
Medical Regulation, Licensure and Discipline in West Virginia

Annual Risk Management Session
Joan C. Edwards School of Medicine
Marshall University

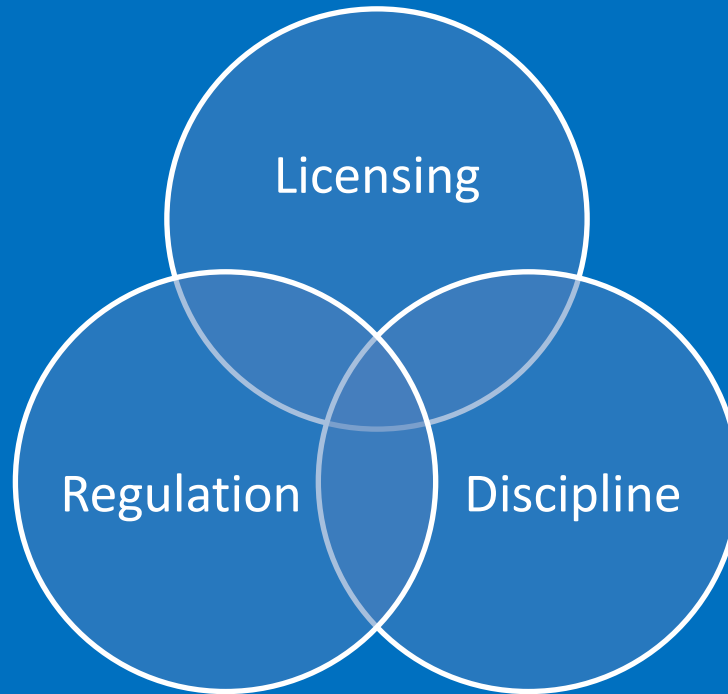
June 26, 2018



West Virginia
Board of
Medicine

Mark A. Spangler, MA
Executive Director

Medical Board Functions



West Virginia
Board of
Medicine

Mark A. Spangler, MA
Executive Director

West Virginia Board of Medicine

- One of 70 allopathic (MD) and osteopathic (DO) medical boards in the U.S., including territories and the District of Columbia.
- WV one of 14 states with both an MD board and a DO board.
- PAs may be licensed under either board – or both – depending on where their collaborating physicians are licensed.



West Virginia
Board of
Medicine

Mark A. Spangler, MA
Executive Director

WV - At a Glance

The West Virginia Board of Medicine is a Chapter 30 board established by statute in 1949.

Our statutory authority falls under the WV Medical Practice Act and the WV Physician Assistants Practice Act.



West Virginia
Board of
Medicine

Mark A. Spangler, MA
Executive Director

By the Numbers

Active licenses in West Virginia
(as of May 2018):

➤ MD – 7,054

➤ DPM – 119

➤ PA – 973



West Virginia
Board of
Medicine

Mark A. Spangler, MA
Executive Director

Our Board

- Meets 6x/year – Jan., March, May, July, Sept., Nov.
- 16 members:
 - Appointed by the Governor:
 - 8 MDs
 - 2 DPMs
 - 2 PAs
 - 3 lay members
 - State health officer (ex officio).



West Virginia
Board of
Medicine

Mark A. Spangler, MA
Executive Director

Board Committees

- Complaint Committee
- Executive / Management Committee
- Legislative Committee
- Licensure Committee
- Personnel Committee
- Physician Assistant Committee



West Virginia
Board of
Medicine

Mark A. Spangler, MA
Executive Director

Our Staff

- Administration
- Licensing, Certification & Renewals
- Investigation, Complaints and Compliance

- Total – 17



West Virginia
Board of
Medicine

Mark A. Spangler, MA
Executive Director

Obtaining Licensure

- Uniform Application for initial applicants for a permanent medical license and physicians seeking reinstatement of previously held WV license that has been expired for more than 1 year.



West Virginia
Board of
Medicine

Mark A. Spangler, MA
Executive Director

Requirements

- Proof of graduation from med school approved by LCME or WVBOM
- Passage of accepted exam – NBME, FLEX or USMLE
- One year ACGME-approved postgraduate training



West Virginia
Board of
Medicine

Mark A. Spangler, MA
Executive Director

Graduates of Foreign Medical Schools

- Proof of graduation from med school approved by LCME or WVBOM
- Passage of accepted exam – NBME, FLEX or USMLE
- 2 years of ACGME-approved postgraduate training OR one year of ACGME-approved postgraduate training plus certification by a member board of the American Board of Medical Specialties.
- Valid ECFMG certificate OR evidence of receipt of a passing score on the exam, OR affidavit (included with applicant packet)



West Virginia
Board of
Medicine

Mark A. Spangler, MA
Executive Director

Supporting Documentation

- Copy of medical school diploma
- Proof of required postgraduate training
- Birth certificate, passport or baptismal
- Proof of name change (marriage certificate or court order) if name on license will be different from name on med school diploma, or name used in postgraduate training



West Virginia
Board of
Medicine

Mark A. Spangler, MA
Executive Director

Primary Source Verifications

- Must be received from original source:
 - Proof of medical education
 - Verification of postgraduate training
 - Verification of other state licenses
 - AMA biographical profile
 - Examination scores
 - NPDB reports
 - Good moral character statement
- WVBOB accepts credentials from FCVS



West Virginia
Board of
Medicine

Mark A. Spangler, MA
Executive Director

Other Considerations

- Applicants may be asked to appear before Licensure Committee and produce original supporting documentation.
- An applicant who holds an unrestricted license in another jurisdiction, and whose application does not contain any derogatory material, may be eligible for a temporary license.



West Virginia
Board of
Medicine

Mark A. Spangler, MA
Executive Director

Licensure Timelines

- It typically takes 2-3 months to get a license
- The longest part of the process is receiving the supporting documentation
- Contact those agencies early to learn how to expedite those reports



West Virginia
Board of
Medicine

Mark A. Spangler, MA
Executive Director

Fees – MDs and DPMs

- Initial and Renewal License - \$400
- Temporary License - \$100
- Reinstatement (active) - \$600
- Reinstatement (inactive) - \$225
- Patient Injury Compensation Fee (PICF) - \$125
- Based on a 2-year renewal cycle.



West Virginia
Board of
Medicine

Mark A. Spangler, MA
Executive Director

Continuing Medical Education

- MDs and DPMs (general)
 - Minimum 50 hours in preceding 2 years;
 - Include at least 30 hours in area(s) of specialty;
 - Minimum 3 hours in a Board-approved course on drug diversion training and best practice prescribing of controlled substances



West Virginia
Board of
Medicine

Mark A. Spangler, MA
Executive Director

CME cont. ...

- Physicians may count up to 20 hours of med student teaching/preceptorship in the 50-hour total.
 - Other options:*
 - Pass cert./recert exam of ABMS member board
 - Maintenance of cert. (MOC) from ABMS member board
 - One year ACGME postgraduate training
- *all include 3-hour drug diversion/best practice prescribing requirement



West Virginia
Board of
Medicine

Mark A. Spangler, MA
Executive Director

Investigations - 2017

- Average 170 complaints per year – many alleging multiple violations
- 205 complaints in 2017 – 68 remained open at the start of 2018
- 54 Orders, Consent Orders, or amended Consent Orders (20 from prior years)
- 103 complaints closed



West Virginia
Board of
Medicine

Mark A. Spangler, MA
Executive Director

Nature of Complaints

- Malpractice or failure to practice acceptably
- Boundary issues
- Unprofessional, unethical conduct
- License application/renewal: false statements
- Failure to meet AMA or APMA standards
- Improper prescribing
- Professional incompetence
- Violation of laws, rules or orders
- Medical recordkeeping



West Virginia
Board of
Medicine

Mark A. Spangler, MA
Executive Director

The Complaint Process

- Must relate to a specific, individual MD, DPM or PA.
- WVBOM does not investigate clinics, health centers or hospitals.
- No jurisdiction over business disputes, general billing disputes, insurance coverage, personality conflicts or employee/employer disputes.
- Disagreement over treatment plan does not necessarily mean a professional conduct violation has occurred.



West Virginia
Board of
Medicine

Mark A. Spangler, MA
Executive Director

The Complaint Process

- Complaint Committee directs all investigations.
- Physician/PA notified and has opportunity to respond; can hire legal counsel.
- After investigation, Committee determines whether probable cause exists to institute disciplinary charges. If not, the complaint is closed.
- Due process considerations apply.
- If a hearing is convened, the contested case process in Administrative Procedures Act applies.



West Virginia
Board of
Medicine

Mark A. Spangler, MA
Executive Director

The Complaint Process

- The Complaint Committee may consider:
 - Witness interviews
 - Medical records
 - Prescribing records
 - CSMP access and use
 - Expert medical opinions
 - Information submitted by the licensee or any interested party (i.e., patient or reporting entity)



West Virginia
Board of
Medicine

Mark A. Spangler, MA
Executive Director

The Complaint Process

- There are opportunities to resolve disciplinary complaints via Consent Orders.
- The Board issues a Final Order on the matter.



West Virginia
Board of
Medicine

Mark A. Spangler, MA
Executive Director

The Complaint Process

- While the investigation is pending, complaints regarding a licensee's professional conduct are confidential.
- If the board takes action against a licensee, that becomes a matter of public record and information becomes available on the board's website at wvbom.wv.gov.
- Closure decisions also are public information.



West Virginia
Board of
Medicine

Mark A. Spangler, MA
Executive Director

The Complaint Process

- In some cases, when the board believes a practitioner's ongoing practice represents an immediate danger, it can order a "summary suspension" of the practitioner's license. This prohibits the practitioner from practicing, even if the investigation and review is ongoing.



West Virginia
Board of
Medicine

Mark A. Spangler, MA
Executive Director

The Burden of Proof

- WVBOM – “clear and convincing” evidence standard
- Nationwide, 51 jurisdictions maintain a “preponderance of the evidence” standard; 23 have a “clear and convincing” standard, which is closer to the criminal standard of “beyond a reasonable doubt.”



West Virginia
Board of
Medicine

Mark A. Spangler, MA
Executive Director

Disciplinary Sanctions

- When appropriate, the Board may:
 - Deny a license application
 - Revoke a license (up to lifetime of licensee)
 - Suspend, limit or restrict a license for up to five years
 - Impose a period of probation with specific terms and conditions
 - Require additional or remedial training



West Virginia
Board of
Medicine

Mark A. Spangler, MA
Executive Director

Disciplinary Sanctions cont. ...

- Administer a public reprimand
- Impose evaluation or treatment requirements
- Require supervised practice
- Impose a civil fine
- Assess costs
- Require a period of free public or charitable practice



West Virginia
Board of
Medicine

Mark A. Spangler, MA
Executive Director

National Reporting

- All Board action is a matter of public record.
- All Board Orders and Consent Orders are reported to the Federation of State Medical Boards (FSMB).
- All disciplinary action other than purely administrative fines (i.e. unrelated to the delivery of health care services) is reportable to the National Practitioner Data Bank



West Virginia
Board of
Medicine

Mark A. Spangler, MA
Executive Director

Legislation – Education Permits

- House Bill 4027 – Passed in 2018; establishes permits for allopathic (MD) residents and fellows
- Parity with WV Board of Osteopathic Medicine
- Renewable each year resident enrolled in GME or fellowship training
- \$100 fee



West Virginia
Board of
Medicine

Mark A. Spangler, MA
Executive Director

Additional Resources

- The Federation of State Medical Boards (www.fsmb.org) offers general* educational modules on medical regulation:
 - [The Role of State Medical Boards](#)
 - [Understanding and Navigating the Medical Licensing Process](#)
 - [The Medical Disciplinary Process](#)
- * WV regulations may differ.



West Virginia
Board of
Medicine

Mark A. Spangler, MA
Executive Director

Contact Information

Mark A. Spangler, MA
Executive Director

(304) 558-2921, ext. 70005

mark.a.spangler@wv.gov



West Virginia
Board of
Medicine

Mark A. Spangler, MA
Executive Director