

WEST VIRGINIA BOARD OF MEDICINE
Legislative Committee Minutes
March 9, 2025

The West Virginia Board of Medicine's Legislative Committee met at 9:30 am on March 9, 2025 at the Board Office.

The following committee members attended the meeting:

Ashish P. Sheth, MD, Legislative Committee Chair
Jonathan P. Lilly, MD
Victoria L. Takubo, PA-C

The following committee member did not attend the meeting:

Douglas S. Dockery, DPM

The following staff members attended the meeting:

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

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

Angela A. Mayfield

With a quorum of members present, Dr. Sheth called the meeting to order.

**CALL TO
ORDER**

Prior to today's meeting, a copy of the draft January 12, 2025 and February 26, 2025 meeting minutes were made available for members to review. Ms. Takubo moved that the January 12, 2025 and February 26, 2025 meeting minutes be approved as presented. Dr. Sheth seconded the motion, and the motion carried without opposition.

**APPROVAL
OF MINUTES**

Mr. Spangler reported that **Senate Bill 369**, a bundled bill authorizing miscellaneous boards and agencies to promulgate legislative rules, contains the Board's proposed modification to W. Va. Code R. § 11-13-1, *Waiver of Initial Licensing Fees for Certain Initial Licensure Applicants*. The modification would update the sunset provision date from 2025 to 2030. Senate

Bill 369 has passed the Senate and is awaiting consideration by House Government Organization Committee.

Mr. Spangler reported that **Senate Bill 29** would allow physician assistants to own foreign medical corporations and professional limited liability companies. This Bill has passed the Senate and is awaiting consideration by the House Health and Human Resources Committee.

Mr. Spangler reported that **Senate Bill 86**, Creating Unmatched Medical Graduate Advisory Council, would create a council “to examine the issue of medical school graduates who are not placed in a residency program, and to provide recommendations regarding how to assist these individuals to continue their medical training while also filling a critical need for medical professionals within the state.” As originally written, the council would consist of the Chancellor for Higher Education or his or her designee, the President of the Board of Medicine or his or her designee, and the President of the Board of Osteopathic Medicine or his or her designee. The bill was amended by Senate Health and Human Resources Committee to add the following individuals to the council: the Dean of the Joan C. Edwards School of Medicine at Marshall University, or his or her designee; the Chancellor of Health Sciences at West Virginia University School of Medicine, and his or her designee; the President of the West Virginia School of Osteopathic Medicine, or his or her designee; and the Chairperson of the Governing Board of Directors for Mountain State Osteopathic Postdoctoral Training Institute, or his or her designee.

Mr. Spangler reported that **Senate Bill 117**, exempting certain physicians from specified traffic laws when responding to emergencies, was amended by Senate Transportation and Infrastructure Committee to require the use of a bell, siren, or exhaust whistle and red flashing warning light equipment when responding to an emergency. Senate Bill 117 has passed the Senate and is awaiting consideration by the House Judiciary Committee.

Mr. Spangler provided an update on **Senate Bill 159**, which would add a new section to the West Virginia Medical Practice Act that would prohibit medical providers from performing pelvic, prostate, rectal and breast exams on sedated or unconscious patients. At the February 26, 2025 meeting, the Committee authorized Board staff to consult with the bill sponsor and senate legal staff to seek an amendment which would provide clarity and discretion with regard to the

discipline to be imposed for violations of the bill and more guidance on which entities are charged with collecting the designated fine. Mr. Spangler reported that Board staff continue to seek an amendment to this Bill. Senate Bill 159 has not yet been placed on the Senate Judiciary Committee Agenda for consideration.

Mr. Spangler reminded members that at the February 26, 2025 meeting, the Committee voted to oppose the following bills:

- **Senate Bill 167**, permitting care of patients by telemedicine across state lines; and
- **Senate Bill 177**, Pharmacist Prescribing Authority Act.

To date, these bills have not been placed on the Senate Health and Human Resources Committee Agenda.

Mr. Spangler provided an update on **Senate Bill 263**, which would modify the general provisions regarding how licensing boards can consider criminal convictions in the context of licensing. The Board of Medicine is carved out of this section of code except for a new provision that prohibits asking about or considering pending criminal charges during the application and licensing process. At the February 26, 2025 meeting, the Committee directed Board staff to seek a carve-out for the Board of Medicine. Mr. Spangler reported that Board staff continue to work on getting the Board of Medicine carved out of the bill. Senate Bill 263 has not yet been placed on the Senate Workforce Agenda for consideration.

Mr. Spangler provided an update on **Senate Bill 458**, Universal Professional and Occupational Licensing Act of 2025. This bill would provide for a universal licensing process for persons licensed in another state and who establish a residence in West Virginia and certain military spouses. At the February 26, 2025 meeting, the Committee directed Board staff to seek an amendment to provide that physicians, osteopathic physicians and podiatric physicians must have completed accredited training in order to be eligible for a license via the universal licensure pathway. The bill has been amended to include these changes. Board staff will continue to monitor this Senate Bill 458.

Mr. Spangler reminded members that at the February 26, 2025 meeting, the Committee voted to oppose **Senate Bill 526**, Creating the Pharmacist Prescribing Authority Act. This bill

would authorize pharmacists to prescribe low-risk medications to patients. Senate Bill 526 is awaiting consideration by the Senate Government Organization Committee.

Mr. Spangler reported that **Senate Bill 557**, Relating to licensing by the West Virginia Board of Medicine has been introduced, but has not yet been placed on the Senate Health and Human Resources Committee Agenda for consideration.

Mr. Spangler provided an update on **Senate Bill 565** and **House Bill 2975**, relating generally to the practice of optometry, which the Committee voted to oppose at the February 26, 2025 meeting. House Bill 2975 has not yet been placed on the House Health and Human Resources Committee Agenda. Senate Bill 565 was amended on the Senate Floor. The amendment includes “a training requirement that at least 10 of each new procedure must be supervised for a total of 50 collective cases for each individual person proposing certification shall be proctored by an optometrist or ophthalmologist that already meets the above criteria and submitted to the board for review.” The bill is scheduled for third reading on the Senate Floor tomorrow, March 9, 2025. Board staff will continue to monitor these bills.

Mr. Spangler reminded members that at the February 26, 2025 meeting the Committee voted to oppose **Senate Bill 660** and **House Bill 2544**. These bills would:

- eliminate the definition of “collaboration” and “collaborating physician”;
- prohibit the Board from proposing any rule that would prohibit physician assistants from practicing without supervision of a physician;
- eliminate practice notifications;
- add a definition for “certified nurse practitioner”; and
- provide language related to the administration of anesthetics.

Neither Senate Bill 660 nor House Bill 2544 have been placed on an agenda for consideration.

Mr. Spangler reported that **House Bill 3222**, to require doctors that grant medical cannabis cards have a physical location within the state of West Virginia, has been introduced. Committee members indicated that they are in favor of House Bill 3222.

Mr. Spangler reported that **House Bill 3261**, relating generally to the administration of anesthetics by certified registered nurse anesthetists, has been introduced. This bill provides that "The administration of anesthesia may be provided by a certified registered nurse anesthetist in cooperation with a physician, a dentist, a podiatrist, an advanced practice registered nurse and/or a physician assistant when providing anesthesia services." Additionally, the Bill would permit a licensed advanced practice registered nurse practicing in the role of certified registered nurse anesthetist to use the title "nurse anesthesiologist". House Bill 3261 is similar to **Senate Bill 43**, which would permit a certified registered nurse anesthetist to administer anesthetics in cooperation with a physician or dentist. Committee members conveyed a preference for Senate Bill 43, which does not include podiatrists, advance practice registered nurses and physician assistants. Board staff will continue to monitor House Bill 3261 and Senate Bill 43.


Ms. Alley reported that prior to the commencement of the 2025 session of the West Virginia Legislature, representatives of a medical school initially expressed interest in legislative changes which would provide a pathway to convert a medical school faculty license to an unrestricted license after a minimum number of years in practice. During conversation with board staff, they subsequently indicated potential interest in a modification to the West Virginia Medical Practice Act which would permit medical school faculty licensees to practice within a broader geographical area under certain circumstances. To date, no such legislation has been introduced.

Ms. Mayfield joined the meeting as a guest at this time.

Mr. Spangler reported that to date there have been no bills introduced which would consolidate the West Virginia Board of Medicine and the West Virginia Board of Osteopathic Medicine.

ADJOURNMENT

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



Ashish P. Sheth, MD
Legislative Committee Chair