

**IMPORTANT NOTICE TO LICENSEES REGARDING
NOVEL CORONAVIRUS DISEASE 2019 (COVID-19)**

APRIL 3, 2020

In response to the novel coronavirus (COVID-19) pandemic, the Governor of the State of West Virginia declared a State of Emergency for all 55 counties on March 16, 2020.

On March 23, 2020, the Governor issued his Executive Order No. 09-20, commonly known as the “Stay at Home” Order. Effective as of 8:00 p.m., March 24, 2020, “all individuals within the State of West Virginia are under a general stay-at-home order and are directed to stay at home or their place of residence unless performing an essential activity.” Per the Order, an individual may leave his or her residence to “obtain[] non-elective medical care and treatment and other similar vital services for an individual or a family member of the individual.” A copy of the “Stay at Home” Order can be accessed by clicking the following link: https://coronavirus-wvgovstatus-cdn.azureedge.net/Stay_at_Home_Order_Summary_Sheet.jpg

On March 26, 2020, the West Virginia Department of Health and Human Resources issued a set of written directives regarding the provision of healthcare services, including dental care, during the State of Emergency. DHHR expressly directed that “all non-emergent, non-urgent in-person medical, surgical, dental, and any other health care practice or procedure must have immediately ceased effective at 8 p.m. March 24, 2020.” DHHR provided guidelines for healthcare practitioners to use in determining what is emergent, urgent, or non-urgent, and urged the use of telemedicine services where clinically possible. As stated in the DHHR directive, you are to exercise your best clinical judgment in implementing the restrictions on practice. A copy of DHHR’s written directives can be reviewed on the last two pages of this notice.

On March 31, 2020, the Governor issued his Executive Order No. 16-20. Effective as of 12:00 a.m., April 1, 2020, “all elective medical procedures” are prohibited in “hospitals, offices, and clinics” throughout the State of West Virginia. A copy of this Order can be accessed by clicking the following link: <https://governor.wv.gov/Documents/EO%2016-20electiveprocedures.pdf>

YOU SHOULD IMMEDIATELY REVIEW THESE DOCUMENTS IN THEIR ENTIRETY. Any questions regarding the contents of the documents should be directed to the Governor’s Office or DHHR, accordingly. Do NOT contact the Board office seeking guidance on how to exercise your own professional judgment in complying with the Governor’s Orders.

THE GOVERNOR’S EXECUTIVE ORDERS ARE EFFECTIVE UNTIL TERMINATION BY SUBSEQUENT ORDER.

BE ADVISED: Should the Board receive complaints against licensees alleging violations of the Governor’s Executive Orders or the Directives of DHHR during the State of Emergency, those licensees may be charged with unprofessional conduct or other charges per the WV Dental Practice Act and rules of the Board. If found guilty, a licensee could face significant penalties, up to and including suspension or revocation of license. W. Va. Code § 30-4-19.



**STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES**

**Bill J. Crouch
Cabinet Secretary**

March 26, 2020

On March 16, 2020, Governor Jim Justice issued a Proclamation declaring a State of Emergency in West Virginia due to the COVID-19 outbreak, and, among other things, delegating certain administrative powers to the Department of Health and Human Resources (DHHR), as necessary, to facilitate the provision of essential emergency services to alleviate the potential impacts to the people, property, and infrastructure of West Virginia that may be caused by this outbreak. On March 23, 2020, Governor Justice issued Executive Order No. 9-20 declaring and ordering that all West Virginia residents to stay at home unless obtaining non-elective medical care and treatment and other vital services. As the provision of health care is considered an essential business under the terms of E.O. No. 9-20, and pursuant to the authority delegated to the DHHR by the March 16, 2020, Proclamation, the following directives are in place until such time as the State of Emergency is lifted:

Social distancing measures have been recommended and ordered by state and federal authorities as a necessary means to limit and contain the spread of the COVID-19 infection. As a consequence of these orders:

1. All non-emergent, non-urgent in-person medical, surgical, dental, and any other health care practice or procedure must have immediately ceased effective at 8 p.m. March 24, 2020.
2. The State of West Virginia relies upon licensed health care professionals within the state to exercise their best clinical judgment in the implementation of this restriction.
3. To assist licensed health care professionals in the exercise of their judgment, the following guidelines are offered:
 - a. Emergent – Any health care service that, were it not provided, is at high risk of resulting in serious or irreparable harm, or both, to a patient if not provided within 24 hours.
 - b. Urgent – Any health care service that, were it not provided, is at high risk of resulting in serious or irreparable harm, or both, to a patient if not provided within 24 hours to 30 days.
 - c. Non-urgent – Any health care service that, were it not provided, is unlikely to result in any serious or irreparable harm, or both, to a patient if not provided for more than 30 days. (For example, chiropractic medicine.)
4. When considering the above guidance, clinicians are urged to consider whether the service provided would still be retrospectively deemed necessary if the patient (or close contact of the patient) were to become infected by COVID-19 as a result and suffer serious or irreparable harm, or both, as a result.
5. Under all circumstances where clinically possible, use of telephonic or video communication to provide telemedicine services is strongly urged. Medicare and

Medicaid have waived¹ typical telemedicine and HIPAA requirements and you may even use non-HIPAA compliant video services such as FaceTime, Skype, and others during the current State of Emergency.

All health care providers are instructed to follow these recommendations when considering what procedures to cancel. This directive becomes effective at 8 p.m., March 25, 2020.

DHHR will continue to provide information and updates to health care providers for the duration of the State of Emergency.

Signed,



Bill J. Crouch, Cabinet Secretary

¹ See <https://www.cms.gov/newsroom/press-releases/president-trump-expands-telehealth-benefits-medicare-beneficiaries-during-covid-19-outbreak>. See also [https://dhhr.wv.gov/bms/Pages/Coronavirus-Disease-2019-\(COVID-19\)-Alerts-and-Updates.aspx](https://dhhr.wv.gov/bms/Pages/Coronavirus-Disease-2019-(COVID-19)-Alerts-and-Updates.aspx)