



March 19, 2020

To: The Honorable Governor Jim Justice

Subject: Requesting Additional Action to Address the Spread of the Novel Coronavirus

Dear Governor Justice,

On behalf of our activists across West Virginia, we urge the following swift and targeted action in order to help address the legitimate public safety and economic challenges associated with the spread of the novel coronavirus.

We must ensure that high-risk populations have access to critical health care services. We thank your administration in advance for working with policy and community leaders to accomplish this goal.

To that end, we respectfully request your administration to conduct the following action: 1) Utilize your emergency power within [§15-5-6 et seq.](#) to indefinitely halt all certificate of need processes in West Virginia; 2) Sign HB 4003, which expands the availability of telehealth services by providing a more robust definition of originating sites; 3) Further expand access to digital tools and telehealth systems that can reduce the burden on the health system, improve access to health care, and increase social distancing; 4) Protect civil liberties and continue to make information about the virus and policymakers' decisions on combatting it accessible to the public. The open flow of information will allow stakeholders to enact appropriate measures and citizens to make informed decisions to protect public health; and 5) Use your emergency power within [§15-5-6 et seq.](#) to temporarily lift certain occupational licensing barriers that keep trained and certified medical professionals from operating in West Virginia.

Halting Certificate of Need:

As you aptly mentioned at your March 16, 2020 press conference, certificate of need (CON) holds health care professionals back from providing new or expanded medical services in West Virginia. CON puts an arbitrary cap on where and how services can be added by forcing providers to first get a permission slip from the government before they may add a new service.

This might strike residents as a strange standard for a state in which [53 of its 55 counties](#) suffer health care shortages. But it is, nonetheless, the standard West Virginia employs. CON is needless and backwards, even in ideal circumstances. Indeed, [the Mercatus Center found](#) that the quality, affordability, and accessibility of health care in West Virginia would be improved if the state were to repeal its CON law.

Just recently, the North Carolina Department of Health and Human Services [lifted](#) a CON law that requires hospitals to get state permission for more hospital beds.

As our country faces a pandemic, halting our CON process will temporarily help end top-down mandates that impede efforts to increase health care access for every West Virginian. Our state requires a CON for health care services that want to add acute hospital beds, ambulatory surgery centers, home health agencies, and CT scanners. Halting these requirements will immediately remove a barrier on providers that can greatly expand health care services to directly address the crisis.



Further Expand Access to Digital Tools and Telehealth Systems

1. Allow licensed health care professional located in other states to deliver telehealth to state residents.
2. Allow health care providers, including Medicaid, to deliver all forms of telehealth, including real-time video, remote patient monitoring, and store and forward.

Temporarily lift certain occupational licensing barriers that keep trained and certified medical professionals from operating in West Virginia

1. Waive scope of practice restrictions for nurses and non-physician providers. This will empower these health care professionals to deliver more within hospitals and provide more care in patients' homes.
2. Lift licensing barriers to allow health care providers to work in the states with greatest need, regardless of the state in which they are licensed. This will free medical professionals to fully provide the services they are trained to provide and increase access to health care services. [Colorado](#) and [Massachusetts](#) have already done this.
3. Renew all expired state-administered health licenses, permits, certifications, and registrations for the duration of the health emergency. This will free medical professionals to fully provide the services they are trained to provide and increase access to health care services. Colorado and [Maryland](#) are states that have already done this.

Protect Civil Liberties

State and local government is empowered to enact laws necessary to protect public health and safety. But even in a crisis like the one we face, elected officials must continue to respect civil liberties. As policymakers offer ways to protect public safety, we urge them to ensure that any limitations on civil liberties are temporary, equally applied, and as limited as necessary to address the emergency. We also encourage the state government to invite the participation of community leaders to identify voluntary bottom-up solutions to address the crisis.

As always, we stand ready as a resource to help connect policymakers with issue experts in order to remove barriers for our fellow Mountaineers.

We thank you for considering these proposals. We are hopeful that together, we can effectively overcome the challenges we face.

Sincerely,

Jason Huffman

State Director, Americans for Prosperity-West Virginia