WEST VIRGINIA BOARD OF MEDICINE MEETING MINUTES

Meeting Information	
Committee	Legislative
Meeting Date	July 31, 2026
Meeting Time	10:00 am
Location	Virtual Meeting Conducted Via Zoom

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

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

Guests / Public Members

No guests / public members attended the meeting.

Call to Order

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

Review and Consideration of Comments Received on Rules

Prior to today's meeting the Board's proposed rules W. Va. Code R. §11-6-1 *et. seq.*, *Continuing Education for Physicians and Podiatric Physicians,* and W. Va. Code R. §11-18-1 *et seq.*, *Emeritus Status Licensure for Retired Providers,* were made available for members to review. Additionally, the five comments that were received with regard to W. Va. Code R. §11-6-1 *et seq.*, the one comment that was received with regard to W. Va. Code R. §11-18-1 *et seq.*, and a Summary of the Comments Received for each of these two rules were made available for member to review.

Mr. Spangler reported that on June 30, 2026 Board staff filed Notice of a Comment Period with the West Virginia Secretary of States's Office with regard to the following five rules:

- W. Va. Code R. §11-6-1 *et. seq.*, *Continuing Education for Physicians and Podiatric Physicians*
- W. Va. Code R. §11-7-1 *et seq.*, *Formation and Approval of Professional Limited Liability Companies*
- W. Va. Code R. §11-9-1 *et seq.*, *Certification, Disciplinary and Complaint Procedures, Continuing Education, Radiologist Assistant*
- W. Va. Code R. §11-11-1 *et seq.*, *Establishment and Regulation of Limited License to Practice at Certain State Veterans Nursing Home Facilities*
- W. Va. Code R. §11-18-1 *et seq.*, *Emeritus Status Licensure for Retired Providers*

The comment period associated with these five rules concluded at 12:00 pm on July 30, 2026.

Mr. Spangler reported that on July 1, 2026 Board staff filed Notice of a Comment Period with the West Virginia Secretary of State's Office with regard to W. Va. Code R. §11-1A-1 *et. seq.*, *Licensing of Physicians and Podiatric Physicians and Disciplinary Procedures for Applicants, Licensees, Credential Holders.* The comment period associated with this rule concluded at 8:30 am on July 31, 2026.

W. Va. Code R. §11-18-1 *et seq.*, *Emeritus Status Licensure for Retired Providers*

Mr. Spangler reported that the Board received one comment with regard to the Board's proposed new rule W. Va. Code R. §11-18-1 *et seq.* The *Summary of Comments Received Regarding Proposed New Rule 11 CSR 18 and the Response of the West Virginia Board of Medicine,* without attachments, is attached to these minutes as Attachment 1. No modifications were made to the proposed rule based upon the comment received. Dr. Challa moved that the Committee approve the Summary of Comments and authorize Board staff to file the agency-approved version of W. Va. Code R. §11-18-1 *et seq.* with the Secretary of State's Office as originally proposed. Dr. Dockery seconded the motion, and the motion carried without opposition.

W. Va. Code R. §11-1A-1 *et. seq., Licensing of Physicians and Podiatric Physicians and Disciplinary Procedures for Applicants, Licensees, Credential Holders*

Mr. Spangler reported that the Board did not receive any comments with regard to the Board's proposed amendments to W. Va. Code R. §11-1A-1 *et seq*. Dr. Dockery moved that the Committee authorize Board staff to file the agency-approved version of W. Va. Code R. 11-1A-1 *et seq*. with the West Virginia Secretary of State's Office as originally proposed. Dr. Challa seconded the motion, and the motion carried without opposition. [1]

W. Va. Code R. §11-6-1 *et. seq., Continuing Education for Physicians and Podiatric Physicians*

Mr. Spangler reported that the Board received five comments with regard to the Board's proposed amendments to W. Va. Code R. §11-6-1 *et seq.* The *Summary of Comments Received Regarding Proposed Amendments to 11 CSR 6 and the Response of the West Virginia Board of Medicine,* without attachments, is attached to these minutes as Attachment 2. No modifications were made to the proposed rule based upon the comments received. Dr. Dockery moved that the Committee approve the Summary of Comments and authorize Board staff to file the agency-approved version of W. Va. Code R. §11-6-1 *et seq.* with the Secretary of State's Office as originally proposed. Ms. Takubo seconded the motion, and the motion carried without opposition.

W. Va. Code R. §11-7-1 *et seq., Formation and Approval of Professional Limited Liability Companies*

Mr. Spangler reported that the Board did not receive any comments with regard to the Board's proposed amendments to W. Va. Code R. §11-7-1 *et seq.* Dr. Dockery moved that the Committee authorize Board staff to file the agency-approved version of W. Va. Code R. 11-7-1 *et seq.* with the West Virginia Secretary of State's Office as originally proposed. Ms. Takubo seconded the motion, and the motion carried without opposition.

W. Va. Code R. §11-9-1 *et seq., Certification, Disciplinary and Complaint Procedures, Continuing Education, Radiologist Assistant*

Mr. Spangler reported that the Board did not receive any comments with regard to the Board's proposed repeal of W. Va. Code R. §11-9-1 *et seq.* Dr. Dockery moved that the Committee authorize Board staff to file the agency-approved version of W. Va. Code R. 11-9-1 *et seq.* with the West Virginia Secretary of State's Office as originally proposed. Ms. Takubo seconded the motion, and the motion carried without opposition.

W. Va. Code R. §11-11-1 *et seq., Establishment and Regulation of Limited License to Practice at Certain State Veterans Nursing Home Facilities*

Mr. Spangler reported that the Board did not receive any comments with regard to the Board's proposed repeal of W. Va. Code R. §11-11-1 *et seq.* Ms. Takubo moved that the Committee

[1] Ms. Takubo joined the meeting at this time. Additionally, Dr. Challa left the meeting at this time. A quorum was maintained throughout the meeting.

authorize Board staff to file the agency-approved version of W. Va. Code R. 11-11-1 *et seq.* with the West Virginia Secretary of State's Office as originally proposed. Dr. Dockery seconded the motion, and the motion carried without opposition.

Interstate Podiatric Medical Licensure Compact

Mr. Spangler reported that the Interstate Podiatric Medical Licensure Compact (IPMLC) has been adopted in three states. Additional information regarding the IPMLC will be made available for members at the September 13, 2026 meeting, at which time the Committee can consider whether to seek introduction of IPMLC Legislation in West Virginia during the 2027 session of the West Virginia Legislature.

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.

Jonathan P. Lilly, MD
Legislative Committee Chair

State of West Virginia
Board of Medicine

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EXECUTIVE DIRECTOR

SUMMARY OF COMMENTS RECEIVED REGARDING PROPOSED NEW RULE 11 CSR 18 AND THE RESPONSE OF THE WEST VIRGINIA BOARD OF MEDICINE

On June 30, 2026, the West Virginia Board of Medicine filed a Notice of Comment Period on a Proposed Rule, 11 CSR 18. The proposed rule provides the regulatory framework for the issuance of an honorific emeritus license to eligible retired physicians, podiatric physicians and physician assistants. The Notice established a thirty-day comment period on the proposed rule, which concluded at 4:30 pm on July 30, 2026. During the comment period, the Board received one comment.[1] The Board has reviewed the comment received, and on July 31, 2026, the following response was authorized by the Board. A copy of this summary is being provided to the commenter.

Commenter	Date Comment was Received	Comment	Board of Medicine Response
Thomas S. Miller, MD	07/22/2026	"I'd like to comment on the WVBOM changes. I've been retired for ten years after practicing for 42. I continue to maintain my CME and pay my licensing fee so I can maintain an active license. Without a license, I am no longer a physician. I write prescriptions for 2 people. I renew my own prescriptions, prescribed by my cardiologist and doctor, and I renew my wife's BP medication. This alone	The Board appreciates Dr. Miller's many years of service to the citizens of West Virginia and for taking the time to comment on the proposed rule. An emeritus license is an honorific status license intended for practitioners who have fully retired and no longer engage in the active practice of clinical medicine. By statute, this license

[1] A copy of the comment received by the Board and the Board's response thereto is attached to this summary.

		requires an active license which to me seems ridiculous. I do not prescribe any controlled substances and no longer have a DEA number. An emeritus license should include limited prescription writing abilities."	type confers no authority to practice medicine, including no prescribing authority. Consequently, the rule cannot be amended to permit clinical practice by emeritus licensees. While physician treatment of self and/or family is disfavored, if it occurs, such care should conform with AMA Code of Medical Ethics Opinion 1.2.1. and must only be undertaken pursuant to an active status medical license. The Board has not modified the proposed rule as a result of this comment.

Conclusion
The Board expresses its appreciation to Dr. Miller for his comment regarding the proposed new rule and his service to the citizens of West Virginia. The Board has made no modifications to the proposed rule based upon the comments received.

State of West Virginia
Board of Medicine

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SUMMARY OF COMMENTS RECEIVED REGARDING PROPOSED AMENDMENTS TO 11 CSR 6 AND THE RESPONSE OF THE WEST VIRGINIA BOARD OF MEDICINE

On June 30, 2026, the West Virginia Board of Medicine filed a Notice of Comment Period on a Proposed Rule, 11 CSR 6. Series 6 is the Board's rule which sets forth the continuing education requirements for physicians and podiatric physicians. The Notice established a thirty-day comment period on the proposed rule, which concluded at 4:30 pm on July 30, 2026. During the comment period, the Board received five comments.[1] The Board has reviewed the comments received, and on July 31, 2026, the following response was authorized by the Board. A copy of this summary is being provided to the commenters.

Commenter	Date Comment was Received	Comment	Board of Medicine Response
William Douglas Given, MD	July 9, 2026	"I really am failing to see what requiring nutrition education is going to address with physicians. I would hope that positions and learn something about nutrition in med school. I think adding some more requirements on the licensing in West Virginia is really not that worthwhile an idea. I have practiced here in West Virginia for 42 years serving people my local community."	The Board appreciates Dr. Given's many years of service to the citizens of West Virginia and for taking the time to comment on the proposed amendments to the rule. The Board has not modified the proposed rule as a result of this comment.

[1] A copy of the comments received by the Board and the Board's response thereto is attached to this summary.

John F. DiStefano, MD	July 9, 2026	"The nutritional issues in West Virginia are related to poverty and poor education. Physicians cannot impact those issues."	The Board appreciates Dr. DiStefano taking the time to comment on the proposed amendments to the rule. The Board has not modified the proposed rule as a result of this comment.
Frank Joseph Collins, MD	July 9, 2026	"The current micro-management of physician continuing education is neither helpful nor practical. These mandates appear to serve more as a political posturing than as useful professional oversight. While the epidemic of obesity is a well-known issue, the solution lies in ensuring proper nutritional education for citizens within the public education system. I urge the Board to stop imposing these unnecessary mandates on licensed professionals, which are redundant and impractical."	The Board appreciates Dr. Collins taking the time to comment on the proposed amendments to the rule. The Board has not modified the proposed rule as a result of this comment.
Deborah Klimek, MD	July 13, 2026	"I am writing to comment on the amendment requiring 2 hours of continuing medical education on nutrition for physicians. As a physician I am certainly interested in proper nutritional choices for my patients, my family, and myself. However adding additional broad requirements to physician licensing seems onerous. We all have specialty specific board	The Board appreciates Dr. Klimek taking the time to comment on the proposed amendments to the rule. The Board cannot opine on future CME requirements, as those requirements are based on legislation that is passed. The Board has not modified the proposed rule as a result of this comment.

		certification requirements as well. Next year will we have new state requirements on the importance of exercise, smoking cessation, and abstinence from drugs and alcohol? These are topics in which all physicians are well versed. I am not sure that anything can be done to reverse this since I understand I should have voiced my dissent before this bill was passed. It wasn't the most pressing one I was aware of during the legislative session involving health care. I appreciate your patience in reading my comment. Thank you for your time."	
Francis Joseph Morrison, MD	July 9, 2026	"Am fully licensed in 46 states and DC. For all the supposed concern over physician burnout, suicide, opioid epidemic, human trafficking, Child abuse, etc., then the mandated CME required of the same providers to increase their stress more, I wish state legislatorsl could cease passing CME laws to prove to their constituents how much they care and how little their state providers know. Now "Nutrition CME" is on the plate??!! Digesting this summary itself is tiresome. I hope I understand that if the ABFM certifies one as	The Board appreciates Dr. Morrison taking the time to comment on the proposed amendments to the rule. As provided in the proposed rule, nutrition CME must be completed in addition to other CME requirements. Board certification, recertification or maintenance of certification do not exempt physicians from completing nutrition CME. The Board has not modified the proposed rule as a result of this comment.

		board certified it can suffice for all the nuanced and niche topics we need to renew our licenses. States also require annual, biennial fees from 0 to over a $1000 per year. It is overreach, overkill, disparate from state to state and exasperating. I am against this. At most, if being board certified isn't enough, then those NOT prescribing controlled substances, nutrition prescribing, etc. should be exempt. At least, if there is a ONE time course (NOT repeated year after year) or if one course was taken for a state, it should universally satisfy any other state. Legislate some uniformity and common denominator for us so we can spend our time on important things like with patients and not endless topics."	

Conclusion

The Board expresses its appreciation to the physicians for their comments regarding the proposed amendments to the rule. The Board understands and appreciates the concerns regarding the impact of educational mandates on physicians; however, the proposed amendments are a direct result of legislation that was enacted during the 2026 session of the West Virginia Legislature.

The Board has made no modifications to the proposed rule based upon the comments received.