

WEST VIRGINIA BOARD OF MEDICINE
Executive/Management Committee Minutes
July 9, 2023

The West Virginia Board of Medicine's Executive/Management Committee met at 10:30 am on July 9, 2023, at the Board Office.

The following committee members attended the meeting in person:

Ashish P. Sheth, MD, Executive/Management Committee Chair
Jonathan P. Lilly, MD
Angela A. Mayfield

The following committee members attended the meeting via teleconference:

Kishore K. Challa, MD, FACC
Matthew Q. Christiansen, MD, MPH

The following staff members attended the meeting:

Jamie S. Alley, Esq.
Evelyn R. Bush
Greg S. Foster, Esq.
Jamie C. Frame

With a quorum of members present, Dr. Sheth called the meeting to order, and attendance was documented by Ms. Frame. **CALL TO ORDER**

Ms. Alley reported that Mr. Spangler is currently out of the office and is unable to attend today's meeting.

Prior to today's meeting, a copy of the draft April 30, 2023 meeting minutes were made available for members to review. Ms. Mayfield moved that the April 30, 2023 meeting minutes be approved. Dr. Challa seconded the motion, and the motion carried without opposition. **APPROVAL OF MINUTES**

Dr. Lilly joined the meeting at this time.

Ms. Alley introduced the Board’s Fiscal Officer, Evelyn Bush. Ms. Bush joined the Board in May, following the departure of Deborah Scott, who served the Board for many years, most recently in an interim capacity.

Prior to today’s meeting, a copy of the fiscal reports and purchasing card transactions for the months of April, May and June 2023 were made available for members to review. Ms. Alley reported that the Board continues to maintain a good financial position. Ms. Alley recommended that as Mr. Spangler has not had an opportunity to review the fiscal reports and purchasing card transactions, the Committee defer acceptance of the documents to the September 2023 meeting.

Ms. Alley reported that the Board was recently audited by the West Virginia Purchasing Division. The following areas of noncompliance were noted:

- Failure to bid at delegated level.
- Failure to verify compliance checks.
- Certification of Non-conflict of Interest form not completed prior to contact award.
- Office of Technology approval not obtained prior to the purchase of software or hardware not listed on the pre-approved list.

Board staff are preparing a Corrective Action Plan to be submitted to the Purchasing Division. Board staff will continue to attend training sessions offered by the West Virginia Purchasing Division and will stay apprised of purchasing requirements.

Ms. Alley reported that the Board has contracted with the following hearing examiners and court reporter for Fiscal Year 2024:

Hearing Examiners
Jeffrey Blaydes, Esq.
Lewis Brewer, Esq.
James Martin, Esq.
Janis Reynolds, Esq.
Jennifer Taylor, Esq.
Court Reporter
Sargent’s Court Reporting Service

Ms. Alley reported that in response to legislation that was passed during the 2023 regular session of the West Virginia Legislature, the Board is required to make a roster of licensed or registered practitioners available on the Board's website. The roster must include the practitioner's name, mailing address and the municipality or county of residence. Historically, mailing addresses have not been provided on the website. Dr. Lilly moved that prior to publishing a roster with the new components on the Board's website, that the Committee authorize Board staff to engage in outreach and provide current credential holders notice, with an opportunity to review and update his/her current mailing address. Dr. Lilly further moved that in order to provide adequate notice, the new roster should be published ninety days after notice and should be updated monthly thereafter. Additionally, Dr. Lilly moved that the Committee authorize staff to include public information in the spreadsheet which is most commonly requested by public records requests, such as license numbers, statuses and expiration dates. Ms. Mayfield seconded the motion, and the motion carried without opposition.

Ms. Alley reported that there are nationwide concerns regarding the questions that are asked on licensure applications and renewal applications regarding substance use, mental health and health conditions. Additionally, Ms. Alley reported that there have not been substantial modifications made to Board of Medicine applications since prior to 2013. The Committee directed Board staff to review all Board of Medicine applications to determine if modernization is needed. The review will focus on ensuring that the application questions are evidence based and relate to eligibility standards and appropriate public protection.

Prior to today's meeting, a 2023 Renewal Statics Chart was made available for members to review. Ms. Alley reported that the 2023 renewal period for medical doctors whose last names begin with the letters M through Z, all podiatric physicians, controlled substance dispensing registration for medical doctors whose last names begin with the letters M through Z and all podiatric physicians, education permit participants and professional limited liability companies concluded at 4:30 pm Eastern Daylight Time on June 30, 2023. The Renewal Statistic Chart provides the number of licenses, permits and registrations which were eligible to renew, the number that renewed, and the number that expired due to nonrenewal. The chart is attached to these minutes, and is incorporated by reference herein.

Prior to today's meeting, an inquiry regarding whether an IV infusion center needs to register as medical corporation/company with the Board of Medicine was made available for members to review. The Committee directed Board staff to reply to the inquiry and advise that registration with the Board is not required at this time.

Prior to today's meeting, proposed amendments to the following three Interstate Medical Licensure Compact Commission (IMLCC) rules were made available for members to review:

- Rule Three - Fees.
- Rule Four - State of Principal License.
- Rule Five - Coordinated Information System, Joint Investigations and Disciplinary Actions.

A copy of the proposed comments for consideration of submission to submit to the IMLCC was also made available to members for review. Ms. Alley reported that the IMLCC is accepting written comments with regard to proposed amendments to the three rules through 8:00 pm Eastern Time on July 10, 2023. Dr. Lilly moved that the Committee recommend that the Board authorize staff to submit comments to the IMLCC with respect to the proposed amendments to rules three, four and six, as presented. Ms. Mayfield seconded the motion, and the motion carried without opposition.

Ms. Alley reported that Mr. Spangler continues to work with the West Virginia Office of Technology to seek upgrades to the technology in the boardroom and the conference room.

Ms. Alley reported that the Board is in the process of entering into a one-year extension of the current contract with the Board's database vendor, Big Picture. It is anticipated that the database and website will be placed out for bid by September 2023.

Ms. Alley reported that the Board will begin accepting staff applications for participation in the Telework Pilot Project later this month.

Ms. Alley reported that the matter of *JH v. West Virginia Board of Medicine* remains pending before the United States Supreme Court. The West Virginia Attorney General's Office is representing the Board in this matter.

With regard to the Mass Litigation Opioid Litigation pharmacy case, Ms. Alley reported that the claim against Kroger has been settled.

Ms. Alley reported that in June 2023, the Legislative Committee met and authorized Board staff to file Notice of Comment Period with regard to W. Va. Code R. § 11-1B-1 *et seq.*, *Licensure, Practice Requirements, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants* and W. Va. Code R. § 11-6-1 *et seq.*, *Continuing Education for Physicians and Podiatric Physicians*. The comment period concludes at 4:30 pm on July 21, 2023. No substantive comments have been received to date; therefore, the Legislative Committee did not meet this weekend, but will need to meet in July following the conclusion of the comment period to consider any comments received. Dr. Lilly moved that the Committee recommend that the Board authorize the Legislative Committee to act on behalf of the Board as necessary with regard to rulemaking, including authorizing an agency approved version of W. Va. Code R. § 11-1B-1 *et seq.* and W. Va. Code R. § 11-6-1 *et seq.* Ms. Mayfield seconded the motion, and the motion carried without opposition.

ADJOURNMENT

There being no further business to consider, Dr. Lilly moved that the meeting adjourn. Ms. Mayfield seconded the motion, and the motion carried without opposition.



Ashish P. Sheth, MD
Executive/Management Committee Chair