

WEST VIRGINIA BOARD OF MEDICINE
Legislative Committee Minutes
June 23, 2025

The West Virginia Board of Medicine's Legislative Committee met via Zoom at 5:00 pm on June 23, 2025.

The following committee members attended the meeting:

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

The following staff members attended the meeting:

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

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 proposed amended rules were made available for members to review:

- W. Va. Code R. § 11-1B-1 *et seq.*, *Licensure, Practice Requirements, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants*
- W. Va. Code R. § 11-6-1 *et seq.*, *Continuing Education for Physicians and Podiatric Physicians*

Mr. Spangler reported that in 2013, W. Va. Code R. § 11-1B-1 *et seq.*, *Licensure, Practice Requirements, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants*, and W. Va. Code R. § 11-6-1 *et seq.*, *Continuing Education for Physicians and Podiatric Physicians*, were amended to implement statutory changes instituted in 2012 requiring

that medical doctors, podiatric physicians and physician assistants must complete drug diversion training and best practice prescribing of controlled substances training as part of their continuing education requirements, unless exempted due to not prescribing, administering or dispensing such drugs. For the past twelve years, Board of Medicine licensees who have prescribed, administered, or dispensed any controlled substance pursuant to a West Virginia license in the two-year reporting period preceding renewal, have been required to complete 3-hours of Board-approved continuing education in Risk Assessment and Responsible Prescribing of Controlled Substances Training / Drug Diversion Training and Best Practice Prescribing of Controlled Substances Training during each reporting period in order to renew. In 2023, the legislature passed House Bill 3317, relating to removing specific continuing education requirements, which modified the statutory requirements for this training and amended W. Va. Code § 30-1-7a. This change modified the name and content of the course and clarified that the requirement need not continue to be a reoccurring requirement for each renewal cycle. This state legislative change occurred contemporaneously with a federal enactment in the Consolidated Appropriations Act of 2023 (Public Law 117-328) which, beginning June 27, 2023, requires registrants with the Drug Enforcement Administration (DEA) to complete a one-time eight-hour training requirement on the treatment and management of patients with opioid or other substance use disorders. This biannual continuing education requirement was implemented during a healthcare era which was markedly different from the current environment. In light of the substantial shift in medical approaches to the utilization of controlled substances in patient care, the safeguards and guardrails established through the Controlled Substance Monitoring Program, the Opioid Reduction Act and federal continuing education requirements for DEA registration renewal, W. Va. Code R. § 11-1B-1 and W. Va. Code R. § 11-6-1 have been amended to only require 3-hours of a Board-approved continuing education course in Risk Assessment and Responsible Prescribing of Controlled Substances Training / Drug Diversion Training and Best Practice Prescribing of Controlled Substances Training to be completed within one year of a medical doctor, podiatric physician or physician assistant receiving an initial license. This is consistent with the current requirements of W. Va. Code §30-1-7a.

Mr. Spangler reported that in addition to the above-mentioned modification, W. Va. Code R. § 11-1B-1 has been further amended to reflect the National Commission on Certification of

Physician Assistants' (NCCPA's) two different recertification exam processes, and to clarify that either process, if completed during the continuing education reporting period, may be used to satisfy a physician assistant's continuing education requirements. Additionally, technical and structural non-substantive changes have been made for clarity.


Dr. Dockery moved that the Committee approve W. Va. Code R. § 11-1B-1 *et seq.* as presented and authorize Board staff to move forward with promulgation of the legislative rule. Ms. Takubo seconded the motion, and the motion carried without opposition.

Mr. Spangler reported that in addition to the above-mentioned modification, W. Va. Code R. § 11-6-1 has been amended to update nomenclature as it relates to continuing certification processes for physicians who are board certified by one of the member boards of the American Board of Medical Specialties (ABMS). This is a technical change to align with updated vocabulary utilized by ABMS and its member boards and does not alter or amend the meaning of the rule. Additionally, technical and structural non-substantive changes have been made for clarity.

Dr. Lilly moved that the Committee approve W. Va. Code R. § 11-6-1 *et seq.*, as presented and authorize Board staff to move forward with promulgation of the legislative rule. Ms. Takubo seconded the motion, and the motion carried without opposition.

ADJOURNMENT

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



Kishore K. Challa, MD, FACC
Legislative Committee Chair