

WEST VIRGINIA BOARD OF MEDICINE MEETING MINUTES

| Meeting Information | |
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| Committee | Legislative |
| Meeting Date | January 28, 2026 |
| Meeting Time | 5:00 pm |
| Location | Virtual Meeting Conducted via Zoom |

| Committee Members | | |
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| Name | Present | Absent |
| Kishore K. Challa, MD, FACC, Chair | | X |
| Douglas S. Dockery, DPM | X | |
| Jonathan P. Lilly, MD | X | |
| Mark E. McDaniel, DO, FAAFP | | X |
| Victoria L. Takubo, PA-C | X | |

| Staff Members | | |
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| Name | Present | Absent |
| Mark A. Spangler, Executive Director | X | |
| Jamie S. Alley, Esq. | X | |
| Greg S. Foster, Esq. | X | |
| Jamie C. Frame | X | |

| Guests / Public Members |
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| No guests / public members were present. |

Call to Order

In the absence of Dr. Challa, Dr. Lilly chaired the meeting. With a quorum of members present, Dr. Lilly called the meeting to order.

Board of Medicine Rules

Mr. Spangler reported that **Senate Bill 343** and **House Bill 4292**, Authorizing the Board of Medicine to promulgate a legislative rule relating to licensure, practice requirements, disciplinary and complaint procedures, and continuing education for physician assistants, have been introduced. Additionally, **Senate Bill 344** and **House Bill 4293**, Authorizing the Board of Medicine to promulgate a legislative rule relating to continuing education for physicians and podiatric physicians, have been introduced. The rule bills have not yet been placed on an agenda.

Proposed Board of Medicine Bills

Mr. Spangler reported that the Board's proposed rules which would update the West Virginia Medical Practice Act, authorize the Board to licensure and regulate genetic counselors, and create an education permit for podiatric physicians have not yet been introduced.

Mr. Spangler reported that **Senate Bill 583**, Creating an Emeritus Physician License, has been introduced. The bill is double referenced to Senate Government Organization Committee and Senate Finance Committee. The bill has not yet been placed on an agenda.

Consideration of Bills Introduced that Relate to the Regulation of Medicine and/or are of Potential Interest to the Board

Prior to today's meeting, the bills identified in the table below were made available for members to review.

Mr. Spangler provided a brief description of each of the bills and gave a status update when appropriate.

| Bill Number | Title | Notes / Motion |
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| Senate Bill 72 | Requiring medical professionals to report injuries and side effects from vaccines to Bureau for Public Health | The Committee reviewed this bill. No action was taken. |
| Senate Bill 91 | Prohibiting spending authority for money used by board or commission that retains labor position | The Committee reviewed this bill. No action was taken. |
| Senate Bill 136 | Providing reports to DMV on mental and physical disabilities for driver's license | The Committee reviewed this bill. No action was taken. |
| Senate Bill 173 | Prohibiting abortifacients | The Committee reviewed this bill. No action was taken. |

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| | | <p>exam is within the scope of care order for the surgical procedure and prior written informed consent obtained; (3) a medical emergency exists and the exam is immediately necessary; or (4) a court has ordered the performance of the exam for the purpose of collecting evidence. Additionally, the bill provides that a person who violates this section is subject to suspension of his or her license or authorization to practice for no less than five years, and is subject to a fine of no less than \$1,000 and no more than \$10,000 to be deposited into the West Virginia Foundation for Rape Information and Services. Dr. Dockery moved that the Committee support Senate Bill 509. Ms. Takubo seconded the motion, and the motion carried without opposition.</p> |
| Senate Bill 510 | Using criminal records as disqualification from practicing particular professions | <p>Mr. Spangler asked Ms. Alley to speak to Senate Bill 510. Ms. Alley reported that this bill would prohibit a licensing authority from disqualifying an applicant from initial licensure because of a prior criminal conviction that remains unreversed unless that conviction is for a crime that directly and specifically relates to the duties and responsibilities of the activity requiring licensure such that granting the applicant licensure would pose a direct and substantial risk to the public because the applicant has not been rehabilitated. Additionally, the bill sets forth criteria to be used in considering whether a criminal conviction directly and specifically relates to a profession or occupation. Ms. Takubo moved that the Committee seek a carve out to ensure that the Board of Medicine is not subject to the amendments of this bill. Dr. Dockery seconded the motion, and the motion carried without opposition.</p> |
| Senate Bill 515 | Requiring drug testing for individuals receiving office-based medication-assisted treatment | <p>Mr. Spangler reported that Senate Bill 515 would require drug testing for individuals in an office-based medication-assisted treatment program for substance use disorder. Additionally, the bill establishes when the drug testing is to occur. Dr. Dockery moved that the Committee support Senate Bill 515. Ms. Takubo seconded the motion and the motion carried without opposition.</p> |
| Senate Bill 562 | Establishing Food Is Medicine Program under Medicaid | <p>The Committee reviewed this bill. No action was taken.</p> |
| Senate Bill 571 | Relating to WV Rural Health Transformation Program | <p>Mr. Spangler reported that Senate Bill 571 would create the West Virginia Rural Health Transformation Program. Among other things, the bill would require physicians licensed by the Board</p> |

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| | | of Medicine or the Board of Osteopathic Medicine to complete continuing medical education focus on nutrition. Dr. Dockery moved that the Committee support Senate Bill 571. Ms. Takubo seconded the motion, and the motion carried without opposition. |
| Senate Bill 580 | Updating practice act for WV Medical Imaging and Radiation Therapy Technology Board | Mr. Spangler reported that Senate Bill 580 would transfer the regulation of radiologist assistants from the Board of Medicine to the West Virginia Medical Imaging and Radiation Therapy Technology Board. Ms. Takubo moved that the Committee remain neutral with regard to Senate Bill 580. Dr. Dockery seconded the motion, and the motion carried without opposition. |
| Senate Bill 599 | Prohibiting abortifacients | The Committee reviewed this bill. No action was taken. |
| Senate Bill 620 | Exempting certain physicians from specified traffic laws when responding to emergencies | Mr. Spangler reported that Senate Bill 620 would exempt physicians from specific traffic laws when responding to an emergency if the vehicle being driven displays and emblem approved by the Board of Medicine and the Board of Osteopathic Medicine indicating that the vehicle is owned by the licensed physician. The bill provides the boards with rulemaking authority. The legislature has requested that the Boards submit a fiscal note with regard to this rule. Ms. Takubo moved that the Committee support Senate Bill 620 with a modification that would permit the boards to charge a fee and which would eliminate the requirement that the boards verify that the vehicle is owned by the physician. Dr. Dockery seconded the motion, and the motion carried without opposition. |
| House Bill 4020 | Removing Full Time Requirement for Health Officers | The Committee reviewed this bill. No action was taken. |
| House Bill 4083 | Relating to Medical Professional Responsibility | The Committee reviewed this bill. No action was taken. |
| House Bill 4344 | Unconscious patients in the ICU | The Committee reviewed this bill. No action was taken. |
| House Bill 4610 | Safeguard the Right-To-Try Cutting-Edge Medicine Act | The Committee reviewed this bill. No action was taken. |
| House Bill 4629 | Relating to medical cessation treatment and research | Mr. Spangler reported that House Bill 4629 would provide exemptions for distribution to individuals between the ages of eighteen and twenty-one for the purpose of tobacco cessation and/or research in a |

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| | | sanctioned medically supervised program. Ms. Takubo moved that the Committee support House Bill 4629. Dr. Dockery seconded the motion, and the motion carried without opposition. |
| House Bill 4640 | Relating to drugs and adding a provision relating to the scheduling of crystalline polymorph psilocybin approved by the Food and Drug Administration | The Committee reviewed this bill. No action was taken. |
| House Bill 4674 | Relating to prohibiting the use or sale of abortifacients | The Committee reviewed this bill. No action was taken. |
| House Bill 4715 | To remove restrictions for supervising physicians for Nurse practitioners or physician assistants in West Virginia | Mr. Spangler reported that House Bill 4715 would eliminate collaborative practice requirements for certified nurse practitioners and physician assistants. Additionally, the bill provides that “boards may not proposed any rule that would prohibit physician assistants from practicing without supervision of a physician.” Currently, physician assistants practice pursuant to a Practice Notification which has been activated by the Board rather than with practicing in collaboration with a specific physician. Ms. Takubo moved that the Committee oppose House Bill 4715 as written since it would restrict the Board’s rulemaking authority. Ms. Takubo further moved that the Committee not oppose physician assistant practice parity with nurse practitioners. Dr. Dockery seconded the motion and the motion carried without opposition. |
| House Bill 4740 | Statutory Commitments in Rural Health Transformation Program | The Committee reviewed this bill. No action was taken. |
| House Bill 4770 | Establishing limitations on the use of artificial intelligence and artificial intelligence technology to deliver mental health care, with exceptions for administrative support functions | The Committee reviewed this bill. No action was taken. |

Board staff will continue to monitor bills which relate to the regulation of medicine and/or are of potential interest to the Board, and will keep the Committee apprised.

Consideration of Other Bills

Mr. Spangler asked members to identify any additional bills for which they have questions or would like to discuss. No additional bills were identified.

Other Legislative Matters of Interest to the Committee

Mr. Spangler asked members to identify any additional legislative matters that they would like to discuss. No additional matters of interest were expressed.

Adjournment

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



Kishore K. Challa, MD, FACC
Legislative Committee Chair