

Dr. Sue Painter, DNP, RN  
Executive Director

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**STATE OF WEST VIRGINIA  
BOARD OF EXAMINERS FOR REGISTERED PROFESSIONAL NURSES**

**5001 MacCorkle Ave, SW  
SOUTH CHARLESTON, WV 25309**

September 21, 2021

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

RECEIVED  
21 SEP 22 PM 2:56  
SECRETARY OF STATE

Re: West Virginia Code of State Rules  
Administrative Notice of Suspension of 19 CSR 3-9.2

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. 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 that West Virginia hospitals are experiencing an increase in the number of patients occupying hospital beds due to the Covid-19 pandemic. This increase in patient load has fueled demand for an immediate increase in nurses to treat these patients. 19 CSR 3-9.2, in its current form, allows nurses who have no disciplinary actions pending against them to change their license status to inactive rather than letting their licenses lapse. In order to return to active status the nurse must 1) submit an application to the board, 2) pay the current fee of \$25.00, and 3) complete 12 hours of continuing education.

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 streamline the process of returning

inactive nurses to active status. Eliminating the 12 hours of continuing education will accomplish this goal. This streamlined process will help provide more nurses to treat the increased patient loads resulting from the COVID-19 pandemic. As a result, on September 17, 2021, the West Virginia Board of Examiners for Registered Professional Nurses voted to suspend the portion of 19 CSR3-9.2 which requires “completion of required continuing education” in order for an inactive nurse to return to active status.

In accordance with W.Va. Code § 15-5-6(c)(7), the Governor suspends 19 CSR 3-9.2 with strikethroughs indicating stricken language as follows:

19 CSR 3-9.2. Request for inactive status.

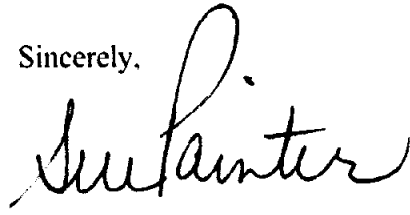
A licensee who is not practicing, and who has no disciplinary action pending against his or her license, may request his or her name be entered on the inactive list by completing an inactive application furnished by the board and indicating his or her desire to be placed on inactive status. The board shall then designate the licensee's records "inactive". No fee is required for inactive status and no license is issued. The board may provide the inactive licensee, upon application, payment of the current fee, ~~and completion of required continuing education~~, an active license to practice registered professional nursing in West Virginia. The board may inquire into activities and events during the term of the inactive license period.

Suspension of the above rules shall take effect immediately and shall cease upon October 31,

2022. If you have any questions, please feel free to contact the Board at:

West Virginia Board of Examiners  
for Registered Professional Nurses  
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South Charleston WV 25303  
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[mbaord@wv.gov](mailto:mbaord@wv.gov)

Sincerely,

A handwritten signature in cursive script that reads "Sue Painter". The signature is written in black ink and is positioned below the word "Sincerely,".

Sue Painter, DNP, RN  
Executive Director