in its statutes and rules to guide practitioners in employing telepractice, including practice standards, ethical requirements, supervision requirements, and patient confidentiality requirements, see W. Va. Code § 30-32-16, W. Va. Code R. § 29-1-15, and will communicate those as necessary during the crisis.

The Board would respectfully request that the Secretary of State’s Office accept this correspondence as notice of the temporary suspension of W. Va. Code R. §§ 29-1-10.1.a, 29-1-10.4.a for WVDE-certified applicants, and post a copy of this correspondence on its website.

Should you have any questions regarding this correspondence, please contact the Board’s office (currently working remotely) by telephone, 304-642-9962, or by email, [wvbeslpa@wv.gov](mailto:wvbeslpa@wv.gov)

Sincerely,



Patricia Nesbitt

Executive Director

West Virginia Board of Examiners for Speech-Language Pathology and Audiology

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