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STATE OF WEST VIRGINIA

SECRETARY OF STATE

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(Plus all the volunteer
help we can get)

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March 27, 1995

Ronald D. Walton
Medicine
101 Dee Drive
Charleston, WV 25311

SB 64 authorizing, **Title 11, Series 4, Fees for Services Rendered by the Board of Medicine**, passed the Legislature on **March 11, 1995**. It was signed by the Governor on March 23, 1995.

You have sixty (60) days after the Governor signs SB 64, to final file the legislative rule with the Secretary of State's office. To final file your legislative rule, fill in the blanks on the enclosed form #6, the "Final Filing" form and file the form with our office with a promulgation history of the rule. Authorization for your legislative rule is cited in **SB 64** section **64-9-5**. The agency may set the effective date of the legislative rule up to ninety (90) days from the date the legislative rule is final filed with the Secretary of State's office. Please have an authorized signature on the bottom line.

*****IMPORTANT: YOUR AGENCY MUST SUBMIT A CLEAN COPY OF THE LEGISLATIVE RULE ON DISK, WITH ALL UNDERLINING, STRIKE-THROUGHS AND HEADERS/FOOTERS TAKEN OUT, TO OUR OFFICE WHEN FINAL FILING THE RULE. THE DISK MUST BE ON A WORD PERFECT (5.1 OR 5.2 VERSION) OR WORD PERFECT COMPATIBLE COMPUTER SYSTEM 3 1/2" DOUBLE DENSITY DISK. STATE ON THE DISK THE FORMAT THE RULE IS IN AND THE TITLE IT IS FILED UNDER. THIS WILL ENABLE US TO ENTER YOUR RULES ON THE LEGISLATIVE DATA BASE. REMEMBER THE TEXT OF THE COMPUTER FILED RULE MUST BE IDENTICAL - WORD FOR WORD, COMMA FOR COMMA, WITH ALL UNDERLINING, STRIKE-THROUGHS AND HEADERS/FOOTERS TAKEN OUT, AS THE HARD COPY AUTHORIZED BY THE LEGISLATURE.**

After the final rule is entered into the legislative data base, the rule will be sent to the agency for review and proofing. Following confirmation or corrections, as the case may be, the Secretary of State shall submit to the agency a final version of the rule for their records.

If you have any questions or need any assistance, please do not hesitate to call our office.

Thank You
Administrative Law Division

TITLE 11
LEGISLATIVE RULE
BOARD OF MEDICINE

SERIES 4
FEES FOR SERVICES RENDERED BY
THE BOARD OF MEDICINE

§11-4-1. General.

- 1.1. Scope. - This legislative rule establishes the fees to be charged by the Board of Medicine for services rendered.
- 1.2. Authority. - W.Va. Code §30-3-7(a)(1).
- 1.3. Filing Date. -
- 1.4. Effective Date. - April 1, 1995.

§11-4-2. Schedule of Fees For Services Rendered By The West Virginia Board of Medicine For Physicians and Podiatrists.

- 2.1. Medical Examination - \$600.00.
- 2.2. Reciprocity or Endorsement Application - \$200.00.
- 2.3. Temporary Medical or Podiatric License Until Board Meets - Not to exceed \$100.00.
- 2.4. Medical and/or Podiatry Corporation Application Fee - \$500.00.
- 2.5. Medical and/or Podiatry Corporation Biennial Registration \$250.00.
- 2.6. Medical and/or Podiatry Examination Score Endorsement or Written Licensure Verification - \$25.00.
- 2.7. Active Medical and/or Podiatry Biennial Registration fee - \$200.00.
- 2.8. Inactive Medical and/or Podiatry Biennial Registration fee - \$100.00.
- 2.9. Podiatry Examination - Not to exceed \$500.00.
- 2.10. Podiatry Application - \$200.00.



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South Charleston

Bruce L. Berry, M.D.
Charleston

Eileen Catterson, M.D.
Pineville

H. Darrel Darby, D.P.M.
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Ahmed D. Faheem, M.D.
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Mr. Stephen P. Goodwin
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Mr. George G. Guthrie
Charleston

Mrs. Mary Boyd Kearse
Martinsburg

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State of West Virginia

West Virginia Board of Medicine
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Promulgation History S.B. 64

May 20, 1994	Rule filed for public comment
June 30, 1994	Comment period ended
July 14, 1994	Refiled as agency approved rule with the Secretary of State and the Legislative Rule Making Review Committee
October 12, 1994	Rule filed as modified by agency to meet objections of Legislative Rule Making Review Committee
March 11, 1995	S.B. 64 passed, containing provision at Code §64-9-5 authorizing rules as modified and refiled on October 12, 1994.
March 23, 1995	S.B. 64 signed by Governor Caperton
March 29, 1995	Notice of final filing filed with Secretary of State
April 1, 1995	Rule effective

PRESIDENT
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EXECUTIVE DIRECTOR
Ronald D. Walton
Charleston

SENATE BILL NO. 76

(By Senators Anderson, Boley, Grubb and Macnaughtan)

[Introduced January 20, 1995; referred to the
Committee on Health and Human Resources; then
to the Committee on Finance and then to the
Committee on the Judiciary]

11-4

A BILL to amend and reenact section sixteen, article nine, chapter
sixty-four of the code of West Virginia, one thousand nine
hundred thirty-one, as amended, relating to authorizing the
board of medicine to promulgate legislative rules relating to
fees for services rendered by the board of medicine.

Be it enacted by the Legislature of West Virginia:

That section sixteen, article nine, chapter sixty-four of the
code of West Virginia, one thousand nine hundred thirty-one, as
amended, be amended and reenacted, to read as follows:

**ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND BOARDS TO
PROMULGATE LEGISLATIVE RULES.**

§64-9-16. Board of medicine.

(a) The legislative rules filed in the state register on the
twelfth day of May, one thousand nine hundred eighty-three, relating
to the board of medicine (licensing, disciplinary and complaint

1 procedures; podiatry; physicians assistants), are authorized with the
2 modifications set forth below:

3 "§24.12.

4 (b) It shall be the responsibility of the supervising physician
5 to obtain consent in writing from the patient before Type A physician
6 assistants employed in a satellite clinic may render general medical
7 or surgical services, except in emergencies.

8 §24.16.

9 (a) No physician assistant shall render nonemergency outpatient
10 medical services until the patient has been informed that the
11 individual providing care is a physician assistant."

12 (b) The legislative rules filed in the state register on the
13 twenty-sixth day of November, one thousand nine hundred eighty-five,
14 modified by the board of medicine to meet the objections of the
15 legislative rule-making review committee and refiled in the state
16 register on the seventeenth day of January, one thousand nine hundred
17 eighty-six, relating to the board of medicine (licensing,
18 disciplinary and complaint procedures; podiatry; physicians
19 assistants), are authorized.

20 (c) The legislative rules filed in the state register on the
21 eighth day of March, one thousand nine hundred eighty-five, modified
22 by the West Virginia board of medicine to meet the objections of the
23 legislative rule-making review committee and refiled in the state
24 register on the eighteenth day of December, one thousand nine hundred
25 eighty-five, relating to the West Virginia board of medicine (rules

1 governing the approval of medical schools not accredited by the
2 liaison committee on medical education), are authorized.

3 (d) The legislative rules filed in the state register on the
4 third day of June, one thousand nine hundred eighty-seven, relating
5 to the board of medicine (fees for services rendered by the board of
6 medicine), are authorized.

7 (e) The legislative rules filed in the state register on the
8 sixteenth day of September, one thousand nine hundred eighty-eight,
9 modified by the board of medicine to meet the objections of the
10 legislative rule-making review committee and refiled in the state
11 register on the twenty-fourth day of February, one thousand nine
12 hundred eighty-nine, relating to the board of medicine (dispensing
13 of legend drugs by physicians and podiatrists), are authorized with
14 the following amendments:

15 Section 2.6 to read as follows: "Dispense means to deliver a
16 legend drug to an ultimate user or research subject by or pursuant
17 to the lawful order of a physician or podiatrist, including the
18 prescribing, packaging, labeling, administering or compounding
19 necessary to prepare the drug for that delivery."

20 And,

21 Section 3.3 to read as follows: "Physicians or podiatrists who
22 are not registered with the Board as dispensing physicians may not
23 dispense legend drugs. However, the following activities by a
24 physician or podiatrist shall be exempt from the requirements of
25 sections 3 through 8 applicable to dispensing physicians:

1 a. Legend drugs administered to the patient, which are not
2 controlled substances when an appropriate record is made in the
3 patient's chart;

4 b. Professional samples distributed free of charge by a
5 physician or podiatrist or certified physician assistant under his
6 or her supervision to the patient when an appropriate record is made
7 in the patient's chart; or

8 c. Legend drugs which are not controlled substances provided by
9 free clinics or under West Virginia state authorized programs,
10 including the Medicaid, family planning, maternal and child health,
11 and early and periodic screening and diagnosis and treatment
12 programs: Provided, That all labeling provisions of section 8 shall
13 be applicable except the requirements of section 8.3(a)."

14 (f) The legislative rules filed in the state register on the
15 tenth day of August, one thousand nine hundred ninety, modified by
16 the board of medicine to meet the objections of the legislative
17 rule-making review committee and refiled in the state register on the
18 first day of October, one thousand nine hundred ninety, relating to
19 the board of medicine (fees for services rendered by the board of
20 medicine), are authorized.

21 (g) The legislative rules filed in the state register on the
22 tenth day of August, one thousand nine hundred ninety, modified by
23 the board of medicine to meet the objections of the legislative
24 rule-making review committee and refiled in the state register on the
25 eleventh day of January, one thousand nine hundred ninety-one,

1 relating to the board of medicine (licensing and disciplinary and
2 complaint procedures: physicians; podiatrists), are authorized.

3 (h) The legislative rules filed in the state register on the
4 tenth day of August, one thousand nine hundred ninety, modified by
5 the board of medicine to meet the objections of the legislative
6 rule-making review committee and refiled in the state register on the
7 eleventh day of January, one thousand nine hundred ninety-one,
8 relating to the board of medicine (certification, disciplinary and
9 complaint procedures: physician assistants), are authorized.

10 (i) The legislative rules filed in the state register on the
11 tenth day of July, one thousand nine hundred ninety-one, modified by
12 the board of medicine to meet the objections of the legislative
13 rule-making review committee and refiled in the state register on the
14 third day of September, one thousand nine hundred ninety-one,
15 relating to the board of medicine (continuing education for
16 physicians and podiatrists), are authorized.

17 (j) The legislative rules filed in the state register on the
18 twenty-fifth day of March, one thousand nine hundred ninety-two,
19 modified by the board of medicine to meet the objections of the
20 legislative rule-making review committee and refiled in the state
21 register on the nineteenth day of May, one thousand nine hundred
22 ninety-two, relating to the board of medicine (licensing,
23 disciplinary and complaint procedures: physicians, podiatrists), are
24 authorized.

25 (k) The legislative rules filed in the state register on the

1 seventeenth day of September, one thousand nine hundred ninety-two,
2 modified by the board of medicine to meet the objections of the
3 legislative rule-making review committee and refiled in the state
4 register on the sixteenth day of November, one thousand nine hundred
5 ninety-two, relating to the board of medicine (certification,
6 disciplinary and complaint procedures, continuing education,
7 physician assistants), are authorized, with the following amendment:

8 On page six, section 11-1B-2, subsection 2.8(c), after the words
9 "in writing" and the comma, by striking out the words "prior to" and
10 inserting in lieu thereof the words "within ten days of".

11 (1) The legislative rules filed in the state register on the
12 sixteenth day of August, one thousand nine hundred ninety-three,
13 modified by the board of medicine to meet the objections of the
14 legislative rule-making review committee and refiled in the state
15 register on the twentieth day of October, one thousand nine hundred
16 ninety-three, relating to the board of medicine (licensing,
17 disciplinary and complaint procedures, physicians; podiatrists), are
18 authorized.

19 (m) The legislative rules filed in the state register on the
20 fourteenth day of July, one thousand nine hundred ninety-four,
21 modified by the board of medicine to meet the objections of the
22 legislative rule-making review committee and refiled in the state
23 register on the twelfth day of October, one thousand nine hundred
24 ninety-four, relating to the board of medicine (fees for services
25 rendered by the board of medicine), are authorized.

1 NOTE: The purpose of this bill is to authorize the Board of
2 Medicine to promulgate legislative rules relating to fees for
3 services rendered by the Board of Medicine.
4

5 Strike-throughs indicate language that would be stricken from
6 the present law, and underscoring indicates new language that would
7 be added.
8

Bill-Medicine, Fees

1812

11-4

H. B. 2181

(By Delegates Gallagher, Douglas, Compton,
Lynch, Faircloth and Riggs)

(Introduced January 23, 1995; referred to the
Committee on Health and Human Resources then the
Judiciary)

A BILL to amend and reenact section sixteen, article nine, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to authorizing the board of medicine to promulgate legislative rules relating to fees for services rendered by the board of medicine.

Be it enacted by the Legislature of West Virginia:

That section sixteen, article nine, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, to read as follows:

ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND BOARDS TO PROMULGATE LEGISLATIVE RULES.

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3 "§24.12.

4 (b) It shall be the responsibility of the supervising physician
5 to obtain consent in writing from the patient before Type A physician
6 assistants employed in a satellite clinic may render general medical
7 or surgical services, except in emergencies.

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9 (a) No physician assistant shall render nonemergency outpatient
10 medical services until the patient has been informed that the
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3 patient's chart;

4 b. Professional samples distributed free of charge by a
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6 or her supervision to the patient when an appropriate record is made
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8 c. Legend drugs which are not controlled substances provided by
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8 On page six, section 11-1B-2, subsection 2.8(c), after the words
9 "in writing" and the comma, by striking out the words "prior to" and
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25 rendered by the board of medicine), are authorized.

1 NOTE: The purpose of this bill is to authorize the Board of
2 Medicine to promulgate legislative rules relating to fees for
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5 Strike-throughs indicate language that would be stricken from
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WILLIAM H. HARRINGTON
Chief of Staff
JUDY COOPER
Director, Administrative Law
PENNEY BARKER
Supervisor, Corporations
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE
(Plus all the volunteer
help we can get)

TO: Ronald D. Walton

AGENCY: Medicine

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: September 20, 1995

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 4 TITLE: 11 Medicine

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: Ronald D. Walton

TITLE OF PERSON SIGNING: EXECUTIVE DIRECTOR

DATE: 9/26/95

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.