



WEST VIRGINIA SECRETARY OF STATE
KRIS WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
 5/4/2026 4:08:06 PM
 Office of West Virginia
 Secretary Of State

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-
 MAKING REVIEW COMMITTEE**

AGENCY: Medicine TITLE-SERIES: 11-14
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
 RULE NAME: 11-14 Registration to Practice During Declared State of Emergency

PRIMARY CONTACT

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

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

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

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? Yes

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? Yes

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD:

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED:

COMMENTS RECEIVED:

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING:

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS:

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

This rule sets forth the emergency registration process to allow physicians and physician assistants who are licensed in another state or who currently hold an inactive or expired status West Virginia license to provide medical care in West Virginia under special provisions during the period of a declared emergency.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

This rule establishes the process for providers to surge in West Virginia and provide critical medical services during a declared state of emergency. Retention of this rule will streamline the registration process for emergency practice should an emergency occur in the future.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

C. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2026 Increase/Decrease (use "-")	2027 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost			
Personal Services			
Current Expenses			
Repairs and Alterations			
Assets			
Other			
2. Estimated Total Revenues			

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

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

Yes

Jamie C Frame -- 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.

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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 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 9, 2022.~~

1.4. Effective Date. -- ~~July 1, 2022.~~

1.5. Sunset Provision -- This rule shall terminate and have no further force or effect upon August 1, ~~2027~~ 2037.

§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 physician or physician assistant 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 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

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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. An Emergency registration 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.

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3.5. An Emergency registration issued to a retired or inactive physician—or physician assistant 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 each physician and physician assistant who 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. A physician or physician assistant—who is registered to practice pursuant to this rule is required to meet the professional conduct standards and requirements required of licensed physicians and licensed physician assistants in West Virginia.

5.3. A physician assistant who is registered to practice pursuant to this rule must practice pursuant to an 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 an emergency registrant's out of state licensing board.