

WEST VIRGINIA BOARD OF MEDICINE
Executive/Management Committee Minutes
March 10, 2024

The West Virginia Board of Medicine's Executive/Management Committee met at 11:00 am on March 10, 2024, at the Board Office.

The following committee members attended the meeting:

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

The following committee member attended the meeting via teleconference:

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

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 January 7, 2024 meeting minutes were made available for members to review. Dr. Lilly moved that the January 7, 2024 meeting minutes be approved. Ms. Mayfield seconded the motion, and the motion carried without opposition.

**APPROVAL
OF MINUTES**

Prior to today's meeting, a copy of the fiscal reports and purchasing card transactions for the months of December 2023 and January 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. Lilly moved that the December 2023 and January 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, 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 reported that Senate Bill 714 has completed the legislative process and is awaiting the Governor's signature. Pursuant to the bill, the Board of Medicine will consult with the Board of Osteopathic Medicine to develop and implement a transition plan, which is to be submitted to the Joint Committee on Government Finance, the Governor, the Secretary of State, the Department of Administration and the Division of Personnel no later than July 1, 2024. Ms. Mayfield moved that Board staff develop and enter into a Confidentiality Agreement with the Board of Osteopathic Medicine in advance of discussing and/or sharing confidential and nonpublic information. Ms. Mayfield further moved that a Transition Committee be established to facilitate the consolidation. Dr. Lilly seconded the motion, and the motion carried without opposition.

Mr. Spangler reported that in addition to consolidating the Board of Medicine and the Board of Osteopathic Medicine, Senate Bill 714 creates a new code section that establishes a Genetic Counselors Practice Act. If the bill is signed by the Governor, Board staff will begin drafting rules related to the licensure and regulation of genetic counselors, which will be presented to the Committee for consideration at a future meeting.

Prior to today's meeting, a proposed invoice in the matter of *West Virginia Board of Medicine, Petitioner, v. David Nathaniel Smith, MD, Respondent*, Complaint No. 21-96-W, was made available for members to review. Mr. Spangler reported that in December 2023 the Board issued a Final Decision and Order in this matter, which among other things required Dr. Smith to pay the costs and expenses of the proceeding. Ms. Mayfield moved that the Committee recommend that the Board approve the issuance of the Invoice to Dr. Smith. Dr. Lilly seconded the motion, and the motion carried without opposition.

Prior to today's meeting, correspondence that was received regarding the possible violation of prescribing laws was made available for members to review. Mr. Spangler reported that the correspondence raises 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 further reported that the correspondence does not identify specific providers, and there is no evidence that West Virginia

prescribing laws are being violated. The Committee directed Board staff to gather additional information and report back to the Committee at a future meeting.

Mr. Spangler reported that Interstate Telehealth Registration (ITR) renewal is currently underway for medical doctors and physician assistants. ITR renewal will conclude at 4:30 pm Eastern Daylight Time (EDT) on Friday, March 29, 2024. Medical license renewal for physicians whose last names begin with the letters A through L, controlled substance dispensing practitioner registration renewal for physicians whose last names begin with the letters A through L, educational permit renewal and professional limited liability company renewal will begin on May 1, 2024 and will conclude at 4:30 pm EDT on Friday, June 28, 2024.

Mr. Spangler reminded members that in 2023 legislation was enacted which required licensing boards, including the Board of Medicine, to publish a roster which contains required information for practitioners, including the practitioners mailing address of record with the Board, on the Board's website. Mr. Spangler reported that during the 2024 session of the West Virginia Legislature, Senate Bill 438, modifying roster requirements of authorizing entities, was passed. Senate Bill 438 removes the requirement that the mailing address for practitioners be included on the roster. The roster will be published on the Board's website and will be updated monthly.

Mr. Spangler reported that since September 2023, board staff who are interested and who are eligible to participate in the Board's telework pilot program have been working remotely one day a week. The program continues to go well. Ms. Mayfield moved that the Committee recommend that the Board transition the telework pilot program to a standing program. Dr. Lilly seconded the motion, and the motion carried without opposition.

Mr. Spangler reported that Board staff continue to work with the Federation of State Medical Boards to update the Data Sharing Agreement.

Mr. Spangler reported that the Board of Medicine, in conjunction with the Board of Osteopathic Medicine, the Board of Pharmacy and the Board of Nursing, will begin developing a joint policy statement regarding IV hydration therapy. The policy statement will be presented for consideration at a future meeting.

Mr. Spangler reported that in January 2024, the Committee authorized the issuance of a certificate to Constatino Ycong Amores, MD in recognition of his 48 years of medical licensure in West Virginia. Dr. Amores and his family were very appreciative of the recognition.

Mr. Spangler reported that the matter of *JH, Petitioner, v. West Virginia Board of Medicine, Respondent*, which was pending before the U.S. Supreme Court, has expired due to inactivity.

ADJOURNMENT

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



Ashish P. Sheth, MD
Executive/Management Committee Chair