



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Medicine

RULE TYPE: Legislative TITLE-SERIES: 11-14

RULE NAME: Registration to Practice During Declared
State of Emergency

CITE AUTHORITY: W. Va. Code §§ 30-3-7(a)(1) and 30-3E-3
(a).

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Mark A Spangler -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

11CSR14

TITLE 11
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF MEDICINE

SERIES 14
REGISTRATION TO PRACTICE DURING DECLARED
STATE OF EMERGENCY

§11-14-1. General.

1.1. Scope. -- This rule establishes procedures for authorizing a physicians ~~and~~ or physician assistants who does not hold an active status medical license to practice in West Virginia during a declared state of emergency.

1.2. Authority. -- W. Va. Code §§ 30-3-7(a)(1) and 30-3E-3(a).

1.3. ~~Filing Date. -- May 19, 2021.~~

1.4. ~~Effective Date. -- June 1, 2021.~~

1.5. Sunset Provision -- This rule shall terminate and have no further force or effect upon August 1, ~~2026~~ 2027.

§11-14-2. Registration for Out-Of-State Physicians and Physician Assistants to Practice in West Virginia During Declared State of Emergency.

2.1. In the event of an emergency declared by the Governor of West Virginia, the Board shall allow a physicians ~~and/or~~ physician assistants--licensed in another state to provide medical care in West Virginia under special provisions during the period of the declared emergency, subject to such limitations and conditions as the Governor may prescribe. To be eligible to practice pursuant to this rule, the physician or physician assistant must register with the Board.

2.2. The out-of-state physician ~~and/or~~ physician assistant shall submit to the Board the following information on a form provided by the Board to establish eligibility for registration to practice during a declared state of emergency:

2.2.1. Verification of a valid, permanent, current, and unrestricted license to practice in another state;

2.2.2. Verification that the physician or physician assistant is not the subject of a pending or active complaint, investigation, Consent Order, Board Order or pending disciplinary proceeding in any jurisdiction;

2.2.3. Verification that the physician or physician assistant has not surrendered a license while under investigation or had a license revoked in any jurisdiction, unless the revocation was subsequently withdrawn or overturned;

2.2.4. Date of birth and current contact information, including home address and valid email address; and

2.2.5. Current federal or state photo identification, i.e., driver license or passport.

2.3. Registration with the Board as an out-of-state physician ~~and~~ or physician assistant authorized to practice in West Virginia during a declared state of emergency does not require the payment of any fee.

~~2.4. The out-of-state physician and/or physician assistant shall not practice in West Virginia under the special emergency provisions beyond the termination date of the emergency. Practice in West Virginia beyond the termination date of the declared emergency requires licensure through the Board. An Emergency registrations for an out of state physicians and or physician assistants issued pursuant to this section shall expire sixty days after issuance or five business days after a declared state of emergency terminates, whichever is sooner. Thereafter, the emergency registrant must hold an active West Virginia license or interstate telehealth registration to practice medicine and surgery to patients in West Virginia.~~

§11-14-3. Registration for Inactive and Retired West Virginia Physicians and Physician Assistants to Practice in West Virginia During Declared State of Emergency.

3.1. In the event of an emergency declared by the Governor of West Virginia, the Board shall allow an inactive ~~and~~ or retired physician or physician assistant who currently holds an inactive or expired status West Virginia medical license or physician assistant license to provide medical care in West Virginia under special provisions during the period of the declared emergency, subject to such limitations and conditions as the Governor may prescribe. To be eligible to practice pursuant to this rule, the physician or physician assistant must register with the Board.

3.2. To be eligible for registration to practice under this section, the physician or physician assistant must:

3.2.1. Have had an active clinical practice within the last five years;

3.2.2. No longer hold an active status medical or physician assistant license in any state;

3.2.3. Not have surrendered a medical license or physician assistant license while under investigation or had a license revoked in any jurisdiction, unless the revocation was subsequently withdrawn or overturned; and

3.2.4. Have been in good standing at the time the physician's West Virginia medical license or the physician assistant's West Virginia physician assistant license became inactive or expired.

3.3. The physician or physician assistant shall submit to the Board the following information on a form provided by the Board:

3.3.1. Verification that the inactive or retired West Virginia physician or physician assistant is not the subject of a pending or active complaint, investigation, Consent Order, Board Order or pending disciplinary proceeding in any jurisdiction;

3.3.2. Verification that the physician or physician assistant has not surrendered a license while under investigation or had a license revoked in any jurisdiction, unless the revocation was subsequently withdrawn or overturned;

3.3.3. Date of birth and current contact information, including home address and valid email address; and

3.3.4. Current federal or state photo identification, i.e., driver license or passport.

3.4. Registration with the Board does not require the payment of any fee.

3.5. ~~The inactive or retired physician or physician assistant shall not practice in West Virginia under the special emergency provisions beyond the termination date of the emergency. Practice in West Virginia beyond the termination date of the declared emergency requires reinstatement or reactivation of licensure through the Board. An Emergency registrations for issued to a retired or inactive physicians and or physician assistants shall expire sixty days after issuance or five business days after a declared state of emergency terminates, whichever is sooner. Thereafter, the emergency registrant must hold an active West Virginia license or interstate telehealth registration to practice medicine and surgery to patients in West Virginia.~~

§11-14-4. Required Records.

4.1. The Board shall provide each physician and physician assistant registered to practice during a declared state of emergency written verification of registration and registration expiration via email.

4.2. The Board shall maintain a list of ~~all each~~ physicians and physician assistants who ~~are is~~ registered to practice in West Virginia during a declared state of emergency pursuant to the provisions of this rule.

§11-14-5. Professional Conduct, Authorization Denial, Complaint and Disciplinary Procedures.

5.1. The Board shall deny a registration to practice during a declared state of emergency to any physician or physician assistant who is ineligible based upon the criteria set forth in this rule or additional criteria established by the Governor during the declared state of emergency.

5.2. ~~All A~~ physicians ~~and or~~ physician assistants who ~~are is~~ registered to practice pursuant to this rule ~~are is~~ required to meet the professional conduct standards and requirements required of licensed physicians and licensed physician assistants in West Virginia.

5.3. ~~All A~~ physician assistants who ~~are is~~ registered to practice pursuant to this rule must practice pursuant to an ~~authorized Practice Agreement or~~ active Practice Notification pursuant to W. Va. Code § 30-3E-1 *et seq.*, and all applicable legislative rules.

5.4. The Board may rescind a registration granted pursuant to this rule for conduct which is equivalent to any of the grounds cited for the discipline in W. Va. Code §30-3-14(c), section 12 of the Board's rule 11 CSR 1A, and/or section 21 of 11 CSR 1B. In its discretion, the Board may also report or refer any complaint or allegation of professional misconduct to ~~a physician or physician assistant's~~ an emergency registrant's out of state licensing board.