

WEST VIRGINIA BOARD OF MEDICINE
Legislative Committee Minutes
May 4, 2025

The West Virginia Board of Medicine's Legislative Committee met at 10:30 am on May 4, 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 following draft meeting minutes were made available for members to review:

**APPROVAL
OF MINUTES**

March 9, 2025
March 26, 2025
April 9, 2025

Dr. Lilly moved that the aforementioned three sets of meeting minutes be approved as presented. Ms. Takubo seconded the motion, and the motion carried without opposition.

Mr. Spangler reported that the 2025 session of the West Virginia Legislature concluded on April 12, 2025.

Mr. Spangler reported that **Senate Bill 369**, a bundled bill authorizing miscellaneous boards and agencies to promulgate legislative rules, which contains the Board's proposed modification to W. Va. Code R. § 11-13-1 *et seq.*, *Waiver of Initial Licensing Fees for Certain Initial Licensure Applicants*, completed the legislative process and has been signed by the Governor. The only modification to this rule updates the sunset provision from August 2, 2025 to August 1, 2030. Board staff will file the final version of this rule with the West Virginia Secretary of State's Office.

Mr. Spangler reported that the following bills, which were closely monitored by Board staff, were passed during the 2025 session of the West Virginia Legislature:

- **Senate Bill 458** - This bill provides for a universal licensing process for individuals licensed in another state who establish a residence in West Virginia and certain military spouses. Board staff were successful in getting the bill amended to require that physicians, osteopathic physicians and podiatric physicians must have completed accredited training to be eligible for this type of license. Senate Bill 458 becomes effective on July 1, 2025.
- **Senate Bill 526** - This bill permits pharmacists to prescribe medication, excluding controlled substances, after conducting a waived Clinical Laboratory Improvement Amendments test for influenza, SARS-COV-2, and/or RSV. The bill also permits a pharmacist to refill an expired epinephrine injection device prescription. Additionally, the bill requires pharmacists to notify the patient's primary care physician within 72 hours of conducting a test and prescribing medication. Prescriptions are restricted to a 30-day supply within six months, and if the prescription exceeds 10 days, the pharmacist must inform the primary care physician. If no primary care physician is identified, the pharmacist must attempt to refer the patient to a primary care physician. Senate Bill 526 becomes effective on July 11, 2025.

- **Senate Bill 565** - This bill permits optometrists who obtain ophthalmic laser utilization certification to perform ophthalmic laser procedures. In addition to educational requirements, to obtain certification the optometrist must satisfactorily complete a set number of proctored procedures on a living human eye to the proctor's satisfaction. Senate Bill 565 becomes effective on July 9, 2025.

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

- **Senate Bill 810** - This bill permits a Certified Registered Nurse Anesthetist (CRNA) to administer anesthesia in cooperation with a physician, dentist or podiatrist. The bill also clarifies that a CRNA "does not have independent practice authority." Senate Bill 810 becomes effective on July 7, 2025.

Mr. Spangler reported that the following Board of Medicine bills were introduced, but not passed during the 2025 session of the West Virginia Legislature:

- **Senate Bill 29** - This bill would have authorized physician assistants to own foreign medical corporations and professional limited liability companies.
- **Senate Bill 557** - This bill would have made several modifications to the West Virginia Medical Practice Act and would have permitted the Board to license and regulate genetic counselors.

In preparation for the 2026 session of the West Virginia Legislature, Mr. Spangler asked Committee members to identify any potential items that they wish to propose as new legislation or any modifications to existing rules. Following discussion:

- Dr. Lilly moved that the Committee directed staff to explore alternative licensing models for international medical graduates and make recommendations to the

Committee at a future meeting. Ms. Takubo seconded the motion, and the motion carried without opposition.

- Ms. Takubo moved that the Committee recommend that the Board authorize staff to revise the Board's current continuing education requirements to modernize the nomenclature related to maintenance of certification, and to eliminate the recurrent requirement for a licensee who prescribes, administers and/or dispenses a controlled substance medication to complete a three hour Board-approved course on risk assessment and responsible prescribing of controlled substances every two years as a prerequisite to license renewal. Dr. Lilly seconded the motion, and the motion carried without opposition.

Mr. Spangler reported that the deadline to file a Notice of Comment Period with the West Virginia Secretary of State's Office for rules to be considered during the 2026 session of the West Virginia Legislature is June 25, 2025. Therefore, the Board will need to authorize all rulemaking prior to the July 2025 meeting cycle. Ms. Takubo moved that the Committee recommend that the Board grant the Legislative Committee authority to act on behalf of the Board with regard to rulemaking for the 2026 legislative session. Dr. Lilly seconded the motion, and the motion carried without opposition.

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.


Kishore K. Challa, MD, FACC
Legislative Committee Chair