

WEST VIRGINIA BOARD OF MEDICINE
Legislative Committee Minutes
March 10, 2024

The West Virginia Board of Medicine's Legislative Committee met at 10:30 am on March 10, 2024 at the Board Office.

The following committee members attended the meeting:

Mustafa Rahim, MD, Legislative Committee Chair
Jonathan P. Lilly, MD
Ashish P. Sheth, MD

The following board member was appointed to serve on the Committee at this meeting:

Angela A. Mayfield

The following committee members did not attend the meeting:

Kishore K. Challa, MD, FACC
Douglas S. Dockery, DPM
Victoria L. Takubo, PA-C

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**

Prior to today's meeting, a copy of the following meeting minutes were made available for members to review: **APPROVAL OF MINUTES**

January 7, 2024
January 18, 2024
January 31, 2024
February 7, 2024
February 21, 2024

Dr. Sheth moved that the said meeting minutes be approved. Dr. Lilly seconded the motion, and the motion carried with no opposition.

Mr. Spangler reported that the following Board of Medicine rules were passed during the 2024 legislative session and are awaiting the Governor's signature:

- W. Va. Code R. § 11-1B-1 *et seq.*, *Licensure, Practice Requirements, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants.*
- W. Va. Code R. § 11-6-1 *et seq.*, *Continuing Education for Physicians and Podiatric Physicians.*
- W. Va. Code R. § 11-12-1 *et seq.*, *Permitting and Disciplinary Procedures: Educational Permits for Graduate Medical Interns, Residents and Fellows.*

Mr. Spangler reported that **Senate Bill 300**, relating to organization of the Office of the Inspector General, was passed during the 2024 legislative session. This bill has been signed by the Governor and is effective from passage on February 8, 2024. Senate Bill 300 requires the Office of the Inspector General, in collaboration with the West Virginia Board of Medicine and the West Virginia Board of Osteopathic Medicine, to promulgate rules for the licensure of pain management clinics. The bill also provides that upon finding that a physician has violated the provisions of statute or the rules adopted, that the director "shall provide notice of the violation to the applicable licensing board."

Mr. Spangler reported **Senate Bill 438**, modifying roster requirements of authorizing entities, has completed the legislative process, and is awaiting the Governor's signature. This bill cleans up legislation that was passed in 2023, 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. Senate Bill 438 removes the requirement that the mailing address for practitioners be included on the roster. The Board will publish the roster on the Board's website and will update it monthly.

Mr. Spangler reported on **Senate Bill 477**, prohibiting public disclosure of personal information on the internet, which was passed during the 2024 legislative session. This bill allows

health care workers to request removal of their or their immediate family members personal information from the internet if they feel that the information published “poses an imminent and serious threat to the person’s safety or the safety of the person’s immediate family.’ The bill also provides that a person who “knowingly, willfully and intentionally” makes the personal information of a healthcare worker or their immediate family available on the internet with the intent to threaten, intimidate or incite the commission of a crime of violence against the person can be fined and/or imprisoned.

Mr. Spangler reported that **Senate Bill 667**, creating a Physician Assistant Compact, has completed the legislative process and is awaiting the Governor’s signature. The Physician Assistant Compact, which will facilitate licensure portability for physician assistants, is available for state enactment but will not become operational until seven states have adopted the compact model legislation. Most of the details of physician assistant practice pursuant to the Physician Assistant Compact will be worked out once the compact is established.

Mr. Spangler reported that **Senate Bill 714**, transferring duties and licensing from the Board of Osteopathic Medicine to the Board of Medicine, has completed the legislative process and is awaiting the Governor’s signature. If signed by the Governor, the bill will become effective ninety days from passage, which is June 4, 2024. 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.

Mr. Spangler reported that **House Bill 5105**, eliminating vaccine requirements for public virtual schools, has completed the legislative process and is awaiting the Governor’s signature. This bill provides a vaccine exemption for virtual school attendance, but requires individuals who participate in secondary school athletics to be vaccinated.

Mr. Spangler reported that Board staff will evaluate the Board’s rules to determine whether modifications are needed.

Mr. Spangler reported that W. Va. Code R. § 30-13-1 *et seq.*, Waiver of Initial Licensing Fees for Certain Initial Licensure Applicants, is scheduled to sunset on August 2, 2025. Committee members did not feel that the rule needs to be modified at this time; therefore, Dr. Sheth moved that the Committee recommend that the Board authorize staff to file a Sunset Extension Request with the West Virginia Secretary of State's Office, which will allow the Board to update the sunset expiration date to August 1, 2030, and maintain the remainder of the rule without modification. Dr. Lilly seconded the motion, and the motion carried without opposition.

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.

Mustafa Rahim, MD
Legislative Committee Chair

