



**AMERICANS FOR  
PROSPERITY**  
**WEST VIRGINIA**

March 31, 2020

To: The Honorable Governor James C. Justice

Subject: Consideration of Waiving Certain Statutory Requirements Under Emergency Powers of the Governor §15-5-6 et seq.

Dear Governor Justice,

In recognition of the unprecedented challenges facing the citizens of West Virginia caused by the novel coronavirus, it is imperative that the state ensure that any unnecessary hurdles, regulatory burdens, fees, or procedures placed by the state of West Virginia on private citizens and businesses be promptly suspended.

Additionally, considering the extraordinary financial difficulties facing West Virginia's families and businesses, the state should take the necessary measures to ease the financial burden endured by thousands of families and businesses across West Virginia.

The state must ensure that suffering be minimized while setting forth the conditions that make the eventual economic recovery as robust and swift as possible. As such, the undersigned organizations request that the Governor and/or Legislature look at implementing the following policies as a direct response to coronavirus 2019 (COVID-19):

- Expedite tax refunds to businesses and individuals owed money by the State of West Virginia
- To gather bottom-up, on-the-ground feedback, the state should create a website where health professionals, business owners, and all state agencies can give real-time knowledge as to the type of state regulations that are preventing an effective response to the crisis so that your administration can consider waiving those regulations, [similar to what Arkansas has done](#)
- Ensure any enforcement of the "stay-at-home" mandate is done in humane, light-touch fashion
- Systematic review – and suspension – of all regulations that may unnecessarily inhibit the operation, profitability, or likelihood of post-COVID-19 recovery such as prevention of to-go sales of liquor

#### **Medical**

- Immediate and indefinite suspension of all certificate-of-need processes that inhibit the delivery of vital healthcare services, as several states [have done](#)

- Allow medical and nursing students the ability to support physicians fighting COVID-19
- Fast-track temporary recognition of out-of-state medical licenses, including physicians, nurses, physician assistants, and retired medical professionals
- Ease all regulatory or insurance restrictions preventing interstate testing, procedures, and care necessary to combat COVID-19. This is especially critical for those living in border counties
- Enable APRNs, CRNAs, and physician assistants to freely prescribe medication without supervision – ending these barriers will allow providers more flexibility to prescribe potential treatments for COVID-19
- To ease pressure on hospitals, expand pharmacist scope of practice to allow pharmacists to test for strep throat and influenza
- Allow health care practitioners expanded scope of practice if doing so is necessary to allow the health care facility to meet required staffing ratios or otherwise ensure the continued and safe delivery of health care services, as [Maryland has done](#)
- Authorize state licensing agencies and departments to temporarily exercise enforcement discretion, waive licensing and related requirements in order to maximize access to health care services in response to COVID-19, [as Idaho has done](#)

Sincerely,

Garrett Ballengee



Executive Director

The Cardinal Institute for West Virginia Policy

Jason Huffman



West Virginia State Director  
Americans for Prosperity