

WEST VIRGINIA BOARD OF MEDICINE
Legislative Committee Minutes
February 21, 2024

The West Virginia Board of Medicine's Legislative Committee met via Zoom at 5:00 pm on February 21, 2024.

The following committee members attended the meeting:

Ashish P. Sheth, MD, Acting Legislative Committee Chair
Kishore K. Challa, MD, FACC
Victoria L. Takubo, PA-C

The following committee members did not attend the meeting:

Mustafa Rahim, MD, Legislative Committee Chair
Douglas S. Dockery, DPM
Jonathan P. Lilly, MD

The following board member was appointed to serve on the Committee at today's meeting:

Christopher J. Tipton, PA-C

The following staff members attended the meeting:

Jamie S. Alley, Esq.
Greg S. Foster, Esq.
Jamie C. Frame

In the absence of Dr. Rahim, Dr. Sheth chaired today's meeting. Dr. Sheth appointed Mr. Tipton to serve on the Committee at today's meeting. 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 traveling to Scottsdale Arizona to attend the Administrators in Medicine 2024 Certified Medical Board Investigator Training, and therefore he will not be attending today's meeting.

Ms. Alley reported on the following Board of Medicine rule bills:

- **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.

There has been no movement with regard to the Senate Bills since introduction. House Bills 4134, 4135 and 4136 have been incorporated into **House Bill 4110**, authorizing certain miscellaneous agencies and boards to promulgate legislative rules. House Bill 4110 has passed the House and has been ordered to Senate Judiciary Committee where it has not yet been placed on an agenda.

Prior to today's meeting, the Committee Substitute for **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. Ms. Alley reported that the Committee Substitute for Senate Bill 714 addresses Board's concerns regarding citizen membership. Additionally, the Committee Substitute exempts the Board from West Virginia Purchasing Division and West Virginia Office of Technology requirements as they relate to purchasing "hardware, software, technology, or technical services made for the purpose of digitizing records or improving the board's technological capability to carry out its functions." This bill has passed the Senate and has been ordered to House Government Organization Committee where it has not yet been placed on an agenda.

Prior to today's meeting, **Senate Bill 769**, prohibiting certain medical exams on anesthetized patients, was made available for members to review. Ms. Alley reported that Senate Bill 769 would add a new section to the West Virginia Medical Practice Act which would establish preconditions for a medical practitioners, student, intern or resident performing rectal, pelvic or breast examinations on anesthetized or unconscious patients. Additionally, the bill would set forth criminal, licensure and monetary penalties. This bill passed Senate Health and Human Resources Committee yesterday, February 20, 2024, with a Committee Substitute which is not yet available

for review on the West Virginia Legislature’s website, however, as verbally communicated during the Senate Health and Human Resources Committee meeting, the Committee Substitute:

- Clarifies criminal penalties.
- Deletes the use of prostate in the title and throughout the bill to avoid redundancies with rectal.
- Removes civil penalty and amend the title to acknowledge the existence of criminal and medical license penalties.
- Makes additional technical changes.

Prior to today’s meeting the Committee Substitute for **Senate Bill 667**, Creating a Physician Assistant Compact, was made available for members to review. Ms. Alley reported that the Committee Substitute incorporates non-substantive technical changes. Senate Bill 667 passed the Senate today, February 21, 2024, and has been ordered to the House.

Prior to today’s meeting the Committee Substitute for **Senate Bill 493**, relating to the use of criminal records as disqualification from authorization to practice a particular profession, was made available for members to review. Ms. Alley reported that the Committee Substitute for Senate Bill 493 would amend W. Va. Code § 30-1-24 *et seq.* to prohibit boards, including the Board of Medicine, from considering pending arrests and criminal charges, even though the Board of Medicine is carved out of the remainder of the bill. A Committee Substitute for the Committee Substitute was reported today, February 21, 2024. The Committee Substitute for the Committee Substitute is not yet available for review on the West Virginia Legislature’s website, however, Board staff have been advised that Chapter 30 licensing boards have been exempted from this bill.

Ms. Alley reported that Board staff continue to closely monitor the following bills:

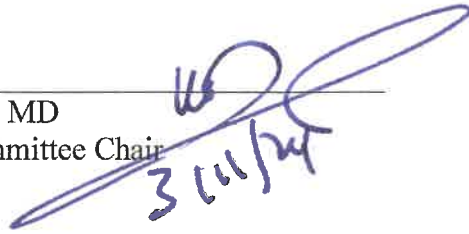
- **Senate Bill 438**, modifying roster requirements of authorizing entities.
- **Senate Bill 169**, allowing physician assistants to own a practice.
- **House Bill 4432**, relating to midlevel practitioners.
- **Senate Bill 297**, providing the continuing education credits shall be valid for three years.
- **Senate Bill 407**, Pharmacy Prescribing Authority Act.

Ms. Alley reported that the last day for the West Virginia Legislature to consider bills on third reading in the house of origin is February 28, 2024.

ADJOURNMENT

There being no further business to consider, the meeting adjourned by consensus.

Mustafa Rahim, MD
Legislative Committee Chair

A handwritten signature in blue ink, written over a horizontal line. The signature is stylized and appears to be 'MR'. Below the signature, the date '3/11/24' is written in the same ink.