

WEST VIRGINIA BOARD OF MEDICINE
Executive/Management Committee Minutes
September 8, 2024

The West Virginia Board of Medicine’s Executive/Management Committee met at 10:30 am on September 8, 2024 at the Board Office.

The following committee members attended the meeting:

Jonathan P. Lilly, MD, Executive/Management Committee Chair
Matthew Q. Christiansen, MD, MPH
Angela A. Mayfield
Ashish P. Sheth, MD
Victoria L. Takubo, PA-C

At the Committee’s invitation, the following newly appointed board member attended the meeting:

Kristen D. Statler, MD

The following board member, who is the Chair of the Licensure Committee, attended and chaired a portion of the meeting at the Executive/Management Committee’s invitation:

Kiran R. Patel, MD, FACOG

The following staff members attended the meeting:

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

The following staff member attended a portion of the meeting:

Sheree J. Thompson

With a quorum of members present, Dr. Lilly 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 July 14, 2024 meeting minutes were made available for members to review. Ms. Mayfield moved that the July 14, 2024 meeting minutes be approved. Dr. Sheth seconded the motion, and the motion carried without opposition.

**APPROVAL
OF MINUTES**

Prior to today's meeting, Aster Berhane's initial medical licensure application, and the associated documents, were made available for members to review. Mr. Spangler reported that Dr. Berhane's application for medical licensure was transferred from the Licensure Committee to the Executive/Management Committee for consideration at a Sunday meeting. Dr. Lilly appointed Dr. Patel to chair this portion of the meeting. After a thorough discussion with Dr. Berhane, Dr. Sheth moved that the Committee recommend that Dr. Berhane's application for West Virginia medical licensure be granted. Dr. Lilly seconded the motion, and the motion carried without opposition.

Dr. Patel and Ms. Thompson left the meeting room at this time and were not present for the remainder of the meeting. Dr. Lilly resumed chairmanship.

Prior to today's meeting, a copy of the fiscal reports and purchasing card transactions for the months of June and July 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. Committee members inquired about the methods of payment accepted by the Board, for which Mr. Spangler conveyed that currently all payments made to the Board are submitted online via credit card transaction. Committee members directed Board staff to inquire whether electronic bank transfer is an acceptable method of payment within the state's banking system. Board staff will report back to the Committee regarding this matter at a future meeting. Dr. Sheth moved that the June and July 2024 fiscal reports and purchasing card transactions be approved. Ms. Takubo seconded the motion, and the motion carried without opposition.

Prior to today's meeting, the 2023 Pediatric and Adult Brain Death / Death by Neurological Criteria Consensus Practice Guidelines and correspondence related thereto, was made available for members to review. Mr. Spangler reported that the requestor would like for the Board to acknowledge the guidelines. The Committee directed Board staff to respond to the requestor and advise her that she will need to contact the West Virginia Legislature if she seeks a modification to the statute related to determination of death. Additionally, the Committee directed Board staff to share the guidelines with the Board's regulatory partners.

Prior to today's meeting, the West Virginia Performance Evaluation and Research Division (PERD) Regulatory Board Review for the Medical Imaging and Radiation Therapy Technology Board of Examiners was made available for members to review. Mr. Spangler reported that the PERD Review provides that while regulation of the medical imaging and radiation therapy profession is needed, consolidating the regulatory function within the Board of Medicine would be more economical. Board staff will monitor legislation introduced during the 2025 session of the West Virginia Legislature and will report back to the Committee if a bill which seeks to transfer the regulation of these professions to the Board of Medicine is introduced.

Prior to today's meeting, the following proposed 2025 Board meeting dates was made available for members to consider:

January 13, 2025
March 10, 2025
May 5, 2025
July 14, 2025
September 8, 2025
November 10, 2025

Ms. Takubo moved that the Committee recommend that the Board approve the proposed 2025 Board meeting dates. Dr. Sheth seconded the motion, and the motion carried without opposition.

Mr. Spangler reported that Ms. Amal Khan, who previously served as the licensure analyst for providers with last names that begin with the letters H through O, resigned in August to attend pharmacy school. Ms. Emilie Lloyd, who served as the receptionist and administrative office assistant, transferred to the position that was vacated by Ms. Khan. Additionally, Ms. Christina McNealy has been hired to serve as the receptionist and administrative office assistant. Ms. McNealy will assume her position on September 23, 2024.

Mr. Spangler reminded members that at the July 15, 2024 Board meeting, the Committee recommended that the Board sponsor Mujhtuba Ali Hassan Baksh, MD to sit for Step 3 of the United States Medical Licensure Exam (USMLE) for a final time. Dr. Baksh is currently a resident of Charleston, West Virginia and holds an educational permit issued by this Board. Mr. Spangler reported that following the July Board meeting staff submitted a letter of sponsorship to the USMLE. To date, the USMLE has not contacted the Board nor Dr. Baksh regarding the

sponsorship. If the Board does not receive correspondence from the USMLE in the near future, Board staff will follow-up regarding this matter.

Mr. Spangler reported that inaugural Physician Assistant Licensure Compact meeting will be held on September 23-24, 2024 in Washington, D.C. Ms. Alley will be representing West Virginia at the meeting, where state commissioners will elect an Executive Committee and vote on rules and bylaws.

Prior to today's meeting, the Federation of State Medical Boards (FSMB) report entitled *Navigating the Responsible and Ethical Incorporation of Artificial Intelligence (AI) into Clinical Practice* was made available for members to review. Mr. Spangler reminded members that at the July 8, 2024 meeting, the Committee expressed possible interest in the aforementioned policy, and requested that it be placed before the Committee at today's meeting for further discussion. Following discussion, the Committee directed Board staff to further research medical AI standards and regulations in anticipation of developing a position statement in the future.

Mr. Spangler reported that Board staff continue to collaborate with the relevant agencies to finalize the *Joint Advisory Opinion Regarding Retail IV Therapy Issued by the West Virginia Board of Medicine, the West Virginia Board of Osteopathic Medicine, the West Virginia Board of Pharmacy and the West Virginia Board of Registered Nurses*. It is anticipated that the Joint Advisory Opinion will be finalized soon.

Mr. Spangler reported that Board staff are working with the West Virginia Purchasing Division to procure a new database and website.

Mr. Spangler reported that in March, 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. Dr. Smith did not pay the costs and expenses of the hearing as required by the Board's Final Decision and Order within the allotted time. The Board sought assistance from the West Virginia Attorney General's office in collecting payment; however, to date, no payment has been received. Board

staff are awaiting guidance from the Attorney General's Office regarding whether it would be financially viable to further pursue collection of the payment.

ADJOURNMENT

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



Jonathan P. Lilly, MD
Executive/Management Committee Chair