

WEST VIRGINIA BOARD OF MEDICINE
Legislative Committee Minutes
March 26, 2025

The West Virginia Board of Medicine's Legislative Committee met via Zoom at 5:00 pm on March 26, 2025.

The following committee members attended the meeting:

Jonathan P. Lilly, MD, Acting Legislative Committee Chair
Douglas S. Dockery, DPM

The following committee member attended a portion of the meeting:

Victoria L. Takubo, PA-C

The following committee member did not attend the meeting:

Ashish P. Sheth, MD, Legislative Committee Chair

The following staff members attended the meeting:

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

The Committee did not have a quorum of members present and therefore could not convene the meeting. Mr. Spangler reported that while the Committee could not deliberate or take action without a quorum, an informational update could be provided.

**CALL TO
ORDER**

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 117**, exempting certain physicians from specified traffic laws when responding to emergencies, has passed the Senate and is awaiting consideration by the House Judiciary Committee.

Mr. Spangler reported that **Senate Bill 369**, authorizing miscellaneous boards and agencies to promulgate legislative rules, has completed the legislative process and is awaiting action by the Governor.

Mr. Spangler reported that **Senate Bill 458**, which 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, has passed the Senate and is scheduled for second reading on the House Floor tomorrow, April 27, 2025.

Mr. Spangler asked Mr. Foster to provide an update on **Senate Bill 526**. Mr. Foster reported that Senate Bill 526 passed the Senate today, April 26, 2025, and now awaits consideration by the House Health and Human Resources Committee. The bill was amended in the Senate to clarify that “ The scope of the practice of pharmacy includes all of §30-5-1 *et seq.* of this code, as well as the prescribing of drugs, drug categories, or devices, excluding controlled substances, that are prescribed in accordance with the product’s federal Food and Drug Administration-approved labeling and that are limited to conditions for which a relevant patient medication history has been taken and: (1) Do not require a new diagnosis; or (2) Have a test that is used to guide diagnosis or clinical decision-making that is waived under the federal Clinical Laboratory Improvement Amendments of 1988 that indicates the existence of a condition that is minor and generally self-limiting; or (3) In the professional judgment of the pharmacist, are patient emergencies. (4) The pharmacist may, within 72 hours, notify the patient’s primary care physician, if identified, of the test result and any permissible drug, drug categories, or devices that are prescribed; and (5) Any prescription dispensed or prescribed pursuant to this article is limited to up to a 30-day supply within a six-month period: Provided, That if more than 10 days is prescribed or dispensed, then the pharmacist shall notify the primary care physician, if identified.” Board staff will continue to monitor Senate Bill 526.

Ms. Takubo joined the meeting at this time. With a quorum of members now present, and in the absence of Dr. Sheth, Dr. Lilly chaired the remainder of the meeting.

Mr. Spangler reported that **Senate Bill 810**, clarifying requirements for administration of anesthesia and chronic pain practice by certain licensed nurses, has been

introduced. This bill is similar to **House Bill 3261**, relating generally to the administration of anesthetics by certified registered nurse anesthetists. As originally written, Senate Bill 810 provided 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 provided that a licensed advanced practice registered nurse practicing in the role of certified registered nurse anesthetist could use the title “nurse anesthesiologist”. A Committee Substitute was passed which removed advanced practice registered nurses and physician assistants from the list of providers for whom the certified registered nurse anesthetist can cooperate with. Additionally, the term “nurse anesthesiologist” was stricken from the bill. Mr. Spangler further reported that Ms. Alley recently attended a stakeholder meeting related to Senate Bill 810. Ms. Alley provided an overview of the meeting. Thereafter, Mr. Foster reported that the Committee Substitute provides that “A certified registered nurse anesthetist may administer anesthesia and engage in chronic pain practice in cooperation with a physician, dentist, or podiatrist when providing the anesthesia or chronic pain services.” Additionally, Mr. Foster reported that the bill would require the West Virginia Board of Nursing to report to the Legislature regarding the implementation and impact of the bill. The report “shall include (1) Any problems or issues that have been reported to the board by hospitals in the state; and (2) Any treatment complications resulting from the administration of anesthesia by certified registered nurse anesthetists.” Committee members expressed concerns that the reporting may be inaccurate, as the practice of chronic pain management occurs outside of hospital practice. Due to the significant public safety concerns related to this bill, Ms. Takubo moved that the Committee oppose Senate Bill 810. Dr. Dockery seconded the motion, and the motion carried without opposition.

Mr. Spangler reported that **Senate Bill 60** and **House Bill 2544**, removing restrictions for supervising physicians for nurse practitioners and physician assistants in West Virginia, have not yet been placed on an agenda for consideration.

Mr. Spangler reported that **House Bill 3449**, providing for occupational license or other authorization to practice by recognition for qualified applicants from other states, has been introduced. As written, the Board of Medicine is carved out of this bill. The bill has not yet been placed on an agenda for consideration. Board staff will continue to monitor this bill.

Mr. Spangler reported that **Senate Bill 263**, relating to the use of criminal records as disqualification from authorization to practice a particular profession, is awaiting consideration by the Senate Judiciary Committee.

Mr. Spangler reported that **Senate Bill 565**, relating generally to the practice of optometry, has passed the Senate and is awaiting consideration by the House Health and Human Resources Committee.

ADJOURNMENT

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

A handwritten signature in dark ink, appearing to read 'Ashish P. Sheth', followed by a small mark that looks like 'm7'. The signature is written over a horizontal line.

Ashish P. Sheth, MD
Legislative Committee Chair