

WEST VIRGINIA BOARD OF MEDICINE
Executive/Management Committee Minutes
May 19, 2024

The West Virginia Board of Medicine's Executive/Management Committee met at 10:30 am on May 19, 2024, at the Board Office.

The following committee members attended the meeting in person:

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

The following committee member attended the meeting via teleconference:

Matthew Q. Christiansen, MD, MPH
Jonathan P. Lilly, MD

The following staff members attended the meeting:

Mark A. Spangler
Evelyn R. Bush
Greg S. Foster, Esq.
Jamie C. Frame

The following public member attended the meeting at the request of the Committee:

P. Bradley Hall, MD

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 March 10, 2024 meeting minutes were made available for members to review. Ms. Mayfield moved that the March 10, 2024 meeting minutes be approved. Dr. Challa seconded the motion, and the motion carried without opposition. **APPROVAL OF MINUTES**

Ms. Bush left the meeting room at this time.

Prior to today's meeting, a copy of the West Virginia Medical Professionals Health Program (WVMPHP) Budget Information and the Participant's Acknowledgment of Fees Form were made available for members to review. Mr. Spangler reminded members that during the

Performance Evaluation and Research Division Audit that was conducted in 2022, the Auditor's Report to the Legislature recommended that the Board be more attuned to the WVMPHP's schedule of participant costs and its budget and funding. Dr. Challa moved that the Committee enter into executive session to receive a report from P. Bradley Hall, MD, Executive Director of the WVMPHP, regarding current and projected costs and funding, which includes confidential financial information. Ms. Mayfield seconded the motion, and the motion carried without opposition. The Committee entered into executive session. The executive session concluded, and the Committee reentered into public session. Committee members expressed their appreciation regarding the important contribution that the WVMPHP makes to physician wellness and public safety and thanked Dr. Hall for the information.

EXECUTIVE
SESSION

PUBLIC
SESSION

Ms. Bush returned to the meeting room at this time.

Prior to today's meeting, a copy of the fiscal reports and purchasing card transactions for the months of February and March 2024 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 February and March 2024 fiscal reports and purchasing card transactions be accepted. Ms. Mayfield seconded the motion, and the motion carried without opposition.

Prior to today's meeting, correspondence received from a county health department regarding laser tattoo removal was made available for members to review. In the correspondence, the inquirer references Volume 14, Issue 4 of the Board's Newsletter (October – December 2010), which provides that "Tattoo removal by laser, ionizing radiation, pulsed light or radiofrequency device is the practice of medicine and surgery under the provisions of West Virginia Code § 30-3-4(3)." Specifically, the requestor inquires:

1. whether or not an individual needs to be a licensed medical professional to perform laser tattoo removal;
2. whether there have been any changes or whether there are any exceptions to W. Va. Code § 30-3-4(3) for laser tattoo removal, and if so, does a licensed medical

professional need to be on site during the procedure, and does the individual operating the laser need any sort of certification;

3. whether an aesthetic laser procedures technician certification is a valid certification for tattoo removal; and
4. whether there is a classification of laser that meets the definition of surgical versus cosmetic laser, and would that have any bearing on an individual being able to legally perform laser tattoo removal?

Mr. Foster advised that it may be beneficial for Board staff to gather additional information regarding the inquiry and research current laser tattoo removal statutes, rules and guidelines in other states. The Committee directed Board staff to gather additional information and to report back to the Committee at a future meeting.

Mr. Spangler reported that the West Virginia Performance Evaluation and Research Division (PERD) recently conducted a performance review of the West Virginia Medical Imaging & Radiation Therapy Technology Board of Examiners. PERD staff are considering recommending to the West Virginia Legislature the possibility of integrating the oversight of the medical imaging profession within the Board of Medicine. PERD staff contacted the Board seeking its opinion of the possible recommendation. Mr. Spangler further reported that through researching the West Virginia Medical Imaging & Radiation Therapy Technology Board of Examiners, Board staff learned that the Medical Imaging & Radiation Therapy Technology Board of Examiners:

- licenses and regulates:
 - Radiologic Technologists;
 - Radiation Therapists;
 - Nuclear Medicine Technologists and Nuclear Medicine Apprentice Technologists;
 - MRI Technologists and MRI Apprentice Technologists; and
 - Podiatric Medical Assistants.
- is comprised of nine board members and two staff members.
- For Fiscal Year 2023, the Board had:
 - 3,577 active status licensees;
 - received 11 complaints; and
 - had a beginning of year balance of \$500,394.43.

The Committee directed Board staff to respond to PERD and advise that while the medical imaging professions interrelate with the professions regulated by the Board of Medicine, the Board would need additional information in order to fully evaluate the possible integration. The Board appreciates PERD reaching out in advance of making a recommendation and is happy to engage in future conversation regarding this topic.

Mr. Spangler reported that Provider Bridge is a national registry for licensed physicians, physician assistants and nurses who are willing to assist during an emergency or a natural disaster. Provide Bridge maintains an active and extensive database of verified clinicians, which is available to healthcare entities in need of clinicians during an emergency or natural disaster. Dr. Challa moved that the Committee authorized Board staff to place a link to the Provider Bridge website on the Board's website. Ms. Mayfield seconded the motion, and the motion carried without opposition.

In advance of today's meeting, the following Federation of State Medical Board policies were made available for members to review:

- Public Policy Compendium
- Office-Based Surgery
- Navigating the Responsible and Ethical Incorporation of Artificial Intelligence into Clinical Practice
- Regulation of Physicians in Training
- Strategies for Prescribing Opioids for the Management of Pain
- Guidelines for Structure Function of State Medical and Osteopathic Boards
- Position Statement on Access to Evidence-Based Treatment for Opioid Use Disorder

Discussion and/or consideration of the above-mentioned FSMB policies was tabled until the July 2024 meeting.

Mr. Spangler asked Ms. Frame to present the 2024 renewal statistics. Ms. Frame reported that the 2024 renewal period for interstate telehealth registrants began on February 1, 2024 and concluded on March 29, 2024. The following statistics were reported:

Credential Type	Renewed	Expired
Medical Doctor Interstate Telehealth Registration	138	26
Physician Assistant Interstate Telehealth Registration	22	4

Additionally, the renewal period for medical doctors whose last names begin with the letters A through L, controlled substance dispensing practitioners for medical doctors whose last names begin with the letters A through L, educational permit participants and professional limited liability companies began on May 1, 2024 and will conclude at 4:30 pm on June 28, 2024. The following statistics were reported:

Credential Type	Renewed	Eligible to renew as of 5/17/2024
Medical Doctor Licensed via the Traditional Pathway	1180	3191
Medical Doctor Licensed via the IMLC pathway	275	624
Educational Permit	99	602
Controlled Substance Dispensing Registration	18	132
Professional Limited Liability Company Authorization	33	137

Mr. Spangler reported that at its March 2024 meeting, the Executive/Management Committee recommended, and the Board approved 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*, which assessed Dr. Smith the costs and expenses of the proceeding. To date, Dr. Smith has not paid the costs and expenses of the hearing as required by the Board’s Final Order. The Committee directed Board staff to consult with the Attorney General’s Office regarding how to best proceed with regard to this matter.


Mr. Spangler reported that in April 2024, senior leadership staff members met with members of the West Virginia Board of Pharmacy, the West Virginia Board of Osteopathic Medicine and the West Virginia Board of Nursing to collaborate regarding developing a joint policy statement related to IV hydration therapy. The joint statement is currently being drafted and will be presented to the Committee for consideration at a future meeting. Additionally, while

attending the meeting, which was hosted by the Board of Pharmacy at their office, Board staff were made aware of potential office space that may be available for lease within the building. The Committee directed Mr. Spangler to contact the West Virginia Real Estate Division to explore alternative office spaces.

At the March 2024 meeting, the Committee reviewed correspondence that was received regarding the possible violation of prescribing laws. Mr. Spangler reminded members that the correspondence raised concerns related to companies that offer to connect physician assistants and nurse practitioners with collaborating physicians who can provide regulatory required collaboration for controlled substance prescribing. Mr. Spangler reported that the correspondence does not identify specific providers, and there is no evidence that West Virginia prescribing laws are being violated. As directed by the Committee, Board staff will continue to gather additional information and will report back to the Committee regarding this matter at a future meeting.

ADJOURN

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