

WEST VIRGINIA BOARD OF MEDICINE
Legislative Committee Minutes
February 7, 2024

The West Virginia Board of Medicine’s Legislative Committee met via Zoom at 5:00 pm on February 7, 2024.

The following committee members attended the meeting:

Mustafa Rahim, MD, Legislative Committee Chair
Douglas S. Dockery, DPM
Jonathan P. Lilly, MD
Ashish P. Sheth, MD
Victoria L. Takubo, PA-C

The following committee member did not attend the meeting:

Kishore K. Challa, MD, FACC

The following staff members attended the meeting:

Mark A. Spangler
Jamie S. Alley, Esq.
Greg S. Foster, Esq.
Jamie C. Frame

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

Mr. Spangler reported that there has been no movement with regard to the following Board of Medicine rule bills since the Committee last met on January 31, 2024:

- **Senate Bill 90** and **House Bill 4134** – Relating to Licensure, Practice Requirements, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants.
- **Senate Bill 91** and **House Bill 4135** – Relating to Continuing Education for Physicians and Podiatric Physicians.
- **Senate Bill 92** and **House Bill 4136** – Relating to Permitting and Disciplinary Procedures: Educational Permits for Graduate Medical Interns, Residents and Fellows.

Prior to today's meeting, **Senate Bill 714**, transferring duties and licensing from the Board of Osteopathic Medicine to the Board of Medicine, was made available for members to review. Mr. Spangler provided an overview of the bill. The Committee discussed the following sections in detail:

- W. Va. Code § 30-3-5(d) of the bill currently provides that “Effective January 1, 2025, the existing members of the Board of Medicine and the Board of Osteopathic Medicine, holding appointments as of December 31, 2024, shall serve as members of the board until the expiration of their term unless sooner removed, provided that the member meets the eligibility criteria for board membership in effect on January 1, 2025.” The Committee was in consensus to strike the words “provided that the member meets the eligibility criteria for board membership in effect on January 1, 2025.”
- W. Va. Code § 30-3-5(i) of the bill currently provides that “To be eligible to serve on the board, citizen members, who represent the interest of health care consumers, and who are appointed to the board after January 1, 2025:
 - (1) Shall reside in West Virginia and have a history of residing in West Virginia for at least five years prior to appointment; and
 - (2) Shall not be licensed under the provisions of this article and has never performed any services as a health care provider.”

The Committee was in consensus to modifying this section to read:

- (i) To be eligible to serve on the board, citizen members, who represent the interests of health care consumers, and who are appointed to the board after January 1, 2025:
 - (1) Shall reside in West Virginia and have a history of residing in West Virginia for at least five years prior to appointment;
 - (2) Shall not be licensed under the provisions of this article, and shall never have performed any services as a licensed health care provider; and
 - (3) Shall not have a financial interest in the practice of the professions regulated by the board. A person shall be deemed to have a financial interest in the practice of the professions regulated by the board if the individual:
 - (1) Owns or operates a business that is engaged in the delivery of health care services or the provision of health care related goods, services or staffing;

- (2) Is married to a health care provider who is licensed to practice in this state; or
- (3) Is employed by an entity which provides health care goods or services to West Virginia patients if the individual's work responsibilities relate, in whole or in part, to the delivery of health care services or health care administration, management or policy.
- W. Va. Code § 30-3-5(n) of the bill currently provides that "Excepting the state health officer, whose term shall be limited to their service in that office, a member of the board immediately and automatically forfeits membership to the board if:
 - (1) The member's license to practice is suspended, revoked, surrendered, expired or placed in inactive status;
 - (2) The member is convicted of a felony under the laws of this jurisdiction;
 - (3) The member no longer meets the active clinical practice requirement;
 - (4) The member becomes a non-resident of this state; or
 - (5) A citizen member commences providing health care services."

The Committee was in consensus to modify W. Va. Code § 30-3-5(n)(5) to read: A citizen member commences providing health care services or develops a financial interest in the practice of the professions regulated by the board.

Dr. Lilly moved that the Committee authorize Board staff to incorporate the language provided above, for which members were in consensus with, into Senate Bill 714 and provide the proposed bill, as amended by Board staff, to staff of the West Virginia Legislature for consideration. Dr. Dockery seconded the motion and the motion carried without opposition.

Mr. Spangler reported that **Senate Bill 667**, Creating a Physician Assistant Compact, has been introduced. A lot of the details of physician assistant practice pursuant to the Physician Assistant Compact will be worked out once legislation is passed in seven states and the compact is established. Dr. Sheth moved that the Board support Senate Bill 667. Ms. Takubo seconded the motion, and the motion carried without opposition.

Mr. Spangler reported that Board staff continue to pursue getting podiatrists removed from the **House Bill 4432**, relating to midlevel practitioners. There has been no movement with regard to this bill since the Committee last met on January 31, 2024.

Mr. Spangler reported that there has been no movement with regard to the following bills since the Committee last met on January 31, 2024:

- **Senate Bill 560**, Medical Ethics Defense Act.
- **Senate Bill 169**, allowing physician assistants to own a practice.
- **Senate Bill 407**, Pharmacist Prescribing Authority Act.
- **Senate Bill 297**, providing that continuing education credits shall be valid for three years.

Board staff will continue to monitor these bills.

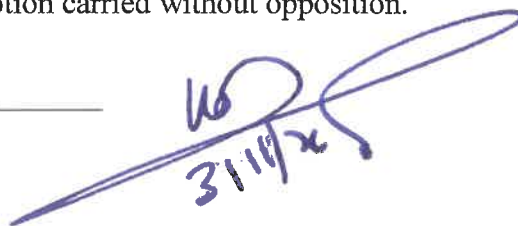
Mr. Spangler reported that **House Bill 5491**, relating to Certified Professional Midwife, was introduced yesterday, February 6, 2024. This bill relates to midwifery, and provides that the West Virginia RN Board would license and regulate midwives. The bill is single referenced to House Government Organization Committee. The bill has not yet been placed on the agenda for consideration.

Mr. Spangler reported that in 2021 - 2022, the West Virginia Performance Evaluation and Research Division (WVPERD) audited the Board of Medicine. Following the conclusion of the audit, the division presented a favorable report to the West Virginia Legislature's Joint Standing Committee on Government Organization and Operations. Staff of the WVPERD have requested to meet with Board of Medicine staff to obtain the Board's opinion with regard to their proposed recommendation as it relates to a Chapter 30 healthcare related licensing board. The said meeting is scheduled to occur on March 1, 2024.

ADJOURNMENT

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

Mustafa Rahim, MD
Legislative Committee Chair



Handwritten signature and date: 3/1/24