

WEST VIRGINIA BOARD OF MEDICINE
Executive/Management Committee Minutes
January 7, 2024

The West Virginia Board of Medicine's Executive/Management Committee met at 11:00 am on January 7, 2024, at the Board Office.

The following committee members attended the meeting:

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

The following committee member attended the meeting via teleconference:

Matthew Q. Christiansen, MD, MPH

The following board member attended a portion of the meeting:

Douglas S. Dockery, DPM

The following staff members attended the meeting:

Mark A. Spangler
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**

Prior to today's meeting, a copy of the draft November 5, 2023 and December 14, 2023 meeting minutes were made available for members to review. Dr. Challa moved that the November 5, 2023 and December 14, 2023 meeting minutes be approved. Dr. Lilly seconded the motion, and the motion carried without opposition.

**APPROVAL
OF MINUTES**

At the invitation of the Committee, Dr. Dockery attended today's meeting and provided an overview of the proposed board certification criteria being considered for the Interstate Podiatric Medical Licensure Compact (IPMLC), which is currently under development. Specifically, Dr. Dockery reported that there are currently three certifying Boards for Podiatry, which are:

- American Board of Foot and Ankle Surgery (ABFAS)
- American Board of Podiatric Medicine (ABPM)
- American Board of Multiple Specialties in Podiatry (ABMSP)

As currently drafted, the IPMLC defines podiatric physician as, among other things, someone who holds "specialty certification or a time-unlimited specialty certificate from a specialty board recognized by the Council on Podiatric Medical Education". The ABMSP is not certified by the Council on Podiatric Medical Education, therefore rendering podiatric physicians who are certified through the ABMSP ineligible for licensure via the IPMLC pathway. Committee members thanked Dr. Dockery for providing the information. Dr. Dockery left the meeting at this time and was not present for the remainder of the meeting. Dr. Lilly moved that the Committee request that Dr. Dockery provide similar educational information to the IPMLC Task Force for which Dr. Dockery and Mr. Spangler are members. Dr. Challa seconded the motion, and the motion carried without opposition.

Prior to today's meeting, a copy of the fiscal reports and purchasing card transactions for the months of October and November 2023 were made available for members to review. Mr. Spangler provided an overview of the Board's financial status and reported that the Board continues to maintain a good financial position. Dr. Challa moved that the October and November 2023 fiscal reports and purchasing card transactions be accepted. Ms. Mayfield seconded the motion, and the motion carried without opposition.

Mr. Spangler reported that in order to provide Board staff adequate time to generate, review and finalize the fiscal documents and purchasing card transactions at month end, staff would like to present the fiscal documents and purchasing card transactions to the Committee on a one month delay. As an example, at the March meetings, reports for December 2023 and January 2024 will be provided. February fiscal documents will be in progress at the time of the March 2024 meeting; therefore, February fiscal documents will be presented to the Committee at the May 2024 meeting. Dr. Challa moved that the Committee authorize staff to present the fiscal documents and

purchasing card transactions as proposed. Ms. Mayfield seconded the motion, and the motion carried without opposition.

Prior to today's meeting, the Data Sharing Agreement entered into by the Board of Medicine and the Federation of State Medical Boards (FSMB) was made available for members to review. Mr. Spangler reported that pursuant to the Agreement, the Board routinely provides certain data related to medical doctors and physician assistants to the FSMB. Board staff have identified a need for the Data Sharing Agreement to be reviewed and updated. Ms. Mayfield moved that the Committee recommend that the Board authorize Mr. Spangler to review, revise and enter into a new Data Sharing Agreement with the FSMB to permit the Board to share information on all credential types and, if appropriate terms can be met to safeguard confidential personally identifiable information, the date of birth for credential holders. Dr. Challa seconded the motion, and the motion carried without opposition.

Ms. Bush left the meeting room at this time and was not present for the remainder of the meeting.

Prior to today's meeting a proposed Certificate of Recognition for Constatino Ycong Amores, MD was made available for members to review. Mr. Spangler reported that Dr. Amores was granted a West Virginia medical license by the Board in 1974. He maintained an active status license until June 30, 2022, when he allowed his license to expire as he had retired from practice. Board staff received a request for the Board to issue Dr. Amores a Certificate of Recognition. Dr. Challa moved that Dr. Amores be issued a Certificate of Recognition for his years of medical licensure in the State of West Virginia. Dr. Lilly seconded the motion, and the motion carried without opposition.

Prior to today's meeting, draft proposed language modifying section five of the potential bill which would consolidate the West Virginia Board of Osteopathic Medicine with the Board of Medicine was made available for members to review. Mr. Spangler reported that the proposed amendment to section five would allow members whose second terms are expired or scheduled to expire in 2024 through 2026 to be appointed to a third consecutive term. Dr. Challa moved that

the Committee approve the modification to section five and recommend that the Board support the potential bill. Dr. Lilly seconded the motion, and the motion carried without opposition.

Mr. Spangler reported that the potential bill which would consolidate the West Virginia Board of Osteopathic Medicine with the Board of Medicine would also authorize the Board to license and regulate genetic counselors. Board staff are researching statutes and rules in other states as they relate to the licensure and regulation of genetic counselors.

Mr. Spangler asked Mr. Foster to speak with regard to intravenous (IV) hydration therapy clinics. Mr. Foster reported that IV hydration therapy clinics seem to be growing across the country, and often there are no industry specific guidelines or laws regarding the operation of such. Some state regulatory boards have issued position statements regarding IV hydration therapy clinics. In light of the proliferation of IV hydration therapy clinics and questions received by the Board related to such, Ms. Mayfield moved that the Committee direct Board staff to communicate with the West Virginia Board of Osteopathic Medicine, the West Virginia Registered Nursing Board and the West Virginia Board of Pharmacy to determine whether there is an interest in developing a joint policy statement to provide guidelines and guardrails regarding IV hydration therapy clinics. Dr. Challa seconded the motion, and the motion carried without opposition.

Prior to today's meeting, an inquiry that was received regarding the possibility of opening an IV hydration therapy clinic was made available for members to review. Mr. Spangler reported that in the inquiry a non-medical provider seeks to open a clinic which "brings IV treatments directly to customers' homes, offices or events. This offers a convenient and time-saving solution for individuals seeking hydration, nutrient replenishment, immune system support, and more. Said services would be administered by an RN for hangover, migraines, athletic performance recovery, and immune boosting." Dr. Lilly moved that the Committee direct Board staff to respond to the requestor indicating the Board is in the process of developing guidance related to IV hydration therapy, and at this time, the Board is not able to approve their business model as a medical practice. Dr. Challa seconded the motion, and the motion carried without opposition.

Prior to today's meeting, an inquiry that was received which relates to the structuring of a business was made available for members to review. Mr. Spangler reported that Board staff are

unable to determine what is being asked of the Board. Committee members agreed and directed Board staff to reach out to the requestor to obtain additional information. The request, with any additional information that is received, will be brought back before the Committee at a future meeting, if needed.

Mr. Spangler reported that the next item on the agenda relates to the issuance of an invoice in the matter of *West Virginia Board of Medicine, Petitioner, v. David Nathaniel Smith, MD, Respondent*, Complaint No. 21-96-W. The Board is awaiting receipt of an invoice from the hearing examiner in this matter. No action was taken, and this matter will be placed on a future agenda for consideration.

Mr. Spangler reported that practitioners who hold an active status credential issued by the Board previously received an eblast advising them that due to legislation enacted during the 2023 session a roster containing required information, including the practitioners mailing address of record with the Board, will be published on the Board's website in January 2024. The eblast provided practitioners with instructions for reviewing and/or updating their contact information, including their mailing address, prior to the roster being published. The eblast resulted in outreach to the Board by both practitioners and legislative staff. Legislative staff indicated that the legislation enacted was not intended to require professional licensing boards to publish preferred mailing addresses as a component of the roster, and that this is an unintended consequence of the legislative process. Legislative staff further advised that a bill has been drafted for introduction during the 2024 session of the West Virginia Legislature, which will repeal the requirement that licensing boards publish mailing addresses on their website. The Committee directed Board staff to monitor legislation introduced which would repeal the said requirement. If a bill is not introduced early in the session, the Committee directed Board staff to reach out to Legislative staff regarding this matter.

Prior to today's meeting, the West Virginia Board of Medicine document regarding the telework pilot program was made available for members to review. Mr. Spangler reported that in September, Board staff who are eligible, and who elected to participate in the Board of Medicine Telework Pilot Project began working from home one day a week. Thus far, the pilot project is going well. Mr. Spangler recommended that requirement B.6., which relates to the accrual balance

needed in order to be eligible for telework opportunities, be removed. Ms. Mayfield moved that the Committee recommend that the Board eliminate the accrued leave eligibility requirement from the telework pilot project program eligibility criteria. Dr. Lilly seconded the motion, and the motion carried without opposition.

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

Mr. Spangler reported that Emilie G. Lloyd was hired to fill the receptionist/administrative office assistant position. Ms. Lloyd began her employment on December 4, 2023.

ADJOURNMENT

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



Ashish P. Sheth, MD
Executive/Management Committee Chair