

Dr. Sue Painter, DNP, RN  
Executive Director

Email: [rnboard@wv.gov](mailto:rnboard@wv.gov)  
Web address: [wvrnboard.wv.gov](http://wvrnboard.wv.gov)



TELEPHONE:  
(304) 744-0900

FAX (304) 744-0600

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

5001 MacCorkle Ave, SW  
SOUTH CHARLESTON, WV 25309

September 29, 2021

FILED IN THE OFFICE OF  
THE SECRETARY OF STATE  
THIS DATE 10/12/2021  
ADMINISTRATIVE LAW DIVISION

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

Re: West Virginia Code of State Rules  
Administrative Notice of Suspension of 19 CSR 3-9.3

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 3-9.3, in its current form, allows nurses to change their license status to "retired" 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) meet all reinstatement requirements.

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 retired nurses to active status. Eliminating the 12 hours of continuing education and background

check requirements 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 CSR3-9.3 which requires "all reinstatement requirements" to include completion of 12 hours of continuing legal education and background check in order for a retired nurse to return to active status.

In accordance with W.Va. Code § 15-5-6(c)(7), the Governor suspends 19 CSR 3-9.3 with underscoring indicating new language as follows:

9.3. Request for retired status.

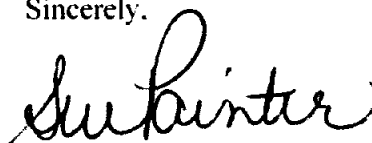
A licensee who has retired from the practice of nursing in all states may upon request be placed in a retired status. The retired status registered professional nurse may not practice as a registered professional nurse in any state and may not in any way indicate to any persons that he or she is licensed to practice as a registered professional nurse. If the individual in a retired status does practice in any form, voluntarily or for pay, as a registered professional nurse, he or she is guilty of practicing nursing without a license and shall be subject to the appropriate penalties contained in law and rule. If at any time the individual in the retired status desires to return to the practice of nursing, he or she shall submit the reinstatement application along with the current fee and shall meet all reinstatement requirements except continuing legal education and background check requirements.

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  
5001 MacCorkle Ave, SW  
South Charleston WV 25303  
Phone: (304) 744-0900  
Fax: 304) 744-0600

Sincerely,

A handwritten signature in black ink, appearing to read "Sue Painter". The signature is written in a cursive, flowing style.

Sue Painter, DNP, RN  
Executive Director