

WEST VIRGINIA BOARD OF MEDICINE
Legislative Committee Minutes
September 8, 2024

The West Virginia Board of Medicine's Legislative Committee met at 9:30 am on September 8, 2024, at the Board Office.

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

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

Kristen D. Statler, MD

The following board members attended a portion of the meeting as a guest:

Angela A. Mayfield
Kiran R. Patel, MD, FACOG

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 draft March 10, 2024 meeting minutes were made available for members to review. Ms. Takubo moved that the March 10, 2024 meeting minutes be approved. Dr. Dockery seconded the motion, and the motion carried without opposition.

**APPROVAL
OF MINUTES**

Mr. Spangler reported that in April 2024 Board staff filed *Notice of Agency Approval of a Proposed Rule* with the West Virginia Secretary of State's Office with regard to W. Va. Code R. § 11-13-1 *et. seq.*, *Waiver of Initial Licensing Fees for Certain Initial Licensure Applicants*. The

proposed modification to this rule updates the sunset provision from August 2025 to August 2030. The Legislative Rule-Making Review Committee has approved the rule as originally filed. The rule will be considered by the West Virginia Legislature during the 2025 session.

Prior to today's meeting, a proposed bill which would modify the West Virginia Medical Practice Act was made available for members to review. Mr. Spangler reported that the proposed bill incorporates the modifications to the West Virginia Medical Practice Act which were included in Senate Bill 714, from the 2024 regular session of the West Virginia Legislature, except for the provisions related to transferring the duties and licensing from the West Virginia Board of Osteopathic Medicine to the West Virginia Board of Medicine. Specifically, the proposed bill:

- Updates the definition section.
- Modifies board membership eligibility criteria for both providers and lay members.
- Permits:
 - The acceptance of Canadian training.
 - The Board to establish circumstances in which the approval of applications and the issuance of licenses and other practice credentials may be delegated to board staff.
 - The use of electronic signatures on licenses and other practice credentials.
- Reorganizes licensure types into two categories; (1) licenses that require an examination; and (2) special license types.
- Eliminates the licensure pathway for international medical graduates that permits the substitution of unaccredited fellowships for accredited training.
- Clarifies the accepted jurisdictions where medical school faculty applicants must hold unrestricted licensure as a prerequisite for eligibility for this license type.
- Repeals:
 - Regulation of radiologist assistants.
 - Licensure to practice at certain state veterans nursing home facilities.
 - Licensure by endorsement.

- Temporary licenses.

Ms. Takubo moved that the Committee recommend that the Board authorize staff to pursue introduction of the proposed bill during the 2025 legislative session. Dr. Dockery seconded the motion, and the motion carried without opposition.

Prior to today's meeting, a proposed bill which would authorize physician assistant ownership of professional limited liability companies was made available for members to review. Mr. Spangler reported that Senate Bill 169, allowing physician assistants to own a practice, was introduced during the 2024 regular session of the West Virginia Legislature but was not passed. The proposed bill for the Committee's consideration is a revised version of Senate Bill 169. Ms. Takubo moved that the Committee recommend that the Board authorize staff to pursue introduction of the proposed bill during the 2025 legislative session. Dr. Dockery seconded the motion, and the motion carried without opposition.

Prior to today's meeting, a proposed bill which would authorize the West Virginia Board of Medicine to license and regulate genetic counselors was made available for members to review. Mr. Spangler reported that this bill is substantially similar to the genetic counselor section of Senate Bill 714 from the 2024 regular session. Dr. Dockery moved that the Committee recommend that the Board authorize staff to pursue introduction of the proposed bill during the 2025 legislative session. Ms. Takubo seconded the motion, and the motion carried without opposition.

Prior to today's meeting a request that the Board consider supporting modification to the medical school faculty provisions of the West Virginia Medical Practice Act was made available for members to review. Mr. Spangler reported that the requestor seeks a modification which would permit medical school faculty licensees a pathway to unrestricted licensure after holding a medical school faculty license for three years. The Committee directed Board staff to research this issue more fully to see if a resolution can be reached which protects the integrity of the licensure process and provides more flexibility to medical school faculty licensees to practice within a broader geographical area under certain circumstances. The Committee will revisit this issue at its November 3, 2024 meeting.

Dr. Sheth and Dr. Patel joined the meeting at this time.

Prior to today's meeting, the *West Virginia Performance Evaluation and Research Division (PERD) Regulatory Review of the Medical Imaging and Radiation Therapy Technology Board of Examiners* was made available for members to review. Mr. Spangler reported that PERD's report to the West Virginia Legislature recommended that the Medical Imaging and Radiation Therapy Technology Board of Examiners be consolidated with the West Virginia Board of Medicine. Board staff will monitor legislation that is introduced during the 2025 session of the West Virginia Legislature and will alert the Committee if a bill which seeks to consolidation the boards is introduced.

Ms. Mayfield joined the meeting at this time.

Mr. Spangler reported that currently the West Virginia Board of Medicine and the West Virginia Board of Osteopathic Board each license and regulate physician assistants. The statutes, rules and processes related to the licensure and regulation of physician assistants vary slightly between the two boards. The Committee directed board staff to explore modifications to the regulation of physician assistants which would decrease regulatory burdens.

ADJOURNMENT

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



Ashish P. Sheth, MD
Legislative Committee Chair