WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION

Form #3

Do Not Mark In This Box

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2009 JUL 30 AM 9:19
SECRETARY OF STATE
STATE OF WEST VIRGINIA

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: West Virginia Board of Medicine TITLE NUMBER: 11

CITE AUTHORITY: W.Va. Code 30-3-7(a)(1) and (5), 30-3-9(h), 30-3D-1 et seq.

AMENDMENT TO AN EXISTING RULE: YES X NO ____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 4

TITLE OF RULE BEING AMENDED: Fees for Services Rendered by the Board of Medicine Including Assistance to the Board-Designated Physician Health Program for Physicians, Podiatrists, and Physician Assistants

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: ____

TITLE OF RULE BEING PROPOSED: ____

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

Authorized Signature

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Fees For Services Rendered By The Board of Medicine Including Assistance To The Board-Designated Physician Health Program

Type of Rule: [X] Legislative [ ] Interpretive [ ] Procedural

Agency: West Virginia Board of Medicine

Address: 101 Dee Drive, Suite 103

Charleston, WV 25311

Phone Number: 304.558.2921 Email: Robert.C.Knittle@wv.gov

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

Increased fees generated by the proposed rule will be specific to the West Virginia Board of Medicine of which 50% will be shared with the physician health program which holds an agreement with the Board. There will be no enhancement of revenues to State Government.

Likewise there is no additional cost to State Government associated with this proposed rule. The Board of Medicine functions only upon the professional fees it generates.

In summary, this action will have no impact upon the costs or revenues of state government beyond the Board of Medicine.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	
Personal Services	—	—	
Current Expenses	—	—	
Repairs & Alterations	—	—	
Assets	—	—	
Other	—	—	
2. Estimated Total Revenues	0.00	301,250.00	369,550.00

Fees For Services Rendered By The Board of Medicine Including

Rule Title: Assistance To The Board-Designated Physician Health Program

Fees For Services Rendered By The Board of Medicine Including

Rule Title: Assistance To The Board-Designated Physician Health Program

3. **Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

The proposed rule will increase initial application and licensure renewal fees for physicians and podiatrists. Fifty (50) percent of the fees generated will be disbursed by the Board to the physician health program which holds an agreement with the Board. It will add a fee to the physician assistants to be disbursed by the Board to the physician health program. The fee increase will allow the Board to continue to meet its mission to protect the public through licensure, disciplinary actions, providing financial support to the physician health program and equally importantly aid in restoring an adequate reserve to insure solvency. The Board is required in West Virginia Code §30-1-6(c) to set fees that are sufficient to enable the Board to carry out effectively its responsibilities of licensure and discipline of individuals subject to the authority.

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

As stated earlier the Board of Medicine functions entirely upon the professional fees it generates and draws from its own special revenue account. As such, the Board does not contribute nor draw funds from the general account. Therefore, this proposed rule will not have a fiscal impact on the public funds of state government.

Date: _____

Signature of Agency Head or Authorized Representative

_____

Statement of Circumstances Which Require the Proposed Rule

Not since 1999 has the Board of Medicine requested a fee increase by which to financially support its operations, mission and responsibilities required by the Legislature. During the past decade, operating costs have substantially increased, particularly in the area of personnel benefits which have risen 36% in this period of time. Salaries have likewise increased by 33%, however remain very far below the market rate for comparable positions making it necessary for 25% of the staff to hold second jobs to make ends meet.

Costs of office supplies and equipment, computer equipment, postage, etc., upon which the Board of Medicine heavily relies, have also increased during this past 10 years.

During this time period, revenues have remained neutral as costs continued to climb. By way of enhanced efficiencies and information technology, the Board of Medicine has done a formidable job at containing these costs. Despite these efforts, the economics of increased costs and neutral revenues over such a period of time must be realized.

The Office of Legislative Auditor defines, in part, the fiscal viability of a state board as having an adequate financial reserve rolling over from one year to the next that is comparable to 100% of the expenditures of that board for one year. This amount is viewed as necessary in the event of unforeseen fiscal events that would threaten the viability or solvency of the board, such as uncovered liability, litigation, theft, etc.

The current Board of Medicine reserve has dropped to 41% which will be noted in the Performance Evaluation audit by the Office of Legislative Auditor scheduled for 2010.

Secondly, the Board of Medicine has recognized the newly formed physician health program as having a valuable contribution to the safety of public health care by assisting medical professionals in their recovery from drug addiction and abuse and mental illness. The legislature enacted the law authorizing this program in 2007.

The Board of Medicine has voted to provide a degree of financial support to the physician health program with which the Board holds an agreement through an increase in its fees. The Board, as one of several stakeholders of this program, believes such support is a necessary and responsible action to assist in this program becoming and remaining financially solvent.

Fifty percent (50%) of the fee increase for physicians and podiatrists requested in the proposed rule would be disbursed to this program while the remaining 50% would be utilized by the Board of Medicine to support it operation, mission and responsibilities required by the Legislature.

The new fee reflected in the proposed rule for the physician assistants is a fee for the physician health program. All other fees for physician assistants remain unchanged and are in West Virginia Code §30-3-16 at this time; however it is appropriate that they be included in this rule.

Because of this disbursement to the physician health program, please note that actual revenue increase which the board will directly realize is only half of what was requested in 1999.

RECEIVED
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SECRETARY OF STATE
STATE OF WEST VIRGINIA

TITLE 11

LEGISLATIVE RULE

BOARD OF MEDICINE

SERIES 4

FEES FOR SERVICES RENDERED BY THE BOARD OF MEDICINE INCLUDING ASSISTANCE TO THE BOARD-DESIGNATED PHYSICIAN HEALTH PROGRAM FOR PHYSICIANS, PODIATRISTS, AND PHYSICIAN ASSISTANTS.

§11-4-1. General.

1.1. Scope. -- This legislative rule establishes the fees to be charged by the Board of Medicine for services rendered including assistance to the board-designated physician health program.

1.2. Authority. -- W. Va. Code §30-3-7(a) (1) and (5); §30-3-9(h); §30-3D-1 et. seq.

1.3. Filing Date. --

1.4. Effective Date. --

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

~~2.1. Medical Licensure Application - $300.00.~~

~~2.2. Temporary Medical or Podiatric License Until Board Meets - Not to exceed $100.00~~

~~2.3. Medical and/or Podiatry Corporation Application Fee - $500.00~~

~~2.4. Medical and/or Podiatry Corporation Biennial Registration - $250.00~~

~~2.5. Medical and/or Podiatry Examination Score Endorsement or Written Licensure Verification - $25.00~~

~~2.6. Active Medical and/or Podiatry Biennial Registration fee - $300.00~~

~~2.7. Inactive Medical and/or Podiatry Biennial Registration fee - $100.00~~

§11-4-2. Schedule of Fees For Physicians and Podiatrists including Assistance to The Board-Designated Physician Health Program.

2.1. Medical Licensure Application Fee - $400.00, $50.00 of which shall be promptly disbursed by the board to the physician health program.

2.2. Podiatric Licensure Application Fee - $400.00, $50.00 of which shall be promptly disbursed by the board to the physician health program.

2.3. Temporary Medical or Podiatric License Fee - $100.00

2.4. Active Medical and/or Podiatry Biennial Renewal Fee - $400.00, $50.00 of which shall be promptly disbursed by the board to the physician health program.

2.5. Inactive Medical and/or Podiatry Biennial Renewal Fee - $150.00, $25.00 of which shall be promptly disbursed by the board to the physician health program.

2.6. Limited Medical School Faculty Initial Licensure Application Fee and Renewal Fee - $150.00

2.7. Limited Medical School Faculty Fee for Physician Health Program Assistance - $50.00 to be paid with initial limited medical school faculty licensure application fee and with limited medical school faculty renewal fee, which $50.00 fee shall be promptly disbursed by the board to the physician health program.

2.8. ~~Podiatric Examination Not to exceed $650~~ Medical and Podiatry Examination Score Endorsement or Written Licensure Verification Fee - $25.00

~~2.9. Podiatric Licensure Application $300~~

§11-4-3. Schedule of Fees For Physician Assistants, including Assistance to The Board-Designated Physician Health Program.

3.1. Physician Assistant Licensure Application Fee- $200.00

3.2. Temporary Physician Assistant Licensure Fee - $50.00

3.3. Physician Assistant Biennial Renewal Fee - $100.00

3.4. Physician Assistant Fee for Physician Health Program Assistance - $50.00 to be paid with physician assistant licensure application fee and with physician assistant biennial renewal fee, which $50.00 fee shall be promptly disbursed by the board to the physician health program.

3.5. Physician Assistant Examination Score Endorsement or Written Licensure Verification Fee - $25.00

3.6. Prescriptive Writing Privileges Fee - $50.00

3.7. Change or Addition of Supervising Physician Fee - $50.00

3.8. Change or Addition of Job Location Fee - $50.00

§11-4-4. Schedule of Fees For Medical and Podiatric Corporations.

4.1. Medical and/~~or~~ Podiatry Corporation Application Fee - $500.00

4.2. Medical and/~~or~~ Podiatry Corporation Biennial Registration Fee- $250.00

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: July 30, 2009

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM:(*Agency Name, Address & Phone No.*) West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, West Virginia 25311

LEGISLATIVE RULE TITLE: ~~Fees for Services Rendered by the Board of Medicine Including~~ Assistance to the Board-Designated Physician Health Program for Physicians, Podiatrists and Physician Assistants

1. Authorizing statute(s) citation ~~W. Va. Code 30-3-7(a)(1) and (5), 30-3-9(h), 30-3D-1~~

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:

   May 22, 2009

   b. What other notice, including advertising, did you give of the hearing?

   The proposed rule was mailed on May 22, 2009, to every physician, podiatrist and physician assistant under the Board's jurisdiction (pursuant to W.Va. Code 30-1-6(c)). The same day it was placed on the Board's website. Letters were sent to the WV State Medical Association, WV Academy of Family Physicians, WV Association of Physician Assistants, and WV Podiatric Medical Association (attached)

   c. Date of Public Hearing(s) ***or*** Public Comment Period ended:

   June 26, 2009, at 4:30 p.m.

   d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

   Attached x No comments received _____

e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

July 30, 2009

f. **Name, title, address and phone/fax/e-mail numbers** of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

Robert C. Knittle, Executive Director
West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311
telephone: 304.558.2921 ext. 227
Facsimile: 304.558.2084
e-mail: Robert C.Knittle@wv.gov

g. **IF DIFFERENT FROM ITEM 'f'**, please give **Name, title, address and phone number(s)** of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

N.A.

b. Date of hearing or comment period:

N.A.

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

N.A.

d. Attach findings and determinations and reasons:

Attached N.A.

State of West Virginia
Board of Medicine

101 Dee Drive, Suite 103
Charleston, WV 25311
Telephone 304.558.2921
Fax 304.558.2084
www.wvdhhr.org/wvbom

JOHN A. WADE, JR., MD
PRESIDENT

CATHERINE SLEMP, MD, MPH
SECRETARY

J. DAVID LYNCH, JR., MD
VICE PRESIDENT

ROBERT C. KNITTLE
EXECUTIVE DIRECTOR

May 26, 2009

The Honorable Evan H. Jenkins, Executive Director
West Virginia State Medical Association
4307 MacCorkle Ave. S.E.
P.O. Box 4106
Charleston, West Virginia 25364

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Mr. Jenkins:

On May 22, 2009, the above proposed rule changes were filed with the Secretary of State and mailed to every physician, podiatrist, and P.A.-C. licensed by the Board of Medicine. It was placed on our website as well. You may review the proposed rule at www.wvdhhr.org/wvbom. We encourage you to do so. Please note that written comments are due by 4:30 on June 26, 2009. We welcome the comments of the West Virginia Medical Association.

Sincerely,

Robert C. Knittle

lab

State of West Virginia
Board of Medicine

101 Dee Drive, Suite 103
Charleston, WV 25311
Telephone 304.558.2921
Fax 304.558.2084
www.wvdhhr.org/wvbom

JOHN A. WADE, JR., MD
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CATHERINE SLEMP, MD, MPH
SECRETARY

J. DAVID LYNCH, JR., MD
VICE PRESIDENT

ROBERT C. KNITTLE
EXECUTIVE DIRECTOR

May 26, 2009

Gerry D. Stover, Executive Vice President
West Virginia Academy of Family Physicians
P.O. Box 1090
Hurricane, WV 25526

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Mr. Stover:

On May 22, 2009, the above proposed rule changes were filed with the Secretary of State and mailed to every physician, podiatrist, and P.A.-C. licensed by the Board of Medicine. It was placed on our website as well. You may review the proposed rule at www.wvdhhr.org/wvbom. Please note that written comments are due by 4:30 on June 26, 2009. We welcome the comments of the West Virginia Academy of Family Physicians.

Sincerely,

Robert C. Knittle

lab

State of West Virginia
Board of Medicine

101 Dee Drive, Suite 103
Charleston, WV 25311
Telephone 304.558.2921
Fax 304.558.2084
www.wvdhhr.org/wvbom

JOHN A. WADE, JR., MD
PRESIDENT

CATHERINE SLEMP, MD, MPH
SECRETARY

J. DAVID LYNCH, JR., MD
VICE PRESIDENT

ROBERT C. KNITTLE
EXECUTIVE DIRECTOR

May 26, 2009

Cynthia T. Vincent, P.A.-C., President
West Virginia Association of Physician Assistants
HC 35 – Box 2E
Heaters, WV 26627

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Ms. Vincent:

On May 22, 2009, the above proposed rule changes were filed with the Secretary of State and mailed to every physician, podiatrist, and P.A.-C. licensed by the Board of Medicine. It was placed on our website as well. You may review the proposed rule at www.wvdhhr.org/wvbom. Please note that while it may appear that a number of new fees are being added for physician assistants, that is not the case. Only one new fee is proposed for physician assistants, the proposed fee for the physician health program. The remainder of the underlined fees are in the statute at §30-3-16, and they should be in the rule. Please note that written comments are due by 4:30 on June 26, 2009. We welcome the comments of the West Virginia Association of Physician Assistants.

Sincerely,

Robert C. Knittle

lab

State of West Virginia
Board of Medicine

101 Dee Drive, Suite 103
Charleston, WV 25311
Telephone 304.558.2921
Fax 304.558.2084
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JOHN A. WADE, JR., MD
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SECRETARY

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VICE PRESIDENT

ROBERT C. KNITTLE
EXECUTIVE DIRECTOR

May 26, 2009

Carrie Lakin, D.P.M., President
West Virginia Podiatric Medical Association
331 Laidley Street, Suite 602
Charleston, WV 25301

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. Lakin:

On May 22, 2009, the above proposed rule changes were filed with the Secretary of State and mailed to every physician, podiatrist, and P.A.-C. licensed by the Board of Medicine. It was placed on our website as well. You may review the proposed rule at www.wvdhhr.org/wvbom. We encourage you to do so. Please note that written comments are due by 4:30 on June 26, 2009. We welcome the comments of the West Virginia Podiatric Medical Association.

Sincerely,

Robert C. Knittle

lab

June 23, 2009

Robert Knittle
Executive Director
WV Board of Medicine
101 Dee Drive, Ste. 103
Charleston, WV 25311

RE: PROPOSED RULE

Dear Mr. Knittle:

I am writing in regards to the WV Board of Medicine's recent "Proposed Rule Change" for the increase in licensure fees. It is my understanding that of the $100 bi-annual fee increase, $50 will go to the Board of Medicine and $50 to the WV Medical Professionals Health Program. I understand there has not been an increase in licensure fees for the last ten years. I wish to specifically express my support of the licensure fee increase and associated distribution to the WV Board of Medicine and the WV Medical Professionals Health Program.

I commend the WV Board of Medicine for its role in the development of The Physicians' Health Program as this is a very beneficial program which is a confidential and respectful program for physicians who need help and allows them to obtain the help they need.

Sincerely,

William Merva, MD
WAM:rah

Dennis J. McHenry, D.D.S.
RR1 Box 30
Gay, WV 25244

June 25, 2009

Robert C. Knittle
Executive Director
WV Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311

Re: Proposed Rule

Dear Mr. Knittle:

I am writing to express my support of the proposed $100.00 license fee increase and the allocation of $50.00 to the WV Medical Professional Health Program (the Board of Medicine's recognized Physicians' Health Program). The financial well being of the WV Board of Medicine is essential in order to continue its mandate to protect the public. A significant element of this responsibility is supporting the WVMPHP in order to allow medical professionals to seek early evaluation and treatment of potentially impairing conditions and the associated protection of the public.

The WV Board of Medicine should be proud of the excellent Physicians' Health Program that ranks with the leading programs in the country. Its outstanding success rate is due to the knowledge, integrity, and dedication of Dr. Brad Hall and his staff. The W Board of Medicine should do everything possible to fund this necessary program adequately as it grows exponentially in the next few years.

Sincerely,

Dennis J. McHenry, D.D.S.

De-Spamming Health—Reforming the Health System from the Bottom Up

Health care reform begins at home!"

June 23, 2009

Robert C. Knittle, Executive Director
West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311

Re: Fees for Service Rendered by Board of Medicine

Dear Mr. Knittle:

I am writing to support the action of the Board of Medicine that proposes an increase in fees to assist to support the physician health program. Various health reform proposals on the horizon that strive to increase access to physician health service portend to place an even greater demand upon an already marginal supply of physicians. We must do all we can to maintain that supply.

The physician health program is an extremely well run operation with a dedicated staff. The demand for its services has greatly increased since inception and it is already struggling to meet the demand relying on donations and other periodic funding contributions. A sustained funding source would greatly promote its continued success.

I am a semi-retired physician that primarily relies on a fixed income so I do not relish a fee increase but believe physicians need to support the increase on behalf of their colleagues and the safety and well-being of the public.

Sincerely,

James D. Felsen, MD. MPH

James D. Felsen, M.D., MPH
694A Clearview Heights
Charleston, West Virginia 25312
Phone: 304-984-2450
E-mail: Mooose2@Verizon.net
www.localhealthcarereform.com

27 May 09

Dear Mr Knittle,

I have reviewed the proposed role & rate changes. I feel that these changes are necessary for the Board to remain solvent and I agree with the proposed increases.

Wade Stoughton MD
WV 11507

Fees For Services Rendered By The Board of Medicine Including

Rule Title: Assistance To The Board-Designated Physician Health Program

3. Explanation of above estimates (including long-range effect):
Please include any increase or decrease in fees in your estimated total revenues.

The proposed rule will increase initial application and licensure renewal fees for physicians and podiatrists. Fifty (50) percent of the fees generated will be disbursed by the Board to the physician health program which holds an agreement with the Board. It will add a fee to the physician assistants to be disbursed by the Board to the physician health program. The fee increase will allow the Board to continue to meet its mission to protect the public through licensure, disciplinary actions, providing financial support to the physician health program and equally importantly aid in restoring an adequate reserve to insure solvency. The Board is required in West Virginia Code §30-1-6(c) to set fees that are sufficient to enable the Board to carry out effectively its responsibilities of licensure and discipline of individuals subject to the authority.

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

As stated earlier the Board of Medicine functions entirely upon the professional fees it generates and draws from its own special revenue account. As such, the Board does not contribute nor draw funds from the general account. Therefore, this proposed rule will not have a fiscal impact on the public funds of state government.

Agree to Fee increase as propose

Date: June 2, 2009

Signature of Agency Head or Authorized Representative

Peter C. Bryans M.D.

Ahmed W. Husari, M.D., Inc.

BOARD CERTIFIED IN: - INTERNAL MEDICINE
- PULMONARY MEDICINE
- SLEEP MEDICINE

Robert Knittle, Executive Director
WV Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311

RE: Comment Period on a Proposed Rule for increase

Dear Mr. Knittle,

My comment on the proposed increase and according to the enclosed information with no rate increase the past 10 years is yes, this is much needed. I realize with myself being a businessman that times are difficult. My concern is with the reimbursement reductions for Medicare, Medicaid and third party insurances that we seem to have no control over. As with the WV State Board of Medicine and the doctors' practice and all others our cost increase but the reimbursements decrease.

Please call 304 853 2461 if you have any questions.

Sincerely,

Ahmed Husari, MD

P. O. Box 303, Burnsville, West Virginia 26335
304 853 2461 or Toll Free 1 877 753 3719

WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION

Form #2

Do Not Mark In This Box

FILED

2009 MAY 22 AM 8:28

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Board of Medicine TITLE NUMBER: 11

RULE TYPE: Legislative CITE AUTHORITY: W.Va. Code §30-3-7(a)(1), §30-3-9(h), §30-3D-1

AMENDMENT TO AN EXISTING RULE: YES [x] NO [ ]

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 4

TITLE OF RULE BEING AMENDED: Fees for Services Rendered by the Board of Medicine Including Assistance to the Board-Designated Physician Health Program

IF NO, SERIES NUMBER OF RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

Joyce with the proposed changes 5/26/09

VICTOR A. ARGUMEDO M.D

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON June 26, 2009 AT 4:30 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

WV License # 20592

Robert C. Knittle, Executive Director

West Virginia Board of Medicine

101 Dee Drive, Suite 103

Charleston, WV 25311

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

Robert C. Knittle

Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION

Form #2

Do Not Mark In This Box

FILED

2009 MAY 22 AM 8:29

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Board of Medicine TITLE NUMBER: 11

RULE TYPE: Legislative CITE AUTHORITY: W.Va. Code §30-3-7(a)(1), §30-3-9(h), §30-3D-1

AMENDMENT TO AN EXISTING RULE: YES x NO ____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 4

TITLE OF RULE BEING AMENDED: Fees for Services Rendered by the Board of Medicine Including Assistance to the Board-Designated Physician Health Program

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: ____

TITLE OF RULE BEING PROPOSED: ____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON June 26, 2009 AT 4:30 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Robert C. Knittle, Executive Director

West Virginia Board of Medicine

101 Dee Drive, Suite 103

Charleston, WV 25311

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

Robert C. Knittle
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

Statement of Circumstances Which Require the Proposed Rule

Not since 1999 has the Board of Medicine requested a fee increase by which to financially support its operations, mission and responsibilities required by the Legislature. During the past decade, operating costs have substantially increased, particularly in the area of personnel benefits which have risen 36% in this period of time. Salaries have likewise increased by 33%, however remain very far below the market rate for comparable positions making it necessary for 25% of the staff to hold second jobs to make ends meet.

Costs of office supplies and equipment, computer equipment, postage, etc., upon which the Board of Medicine heavily relies, have also increased during this past 10 years.

During this time period, revenues have remained neutral as costs continued to climb. By way of enhanced efficiencies and information technology, the Board of Medicine has done a formidable job at containing these costs. Despite these efforts, the economics of increased costs and neutral revenues over such a period of time must be realized.

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The current Board of Medicine reserve has dropped to 41% which will be noted in the Performance Evaluation audit by the Office of Legislative Auditor scheduled for 2010.

Secondly, the Board of Medicine has recognized the newly formed physician health program as having a valuable contribution to the safety of public health care by assisting medical professionals in their recovery from drug addiction and abuse and mental illness. The legislature enacted the law authorizing this program in 2007.

The Board of Medicine has voted to provide a degree of financial support to the physician health program with which the Board holds an agreement through an increase in its fees. The Board, as one of several stakeholders of this program, believes such support is a necessary and responsible action to assist in this program becoming and remaining financially solvent.

Fifty percent (50%) of the fee increase for physicians and podiatrists requested in the proposed rule would be disbursed to this program while the remaining 50% would be utilized by the Board of Medicine to support it operation, mission and responsibilities required by the Legislature.

The new fee reflected in the proposed rule for the physician assistants is a fee for the physician health program. All other fees for physician assistants remain unchanged and are in West Virginia Code §30-3-16 at this time; however it is appropriate that they be included in this rule.

Because of this disbursement to the physician health program, please note that actual revenue increase which the board will directly realize is only half of what was requested in 1999.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Fees For Services Rendered By The Board of Medicine Including Assistance To The Board-Designated Physician Health Program

Type of Rule: [X] Legislative [ ] Interpretive [ ] Procedural

Agency: West Virginia Board of Medicine

Address: 101 Dee Drive, Suite 103

Charleston, WV 25311

Phone Number: 304.558.2921 Email: Robert.C.Knittle@wv.gov

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

Increased fees generated by the proposed rule will be specific to the West Virginia Board of Medicine of which 50% will be shared with the physician health program which holds an agreement with the Board. There will be no enhancement of revenues to State Government.

Likewise there is no additional cost to State Government associated with this proposed rule. The Board of Medicine functions only upon the professional fees it generates.

In summary, this action will have no impact upon the costs or revenues of state government beyond the Board of Medicine.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	
Personal Services	—	—	
Current Expenses	—	—	
Repairs & Alterations	—	—	
Assets	—	—	
Other	—	—	
2. Estimated Total Revenues	0.00	301,250.00	369,550.00

Fees For Services Rendered By The Board of Medicine Including

Rule Title: Assistance To The Board-Designated Physician Health Program

Rule Title: Fees For Services Rendered By The Board of Medicine Including Assistance To The Board-Designated Physician Health Program

3. **Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

The proposed rule will increase initial application and licensure renewal fees for physicians and podiatrists. Fifty (50) percent of the fees generated will be disbursed by the Board to the physician health program which holds an agreement with the Board. It will add a fee to the physician assistants to be disbursed by the Board to the physician health program. The fee increase will allow the Board to continue to meet its mission to protect the public through licensure, disciplinary actions, providing financial support to the physician health program and equally importantly aid in restoring an adequate reserve to insure solvency. The Board is required in West Virginia Code §30-1-6(c) to set fees that are sufficient to enable the Board to carry out effectively its responsibilities of licensure and discipline of individuals subject to the authority.

MEMORANDUM

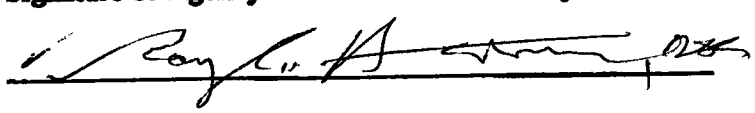
Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

As stated earlier the Board of Medicine functions entirely upon the professional fees it generates and draws from its own special revenue account. As such, the Board does not contribute nor draw funds from the general account. Therefore, this proposed rule will not have a fiscal impact on the public funds of state government.

n/a

Date: 6/17/09

Signature of Agency Head or Authorized Representative



TITLE 11

LEGISLATIVE RULE

BOARD OF MEDICINE

SERIES 4

FEES FOR SERVICES RENDERED BY THE BOARD OF MEDICINE INCLUDING ASSISTANCE TO THE BOARD-DESIGNATED PHYSICIAN HEALTH PROGRAM

§11-4-1. General.

1.1. Scope. -- This legislative rule establishes the fees to be charged by the Board of Medicine for services rendered including assistance to the board-designated physician health program.

1.2. Authority. -- W. Va. Code §30-3-7(a) (1) and (5); §30-3-9(h); §30-3D-1 et. seq.

1.3. Filing Date. --

1.4. Effective Date. --

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

~~2.1. Medical Licensure Application - $300.00.~~

~~2.2. Temporary Medical or Podiatric License Until Board Meets - Not to exceed $100.00~~

~~2.3. Medical and/or Podiatry Corporation Application Fee - $500.00~~

~~2.4. Medical and/or Podiatry Corporation Biennial Registration - $250.00~~

~~2.5. Medical and/or Podiatry Examination Score Endorsement or Written Licensure Verification - $25.00~~

~~2.6. Active Medical and/or Podiatry Biennial Registration fee - $300.00~~

~~2.7. Inactive Medical and/or Podiatry Biennial Registration fee - $100.00~~

§11-4-2. Schedule of Fees For Physicians and Podiatrists including Assistance to The Board-Designated Physician Health Program.

2.1. Medical Licensure Application Fee - $400.00, $50.00 of which shall be promptly disbursed by the board to the physician health program.

2.2. Podiatric Licensure Application Fee - $400.00, $50.00 of which shall be promptly disbursed by the board to the physician health program.

2.3. Temporary Medical or Podiatric License Fee - $100.00

2.4. Active Medical and/or Podiatry Biennial Renewal Fee - $400.00, $50.00 of which shall be promptly disbursed by the board to the physician health program.

2.5. Inactive Medical and/or Podiatry Biennial Renewal Fee - $150.00, $25.00 of which shall be promptly disbursed by the board to the physician health program.

2.6. Limited Medical School Faculty Initial Licensure Application Fee and Renewal Fee - $150.00

2.7. Limited Medical School Faculty Fee for Physician Health Program Assistance - $50.00 to be paid with initial limited medical school faculty licensure application fee and with limited medical school faculty renewal fee, which $50.00 fee shall be promptly disbursed by the board to the physician health program.

2.8. ~~Podiatric Examination Not to exceed $650~~ Medical and Podiatry Examination Score Endorsement or Written Licensure Verification Fee - $25.00

~~2.9. Podiatric Licensure Application $300~~

§11-4-3. Schedule of Fees For Physician Assistants, including Assistance to The Board-Designated Physician Health Program.

3.1. Physician Assistant Licensure Application Fee- $200.00

3.2. Temporary Physician Assistant Licensure Fee - $50.00

3.3. Physician Assistant Biennial Renewal Fee - $100.00

3.4. Physician Assistant Fee for Physician Health Program Assistance - $50.00 to be paid with physician assistant licensure application fee and with physician assistant biennial renewal fee, which $50.00 fee shall be promptly disbursed by the board to the physician health program.

3.5. Physician Assistant Examination Score Endorsement or Written Licensure Verification Fee - $25.00

3.6. Prescriptive Writing Privileges Fee - $50.00

3.7. Change or Addition of Supervising Physician Fee - $50.00

3.8. Change or Addition of Job Location Fee - $50.00

§11-4-4. Schedule of Fees For Medical and Podiatric Corporations.

4.1. Medical and~~/or~~ Podiatry Corporation Application Fee - $500.00

4.2. Medical and~~/or~~ Podiatry Corporation Biennial Registration Fee- $250.00

June 5, 2009

Marlene D. Barker-Hall
RR 1 - 200 Clemans Road
Flemington, WV 26347

Robert C. Knittle
Executive Director
WV Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311

RE: Proposed Rule

Dear Mr. Knittle,

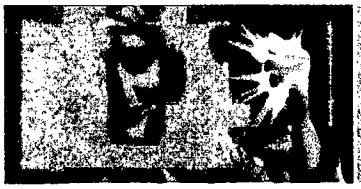
I'm writing to you to voice my support of the WV Board of Medicine's Proposed Rule for a licensure fee increase. I understand that this fee increase will continue to allow the Board of Medicine to fulfill its mission in protecting the public and that a portion of this fee will be allocated to support the WV Medical Professionals Health Program. As the WV Medical Professionals Health Program protects the public as well, I am very supportive of this program which was developed to support, provide direction to, monitor and advocate for healthcare professionals suffering from the chronic diseases. Additionally, another key of the WVMPHP is the education of healthcare professionals and the public on "What is a Physicians Health Program", physician health, the disease of addiction and substance abuse including prescription drug abuse which has increased significantly in recent years.

I fully support the licensure fee increase and the recommended distribution of these funds as deemed appropriate by the WV Board of Medicine to the WV Medical Professionals Health Program and the WV Board of Medicine itself.

Respectfully,

Marlene D. Barker-Hall

Marlene D. Barker-Hall



RELPAX®
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Too Much of an increase at one time.

Too many increases.

I agree with 50% an
increase to go to physician's
Health
Program.

J. Bellotte M.D.
6/5/2009

B
John A. Bellotte, M.D.
37 Club View Dr
Bridgeport, WV 26330-9712

Please see full prescribing information on last pages.

RONNI RITTENHOUSE, Ph.D.

LICENSED PROFESSIONAL COUNSELOR

LICENSED CERTIFIED SOCIAL WORKER

CERTIFIED CLINICAL ADDICTION COUNSELOR

June 5, 2009

Robert C. Knittle
Executive Director
WV Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311

RE: Proposed Rule

Dear Mr. Knittle,

I am writing to you regarding the WV Board of Medicine's recent "Proposed Rule change" for the increase in licensure fees. I am writing to you to specifically express my support of the licensure fee increase and associated distribution of this increase to the WV Board of Medicine and the WV Medical Professionals Health Program.

I am the wife of a physician as well as being a Licensed Professional Counselor, Licensed Certified Social Worker and Certified Clinical Addiction Counselor. I am familiar with the work of the WV Medical Professionals Health Program as I am on the care committee and also see two participants for out-patient individual treatment. I think the work of the WVMPHP is very important and I commend the WV Board of Osteopathy in its role in the development of a physicians' health program thereby fulfilling its mission to protect the public.

Respectfully,

Ronni Rittenhouse, Ph.D., LCSW, LPC, CCAC-S

57 TABLE ROCK LANE, WHEELING, WV 26003
(304) 232-6803/(304) 232-7033 fax/ronnritt@comcast.net

Robert Knittle
WV Board of Medicine
101 Dee Drive, Suite 101
Charleston WV, 25311

June 10, 2009

Dear Mr. Knittle:

It has come to my attention that increased funding for the WV Professional Health Program (WVPHP) is currently being considered by the state legislature and the WV Board of Medicine. The WVPHP has provided a valuable service to me, a physician with a mental illness, namely Bipolar Affective Disorder (BAD). I was in good psychiatric health until the summer of 2003 when I began experiencing symptoms of mania and began acting inappropriately at home and at the workplace. I was hospitalized and treated with the usual drugs (lithium and depakote) which were ineffective. I had relapses in 2004, 2005 2006 and 2007. For this reason I was fired by WV Department of Medicine and I lost my license to practice medicine. As a result, I lost my Board Certification in Endocrinology and Metabolism. I felt obligated to inform prospective employers that I was afflicted with BAD. Without a license and without board certification it was impossible for me to find a job. I applied for approximately 200 jobs, and had only two interviews. Needless to say, this was a very lonely and unpleasant predicament.

I learned of the WVPHP about a year ago. Renee Green and Dr. Hall were empathetic to my circumstances. They helped me get my WV license reinstated, as you know. Furthermore, they paved the way for me to get a license in the state of Louisiana. Fortunately, my psychiatrist , Dr Dianne Trumbull, found that a large dose of Seraquel suppressed my manic attacks. Most importantly, the WVPHP functioned as my advocate. My former colleagues in the Department of Medicine at WVU did not. The opposite was true. Physicians with whom I had a long-standing personal and professional relationship were callous and cold, and avoided even minimal social interaction. There is a profound stigma associated with mental illness that was very painful to endure. Many (but not all) of my colleagues made me feel like I was child molester or rapist. For these reasons the compassionet approach of the professional staff of the WVPHP was very healing. I have finally, with their help, been given a tentative job offer by the Department of Medicine at LSU Shreeveport.

I hope this story illustrates the very valuable services that are provided by the WVPHP. Please continue to provide them the financial support they richly deserve.

Sincerely,

Robert Hoeldtke

Robert D Hoeldtke MD, PhD

West Virginia Association of Physician Assistants

May 30, 2009

Robert C. Knittle, Executive Director
West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Mr. Knittle:

On behalf of the West Virginia Association of Physician Assistants (WVAPA), I would like to thank you for your letter of May 26, 2009 informing us of the proposed rule amendments related to fees. We have reviewed the proposed rule amendments and understand that the fee increase is only related to the support of the board-designated Medical Professionals Health Program.

The WVAPA is a supporter of the West Virginia Medical Professionals Health Program. We have educated our membership about the program and its benefits through our newsletter and general membership meeting at our annual continuing medical education conference. It is understandable and the WVAPA supports a fee increase to support such a worthwhile endeavor.

However, the WVAPA requests that the term physician health program through out the amendment be changed to medical professionals health program. By using this all inclusive term, we anticipate that it will reduce confusion amongst eligible non-physicians with regard to the increase in fees. Furthermore, the WVAPA believes such a change will ultimately reduce WV Board of Medicine administrative time and costs in resolving resultant confusion related to the current designation proposed in the amendment. In addition, the current terminology may inadvertently deter eligible non-physicians from access to the program because they may not realize that they are indeed eligible.

Now, we understand that our request here may not be possible because the West Virginia Code contains statutory language for 30-3D-2 where the section caption is "Physician health program" and the whole section talks about the program. Also, in Code 30-3-9 (h) the physician health program is mentioned. These two Code sections are referenced in the proposed rule as justification for the rule, and both make clear that the physician health program is for physicians, podiatrists and physician assistants.

We know the language in the proposed rule must follow the statute and may mean that because the statute uses the words "physician health program," then the rule must follow. And we know we can't change the statute through the rule. That is regrettable as the appropriate statutory and rule name should reflect more than just physicians – and include podiatrists and physician assistants.

Be that as it may, the WVAPA then would recommend that the title of the rule be amended by adding the words " for physicians, podiatrists, and physician assistants" at the end of the title, after the words ..."Board-Designated Physician Health Program..." for the purpose of reflecting that the program is to be utilized by these categories of persons.

Thank you for your consideration in this matter.

Sincerely,

Cynthia T. Vincent, MMS, PA-C
President, WVAPA 08-09

ASSOCIATED CARDIOLOGY OF CHARLESTON, PLLC

John L. Goad, M.D., FACC Steven L. McCormick, M.D., FACC James J. Pettit, II, M.D.
Stephen A. Lewis, M.D., FACC Donald R. Lilly, M.D., FACC S. Shawn Groves, M.D., FACC

2930 Chesterfield Avenue
Charleston, WV 25304

Phone: (304) 343-9923 Fax: (304) 343-9925

June 8, 2009

Mr. Robert Knittle
Executive Director
West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311

RE: Proposed Rule

Dear Mr. Knittle:

I am writing in regard to the proposed rule change increasing licensure fees.

I am currently the Chief of Staff here at Charleston Area Medical Center. Literally in the past three months, I have been involved in two cases where members of our medical staff had to take part in the Physician's Health Program. In both cases, there were issues of psychiatric illness which led to disruptive behavior.

I cannot tell you how impressed I have been with the program and particularly its director, Dr. Brad Hall. In the first case, the physician has already completed his inpatient care and is returning to our community. In addition to a significant impact on his life and practice, at this point, it appears that it has also helped his family and their relationships.

As you may be aware, in fact, the medical staff of Charleston Area Medical Center has voluntarily assessed themselves to contribute to the Physician's Health Program and have challenged the hospital itself to meet our contribution. It is my understanding that they will do so.

I wish to convey my total and complete support of this program. I personally have absolutely no objections and am happy to participate by increasing my licensure fees. It is truly a refreshing opportunity to see some concrete benefit from the increase in fees.

Sincerely,

Steven L. McCormick, M.D., F.A.C.C.

SLM/dh

110 Summit Overlook Drive
Morgantown, WV 26508
(304) 284-8333
MStitely@hsc.wvu.edu

Robert C. Knittle, Executive Director
West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311

Dear Robert C. Knittle, Executive Director,

I am writing to voice my support of the proposed Board of Medicine medical license renewal fee increase. This fee increase will in part assist in funding the physician health program which is being utilized to help our colleagues in need of assistance while allowing them to continue to safely practice medicine. This program has been successful and I fully support the increase in fees to assist the physician health program and to support the ever expanding duties of the West Virginia Board of Medicine.

As an additional measure of support, I am including a check in the amount of the proposed fee increase to be applied to the support of the physician health program.

Please feel free to contact me if additional information would be beneficial.

Sincerely,

Michael L. Stitely, MD

State of West Virginia
Board of Medicine

101 Dee Drive, Suite 103
Charleston, WV 25311
Telephone 304.558.2921
Fax 304.558.2084
www.wvdhhr.org/wvbom

JOHN A. WADE, JR., MD
PRESIDENT

CATHERINE SLEMP, MD, MPH
SECRETARY

J. DAVID LYNCH, JR., MD
VICE PRESIDENT

ROBERT C. KNITTLE
EXECUTIVE DIRECTOR

June 16, 2009

Michael L. Stitely, M.D.
110 Summit Overlook Drive
Morgantown, WV 26508

Dear Dr. Stitely:

The Board of Medicine is in receipt of your written comments regarding the proposed revisions of Legislative Rule 11 CSR 4 – Fees for Services Rendered by the Board of Medicine.

We are also in receipt of your check to the Board of Medicine which you included as an additional measure of support for the physician health program. At this time, the Board of Medicine has no basis by which to move funds to the designated physician health program. As such, we must return your check.

If you would like to financially support the physician health program, it is suggested that you send your donation directly to the West Virginia Medical Professionals Health Program, 4307 MacCorkle Avenue, PO Box 40027, Charleston, WV 25364.

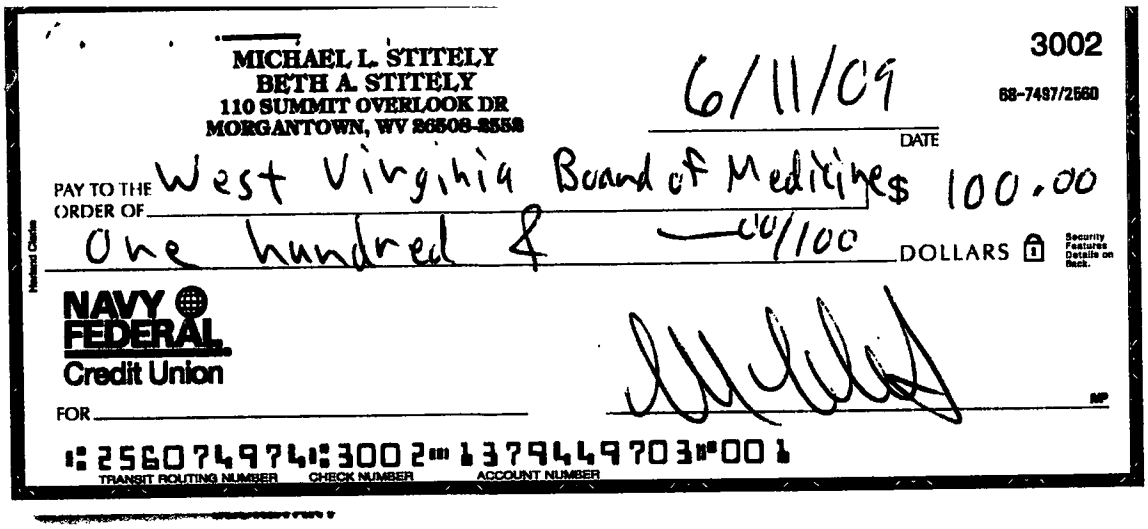
We appreciate you taking the time to provide us with your written comments.

Sincerely,

Robert C. Knittle

RCK/eb

Enclosure



MICHAEL L. STITELY
BETH A. STITELY
110 SUMMIT OVERLOOK DR
MORGANTOWN, WV 26508-8558

6/11/09
DATE

3002
68-7497/2560

PAY TO THE ORDER OF West Virginia Board of Medicine $ 100.00

One hundred & 00/100 DOLLARS

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TRANSIT ROUTING NUMBER CHECK NUMBER ACCOUNT NUMBER

J. DAVID LYNCH, JR., MD
VICE PRESIDENT

ROBERT C. KNITTLE
EXECUTIVE DIRECTOR

June 16, 2009

Michael L. Stitely, M.D.
110 Summit Overlook Drive
Morgantown, WV 26508

Dear Dr. Stitely:

The Board of Medicine is in receipt of your written comments regarding the proposed revisions of Legislative Rule 11 CSR 4 – Fees for Services Rendered by the Board of Medicine.

We are also in receipt of your check to the Board of Medicine which you included as an additional measure of support for the physician health program. At this time, the Board of Medicine has no basis by which to move funds to the designated physician health program. As such, we must return your check.

If you would like to financially support the physician health program, it is suggested that you send your donation directly to the West Virginia Medical Professionals Health Program, 4307 MacCorkle Avenue, PO Box 40027, Charleston, WV 25364.

We appreciate you taking the time to provide us with your written comments.

Sincerely,

Robert C. Knittle

RCK/eb

Enclosure

Edward W. Eskew, D.O.
3715 Washington Avenue
Charleston, West Virginia 25304
(304) 553-1555

June 16, 2009

Robert C. Knittle
Executive Director
WV Board of Medicine
101 Dee Drive, Suite 103
Charleston, West Virginia 25311

Dear Mr. Knittle,

I am writing to you to express my support of the medical licensure fee increase. I fully support the development of a physician's health program which allows for the early detection of illness and associated evaluation, treatment, and monitoring of illnesses in the medical profession.

Sincerely,

Edward W. Eskew, D.O.

June 18, 2009

Hoyt J. Burdick, MD, MMM, CPE
251 High Drive
Huntington, WV 25705

Robert C. Knittle
Executive Director
WV Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311

RE: Proposed Rule

Dear Mr. Knittle,

I am writing to you in support of the WV Board of Medicine's recent "Proposed Rule change" for the increase in licensure fees. It is my understanding that of the $100 bi-annual fee increase, $50 will go to the Board of Medicine and $50 to the WV Medical Professionals Health Program (the Board of Medicine recognized Physicians' Health Program). It is my understanding there has not been an increase in the licensure fee for approximately 10 years. I am writing to you to specifically express my support of the licensure fee increase and associated distribution of this increase to the WV Board of Medicine and the WV Medical Professionals Health Program.

The continued financial well-being of the WV Board of Medicine is necessary to continue its mission of protecting the public. As part of this mission is support of the WV Medical Professionals Health Program, I support that as well. The ability for healthcare professionals to seek assistance when they themselves become ill, in a voluntary-confidential respectful manner, will allow the continued early detection of potentially impairing conditions and associated protection of the public which results. As healthcare professionals are themselves able to experience being the patient, they too will likely become better physicians because of this experience. Lastly, the long term relationship between the WV Medical Professionals Health Program and the "sick physician" further protects the public as they get well.

I commend the WV Board of Medicine in its role in the development of a physicians' health program thereby fulfilling its mission to protect the public.

Respectfully,

Hoyt J. Burdick, MD.

Hoyt J. Burdick, MD, MMM, CPE

West Virginia MUTUAL Insurance Company

Robert L. Ghiz, MD
Chairman

David L. Rader
President

June 23, 2009

Robert C. Knittle
Executive Director
West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311

Dear Bob,

On behalf of the Board of Directors of the West Virginia Mutual Insurance Company, I would like to add my support, for the record, for the proposed Rule change that would adjust the fees charged to physicians who are obtaining a West Virginia license.

While I am always concerned about any cost increases to the physicians of West Virginia, I know that the proposal includes assistance to the West Virginia Medical Professionals Health Program (the Board of Medicine recognized Physicians' Health Program). This program is essential to the continuing deliverance of quality health services in our state and I commend you and the Board of Medicine for your leadership in this area.

If I can be of any service to you or the members of your Board, please feel free to call.

Sincerely,

David L. Rader
President and CEO

500 Virginia Street, East, Suite 1200 Charleston, WV 25301 | **www.wvmic.com** | *phone* (304) 343-3000 *fax* (304) 342-0985 *toll-free* (888) 998-7642

WILLIAM A. MERVA, M.D.
DIPLOMATE, AMERICAN BOARD OF NEUROLOGY
DIPLOMATE, AMERICAN BOARD OF SLEEP MEDICINE
SUITE # 23 • 100 NEW HOPE ROAD
PRINCETON, WV 24740
(304) 487-6144

June 23, 2009

Robert Knittle
Executive Director
WV Board of Medicine
101 Dee Drive, Ste. 103
Charleston, WV 25311

RE: PROPOSED RULE

Dear Mr. Knittle:

I am writing in regards to the WV Board of Medicine's recent "Proposed Rule Change" for the increase in licensure fees. It is my understanding that of the $100 bi-annual fee increase, $50 will go to the Board of Medicine and $50 to the WV Medical Professionals Health Program. I understand there has not been an increase in licensure fees for the last ten years. I wish to specifically express my support of the licensure fee increase and associated distribution to the WV Board of Medicine and the WV Medical Professionals Health Program.

I commend the WV Board of Medicine for its role in the development of The Physicians' Health Program as this is a very beneficial program which is a confidential and respectful program for physicians who need help and allows them to obtain the help they need.

Sincerely,

William Merva, MD
WAM:rah

WestVirginiaUniversity

School of Medicine

June 18, 2009

Robert C. Knittle
Executive Director
West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311

Dear Mr. Knittle:

Greetings from Morgantown. I am writing to voice my strong support for the $100.00 increase to the bi-annual licensing fee. I understand it will be equally divided between the West Virginia Board of Medicine and the West Virginia Medical Professionals Health Program.

As you may know I have been practicing addiction medicine in West Virginia since 1985. Almost from the beginning of my tenure as a faculty member in the WVU School of Medicine I have been aware of the problem of the impaired professional. I remember vividly that within one month of my graduation from residency I was forced to confront a senior faculty member who was frequently coming to the outpatient clinic with alcohol on his breath. This episode precipitated the development of a Physicians Health Program here at WVU and also fostered some statewide relationships between doctors who were trying to help other impaired physicians. In the late 1980's under the guidance and direction of Tom Haymond, M.D. and Ron Walton of West Virginia Board of Medicine an early incarnation of the WVMPHP was formed. At that time physician impairment as a problem in medicine had "come out of the closet" so to speak and was being increasingly identified as an issue within the profession. I became aware that West Virginia was one of the last states that had developed a formal treatment program for the impaired physician. Our early program here in West Virginia was done with all volunteers and no support staff. While there were some successes there were also a multitude of problems related to the lack of funding and organization. The program continued to exist in "name only" but had essentially collapsed by the mid 1990's. The ongoing problem with the impaired physicians fell then to the West Virginia Board of Medicine. As you know this became a difficult and troublesome issue at times for the Board of Medicine ....but to their credit.... the Board did assume this duty and provided this service for several years to physicians throughout the state of West Virginia. At WVU I was involved with at least three dozen physicians during that time and the lack of organization, accountability, and treatments was a huge problem.

Department of Behavioral Medicine and Psychiatry

Phone: 304-293-5323
Fax: 304-293-8724

930 Chestnut Ridge Road
Morgantown, WV 26505-2854

Equal Opportunity/Affirmative Action Institution

Starting two or three years ago that finally began to change primarily due to the interest, enthusiasm, and incredible organizational skills of Brad Hall, M.D. and a small group of concerned volunteers from medicine and the insurance industry. The West Virginia Medical Professionals Health Program was reborn in a much healthier and cohesive state than anything we had had previously. Without a doubt it has already proven very useful and continues to grow as we are finally able to get our disabled physicians some consistent and organized help and appropriate monitoring. It also has become clear to me and others that we simply must have a predictable funding stream to maintain this operation. The amount of purely volunteer hours that were given to the development of this program cannot be overstated. But at this point we simply must find a way to support this vital program into perpetuity. I am aware from discussions with colleagues around the country that a licensure fee increase is the most common way that physician health programs are maintained. While it may appear unnecessary and onerous to some, the necessity of financial stability cannot be ignored. Patients, doctors, and public safety all benefit by an organized Professionals Health Program. The time has come to insure its longterm stability and I heartedly endorse the fee increase.

Sincerely,

Carl Rollynn Sullivan, M.D.
Professor
Behavioral Medicine and Psychiatry

cc: Brad Hall, M.D.
RR 1 - 200 Clemans Road
Flemington, WV 26347

Williamsburg Place
&
The William J. Farley Center

Robert C. Knittle
Executive Director
WV Board of Medicine
101 Dee Dr. Suite 103
Charleston, WV 25311

Dear Mr. Knittle,

I want to take a moment to Thank You for your attention to such a very important and critical decision.

The disease of addiction, along with other mental health issues associated with it, has risen to the forefront of our country's Public Health dilemmas. Due to the growing number of those affected by this disease, coupled with a lack of understanding, we are forced into preventative action.

There is no better way to limit the disastrous outcomes and lower the risk factors of having an impaired medical health professional on staff than to have a well organized and effective physician wellness organization at not only the state level, but local level as well.

Be assured that treatment does in fact work! The Farley Center at Williamsburg Place knows this to be true because we measure it on a daily basis. We know that our physician patients are better by the time they successfully complete treatment and agree to fully participate in their state's monitoring program based upon objective physical, psychological, emotional, and spiritual measurements of their motivation, compliance, and willingness to embrace a recovered healthy balanced lifestyle.

What constitutes the amazing success and recovery of recovering health care professionals vs. the general population? What is the factor that determines the difference between providing your constituents a truly safe medical delivery system, and a therapeutic environment? The answer to both is the decision to provide a Physicians Health Program. This allows the sick and the affected to reach out for help knowing that they have a solution and system in place that allows a chance to recover and recapture a life well lived in the service of the healing arts. Throughout my years of experience, I have found no better person to manage the disease process than one who has found the solution.

I would like to personally endorse your decision to allow Dr. Hall to take West Virginia's Medical Society to a place where all will benefit. Please know there is no better choice than allowing Dr. Hall to continue working to improve what he and his staff have unselfishly began.

In closing, please be mindful that not supporting his efforts will continue to keep addiction as an ugly, unspoken secret where hope is nonexistent and help is far from home.

Thank you kindly for your time.

Sincerely,

Stephanie Löebs, BSN
Executive Director
The Farley Center at Williamsburg Place

"As we let our own light shine, we unconsciously give other people permission to do the same. As we are liberated from our fear, our presence automatically liberates others."

-Nelson Mandela

John W. Byrd MD, FACP
924 Chappell Road
Charleston, WV 25304

June 17, 2009

Robert C. Kittle
Executive Director
West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311

Dear Mr. Kittle:

When I came forward for help with my various addictions in 1990, I was improperly screened and therefore inadequately treated. This resulted in an untreated addiction that brought me tremendous humiliation and a second long term treatment. The current staff of the Medical Professionals Health Program are far better trained in screening addicts and alcoholics and mandating referrals and treatment. Therefore I strongly express my support for the licensure fee increase for the Medical Professionals Health Program.

Public safety is your number one priority and proper screening and treatment enhances public safety. Support for this program may help prevent future addicted physicians from having to go through what I have been through.

Very truly yours,

John W. Byrd MD, FACP

Clara S. Shockley
Program Manager

West Virginia University

School of Medicine
WV Prescription Drug Abuse Quitline
P.O. Box 9190
Morgantown, WV 26506-9190
Phone: 304-293-3560
cshockley@hsc.wvu.edu www.wvrxabuse.org

C. S. Shockley
WV Prescription Drug Abuse Quitline
P.O. Box 9190
WVU School of Medicine
Morgantown, WV 26506-9190
9 June 2009

Robert C. Knittle
Executive Director
WV Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311

RE: Proposed Rule

Dear Mr. Knittle,

I am writing to you regarding the WV Board of Medicine's recent "Proposed Rule change" for the increase in licensure fees. It is my understanding that of the $100 bi-annual fee increase, $50 will go to the Board of Medicine and $50 to the WV Medical Professionals Health Program (the Board of Medicine recognized Physicians' Health Program). It is my understanding there has not been an increase in the licensure fee for approximately 10 years. I am writing to you to specifically express my support of the licensure fee increase and associated distribution of this increase to the WV Board of Medicine and the WV Medical Professionals Health Program.

Daily, I witness the struggle of individuals in all walks of life to get clean. However, for the healthcare professional who is often well-educated, professionally driven and goal-oriented any impediment whether genetic, social, psychological or physical shocks and challenges the individual to drastically new ways of thinking and being. Advantages of these healthcare professionals often restricts their finding help, or hope. Prescription drug abuse, addiction, alcoholism and other perils of substance misuse restrict, damage and kill too many West Virginians every year. The proposed moves by the leadership of medical licensure in the state offers hope to those who feel isolated by their advantages, and leads them to solution, treatment, support and an outlet for healing of their disease(s).

The continued financial well-being of the WV Board of Medicine is necessary to continue its mission of protecting the public. As part of this mission is support of the WV Medical Professionals Health Program, I support that as well. The ability for healthcare professionals to seek assistance when they themselves become ill, in a voluntary-confidential respectful manner, will allow the continued early detection of potentially impairing conditions and associated protection of the public which results. As healthcare professionals are themselves able to experience being the patient, they too will likely become better physicians because of this experience. Lastly, the long term relationship between the WV Medical Professionals Health Program and the "sick physician" further protects the public as they get well.

I commend the WV Board of Medicine in its role in the development of a physicians' health program thereby fulfilling its mission to protect the public.

Very truly yours,

Clara Shockley
Program Manager
WV Prescription Drug Abuse Quitline

Rachel G Byrd
924 Chappell Road
Charleston, WV 25304

June 17, 2009

Robert C. Kittle
Executive Director
West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311

Dear Mr. Kittle:

I am in support of the WV Board of Medicine's recent "Proposed Rule change" for the increase in licensure fees. It is my understanding that of the $100 bin-annual fee increase, $50 will go to the Board of Medicine and $50 to the WV Medical Professional Health Program.

The continued financial well-being of the WV Board of Medicine is necessary to pursue its mission of protection of the public. A part of this mission is the early detection and care of potentially impairing health conditions of healthcare professionals. I commend the WV Board in its role in the development of this program. I hope similar programs will develop for other health care professions in the state.

Very truly yours,

Rachel G. Byrd

Rachel G. Byrd

June 5, 2009

R. Curtis Arnold D.P.M.
417 D St.
South Charleston, WV 25303

Robert C. Knittle
Executive Director
WV Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311

RE: Proposed Rule

Dear Mr. Knittle,

I am writing to you regarding the WV Board of Medicine's recent "Proposed Rule change" for the increase in licensure fees. It is my understanding that of the $100 bi-annual fee increase, $50 will go to the Board of Medicine and $50 to the WV Medical Professionals Health Program (the Board of Medicine recognized Physicians' Health Program). It is my understanding there has not been an increase in the licensure fee for approximately 10 years. I am writing to you to specifically express my support of the licensure fee increase and associated distribution of this increase to the WV Board of Medicine and the WV Medical Professionals Health Program.

As a second generation podiartist born and raised in West Virginia, I have always been in support of changes which benefit our state and its residents. I am well aware of the public safety benefit of the Board of Medicine and trust its judgment as to the necessity of a licensure fee increase, as well as, its recommendation to the utilization of such funds. As the "sick physician" was recognized in the early 70's, I fully support the development of a physicians' health program which allows for the early detection of illness and associated evaluation, treatment and monitoring of illnesses in the medical profession. Obviously, this too provides benefit to the public as all chronic diseases can be treated and monitored prior to progression to a more disabling or impairing later stage.

The continued financial well-being of the WV Board of Medicine is necessary to continue its mission of protecting the public. As part of this mission is support of the WV Medical Professionals Health Program, I support that as well. The ability for healthcare professionals to seek assistance when they themselves become ill, in a voluntary-confidential respectful manner, will allow the continued early detection of potentially impairing conditions and associated protection of the public which results. As healthcare professionals are themselves able to experience being the patient, they too will likely become better physicians because of this experience. Lastly, the long term relationship between the WV Medical Professionals Health Program and the "sick physician" further protects the public as they get well.

I commend the WV Board of Medicine in its role in the development of a physicians' health program thereby fulfilling its mission to protect the public.

Respectfully,

R. Curtis Arnold D.P.M..

June 9, 2009

Robert C. Knittle
Executive Director
WV Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 253111

Dear Mr. Knittle,

Please accept this letter in support of the WV Board of Medicine's recent "Proposed Rule change" for the increase in licensure fees and the associated distribution of this increase. It's my understanding that of the $100 bi-annual fee increase, $50 will go to the Board of Medicine and $50 to the WV Medical Professionals Health Program (the Board of Medicine recognized Physician's Health Program).

The continued financial well-being of the WV Board of Medicine is necessary to continue its mission of protecting the public. As part of this mission is support of the WV Medical Professionals Health Program, I support that as well. The ability for healthcare professionals to seek assistance when they become ill, in a voluntary-confidential respectful manner, will allow the continued early intervention of potentially impairing conditions and associated protection of the public which results. Early intervention not only protects the public, but also assists the healthcare professional in their time of need with proper guidance from the PHP.

I commend the WV Board of Medicine in its role with the development of a physicians' health program thereby fulfilling its mission to protect the public.

Sincerely,

Russell T. Holbert, RN, EMT-P, CCEMT-P
PO Box 385
Hepzibah, WV 26369

WestVirginiaUniversity
SCHOOL OF MEDICINE

June 9, 2009

Robert C. Knittle, Executive Director
West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311

Dear Mr. Knittle;

Thank you for the opportunity for comment regarding Title Number 11 regarding the proposed changes to the Legislative Rule. I reviewed your statement of circumstances which require the proposed rule and I have read through the rule changes. I would like to congratulate the Board on their proactive action regarding this issue.

State of West Virginia has long been overdue in its protection of the public interest through the diligent identification and monitoring of physicians who may be impaired. My current information indicates that the West Virginia Physician Health Program is demonstrating a competent and robust performance record and we must ensure that this program continues to be successful. The most critical element to a successful program is appropriate funding and this rule change will take a step in that direction. I want you to know that you have my full support for the proposed rule change and fee increase. My only comment, and concern, is that the proposed rule change and increase funding to the Physician Health Program might not be sufficient. I understand and do not expect that the entire budget of the Physician Health Program should be funded through licensure fee increases via the Board of Medicine. It is my belief, however, as this program continues to grow that even with the licensure fee increase and with the support from the Hospital Association, West Virginia State Medical Association, and the West Virginia Physicians Mutual Insurance Company a funding shortfall may arise in the next five to seven years. This is a problem, I believe as we work together we can deal with as it arises.

Once again, I fully support the licensure fee increase as described under Title Number 11 and prompt payment of fifty dollars ($50) per renewal to the West Virginia medical professionals' health program.

Sincerely,

Joseph Selby, MD

Department of Family Medicine
Clark K. Sleeth Family Medicine Center
Robert C. Byrd Health Sciences Center
PO Box 9152
Morgantown, WV 26506-9152

Phone: 304-598-6904
Fax: 304-598-6905

Equal Opportunity/Affirmative Action Institution

June 8, 2009

Wilma G. Holmes
105 Fannie Street
Grafton, WV 26354

Robert C. Knittle
Executive Director
WV Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311

RE: Proposed Rule

Dear Mr. Knittle,

I'm writing to you to voice my support of the WV Board of Medicine's Proposed Rule for a licensure fee increase.

I am very supportive of the WV Medical Professionals Health Program which was developed to support, provide direction to, monitor and advocate for healthcare professionals suffering from chronic diseases and providing education of healthcare professionals and the public on the disease of addiction and substance abuse including prescription drug abuse and mental health issues. If the physicians can't get the medical help they need and deserve and be educated on the disease of addiction; then how can we expect them to be there to assist our family in their time of need?

I fully support the licensure fee increase and the recommended distribution to the WV Medical Professionals Health Program.

Sincerely,

Wilma G. Holmes

Wilma G. Holmes

June 8, 2009

Lester E. Holmes
105 Fannie Street
Grafton, WV 26354

Robert C. Knittle
Executive Director
WV Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311

RE: Proposed Rule

Dear Mr. Knittle,

I'm writing to you to voice my support of the WV Board of Medicine's Proposed Rule for a licensure fee increase.

I am very supportive of the WV Medical Professionals Health Program which was developed to support, provide direction to, monitor and advocate for healthcare professionals suffering from chronic diseases and providing education of healthcare professionals and the public on the disease of addiction and substance abuse including prescription drug abuse and mental health issues. If the physicians can't get the medical help they need and deserve and be educated on the disease of addiction; then how can we expect them to be there to assist our family in their time of need?

I fully support the licensure fee increase and the recommended distribution to the WV Medical Professionals Health Program.

Sincerely,

Lester E. Holmes

WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION

Form #2

Do Not Mark In This Box

FILED

2009 MAY 22 AM 8:28

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Board of Medicine TITLE NUMBER: 11

RULE TYPE: Legislative CITE AUTHORITY: W.Va. Code §30-3-7(a)(1), §30-3-9(h), §30-3D-1

AMENDMENT TO AN EXISTING RULE: YES x NO ____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 4

TITLE OF RULE BEING AMENDED: Fees for Services Rendered by the Board of Medicine Including Assistance to the Board-Designated Physician Health Program

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: ____

TITLE OF RULE BEING PROPOSED: ____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON June 26, 2009 AT 4:30 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Robert C. Knittle, Executive Director

West Virginia Board of Medicine

101 Dee Drive, Suite 103

Charleston, WV 25311

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

Robert C. Knittle

Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

Statement of Circumstances Which Require the Proposed Rule

Not since 1999 has the Board of Medicine requested a fee increase by which to financially support its operations, mission and responsibilities required by the Legislature. During the past decade, operating costs have substantially increased, particularly in the area of personnel benefits which have risen 36% in this period of time. Salaries have likewise increased by 33%, however remain very far below the market rate for comparable positions making it necessary for 25% of the staff to hold second jobs to make ends meet.

Costs of office supplies and equipment, computer equipment, postage, etc., upon which the Board of Medicine heavily relies, have also increased during this past 10 years.

During this time period, revenues have remained neutral as costs continued to climb. By way of enhanced efficiencies and information technology, the Board of Medicine has done a formidable job at containing these costs. Despite these efforts, the economics of increased costs and neutral revenues over such a period of time must be realized.

The Office of Legislative Auditor defines, in part, the fiscal viability of a state board as having an adequate financial reserve rolling over from one year to the next that is comparable to 100% of the expenditures of that board for one year. This amount is viewed as necessary in the event of unforeseen fiscal events that would threaten the viability or solvency of the board, such as uncovered liability, litigation, theft, etc.

The current Board of Medicine reserve has dropped to 41% which will be noted in the Performance Evaluation audit by the Office of Legislative Auditor scheduled for 2010.

Secondly, the Board of Medicine has recognized the newly formed physician health program as having a valuable contribution to the safety of public health care by assisting medical professionals in their recovery from drug addiction and abuse and mental illness. The legislature enacted the law authorizing this program in 2007.

The Board of Medicine has voted to provide a degree of financial support to the physician health program with which the Board holds an agreement through an increase in its fees. The Board, as one of several stakeholders of this program, believes such support is a necessary and responsible action to assist in this program becoming and remaining financially solvent.

Fifty percent (50%) of the fee increase for physicians and podiatrists requested in the proposed rule would be disbursed to this program while the remaining 50% would be utilized by the Board of Medicine to support it operation, mission and responsibilities required by the Legislature.

The new fee reflected in the proposed rule for the physician assistants is a fee for the physician health program. All other fees for physician assistants remain unchanged and are in West Virginia Code §30-3-16 at this time; however it is appropriate that they be included in this rule.

Because of this disbursement to the physician health program, please note that actual revenue increase which the board will directly realize is only half of what was requested in 1999.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Fees For Services Rendered By The Board of Medicine Including Assistance To The Board-Designated Physician Health Program

Type of Rule: [X] Legislative [ ] Interpretive [ ] Procedural

Agency: West Virginia Board of Medicine

Address: 101 Dee Drive, Suite 103

Charleston, WV 25311

Phone Number: 304.558.2921 Email: Robert.C.Knittle@wv.gov

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

Increased fees generated by the proposed rule will be specific to the West Virginia Board of Medicine of which 50% will be shared with the physician health program which holds an agreement with the Board. There will be no enhancement of revenues to State Government.

Likewise there is no additional cost to State Government associated with this proposed rule. The Board of Medicine functions only upon the professional fees it generates.

In summary, this action will have no impact upon the costs or revenues of state government beyond the Board of Medicine.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	
Personal Services	–	–	
Current Expenses	–	–	
Repairs & Alterations	–	–	
Assets	–	–	
Other	–	–	
2. Estimated Total Revenues	0.00	301,250.00	389,550.00

Fees For Services Rendered By The Board of Medicine Including

Rule Title: Assistance To The Board-Designated Physician Health Program

Fees For Services Rendered By The Board of Medicine Including

Rule Title: Assistance To The Board-Designated Physician Health Program

3. Explanation of above estimates (including long-range effect):
Please include any increase or decrease in fees in your estimated total revenues.

The proposed rule will increase initial application and licensure renewal fees for physicians and podiatrists. Fifty (50) percent of the fees generated will be disbursed by the Board to the physician health program which holds an agreement with the Board. It will add a fee to the physician assistants to be disbursed by the Board to the physician health program. The fee increase will allow the Board to continue to meet its mission to protect the public through licensure, disciplinary actions, providing financial support to the physician health program and equally importantly aid in restoring an adequate reserve to insure solvency. The Board is required in West Virginia Code §30-1-6(c) to set fees that are sufficient to enable the Board to carry out effectively its responsibilities of licensure and discipline of individuals subject to the authority.

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

As stated earlier the Board of Medicine functions entirely upon the professional fees it generates and draws from its own special revenue account. As such, the Board does not contribute nor draw funds from the general account. Therefore, this proposed rule will not have a fiscal impact on the public funds of state government.

Date: 6/11/09

Signature of Agency Head or Authorized Representative

Ghada Suleiman

TITLE 11

LEGISLATIVE RULE

BOARD OF MEDICINE

SERIES 4

FEES FOR SERVICES RENDERED BY THE BOARD OF MEDICINE INCLUDING ASSISTANCE TO THE BOARD-DESIGNATED PHYSICIAN HEALTH PROGRAM

§11-4-1. General.

1.1. Scope. -- This legislative rule establishes the fees to be charged by the Board of Medicine for services rendered including assistance to the board-designated physician health program.

1.2. Authority. -- W. Va. Code §30-3-7(a) (1) and (5); §30-3-9(h); §30-3D-1 et. seq.

1.3. Filing Date. --

1.4. Effective Date. --

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

~~2.1. Medical Licensure Application - $300.00.~~

~~2.2. Temporary Medical or Podiatric License Until Board Meets - Not to exceed $100.00~~

~~2.3. Medical and/or Podiatry Corporation Application Fee - $500.00~~

~~2.4. Medical and/or Podiatry Corporation Biennial Registration - $250.00~~

~~2.5. Medical and/or Podiatry Examination Score Endorsement or Written Licensure Verification - $25.00~~

~~2.6. Active Medical and/or Podiatry Biennial Registration fee - $300.00~~

~~2.7. Inactive Medical and/or Podiatry Biennial Registration fee - $100.00~~

§11-4-2. Schedule of Fees For Physicians and Podiatrists including Assistance to The Board-Designated Physician Health Program.

2.1. Medical Licensure Application Fee - $400.00, $50.00 of which shall be promptly disbursed by the board to the physician health program.

2.2. Podiatric Licensure Application Fee - $400.00, $50.00 of which shall be promptly disbursed by the board to the physician health program.

2.3. Temporary Medical or Podiatric License Fee - $100.00

2.4. Active Medical and/or Podiatry Biennial Renewal Fee - $400.00, $50.00 of which shall be promptly disbursed by the board to the physician health program.

2.5. Inactive Medical and/or Podiatry Biennial Renewal Fee - $150.00, $25.00 of which shall be promptly disbursed by the board to the physician health program.

2.6. Limited Medical School Faculty Initial Licensure Application Fee and Renewal Fee - $150.00

2.7. Limited Medical School Faculty Fee for Physician Health Program Assistance - $50.00 to be paid with initial limited medical school faculty licensure application fee and with limited medical school faculty renewal fee, which $50.00 fee shall be promptly disbursed by the board to the physician health program.

2.8. ~~Podiatric Examination Not to exceed $650~~ Medical and Podiatry Examination Score Endorsement or Written Licensure Verification Fee - $25.00

~~2.9. Podiatric Licensure Application $300~~

§11-4-3. Schedule of Fees For Physician Assistants, including Assistance to The Board-Designated Physician Health Program.

3.1. Physician Assistant Licensure Application Fee- $200.00

3.2. Temporary Physician Assistant Licensure Fee - $50.00

3.3. Physician Assistant Biennial Renewal Fee - $100.00

3.4. Physician Assistant Fee for Physician Health Program Assistance - $50.00 to be paid with physician assistant licensure application fee and with physician assistant biennial renewal fee, which $50.00 fee shall be promptly disbursed by the board to the physician health program.

3.5. Physician Assistant Examination Score Endorsement or Written Licensure Verification Fee - $25.00

3.6. Prescriptive Writing Privileges Fee - $50.00

3.7. Change or Addition of Supervising Physician Fee - $50.00

3.8. Change or Addition of Job Location Fee - $50.00

§11-4-4. Schedule of Fees For Medical and Podiatric Corporations.

4.1. Medical and~~/or~~ Podiatry Corporation Application Fee - $500.00

4.2. Medical and~~/or~~ Podiatry Corporation Biennial Registration Fee- $250.00

June 5, 2009

P. Bradley Hall, M.D.
RR 1 – 200 Clemans Road
Flemington, WV 26347

Robert C. Knittle
Executive Director
WV Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311

RE: Proposed Rule

Dear Mr. Knittle,

I am writing to you regarding the WV Board of Medicine's recent "Proposed Rule change" for the increase in licensure fees. It is my understanding that of the $100 bi-annual fee increase, $50 will go to the Board of Medicine and $50 to the WV Medical Professionals Health Program (the Board of Medicine recognized Physicians' Health Program). It is my understanding there has not been an increase in the licensure fee for approximately 10 years. I am writing to you to specifically express my support of the licensure fee increase and associated distribution of this increase to the WV Board of Medicine and the WV Medical Professionals Health Program.

As a third generation physician born and raised in West Virginia, I have always been in support of changes which benefit our state and its residents. I am well aware of the public safety benefit of the Board of Medicine and trust its judgment as to the necessity of a licensure fee increase, as well as, its recommendation to the utilization of such funds. As the "sick physician" was recognized in the early 70's, I fully support the development of a physicians' health program which allows for the early detection of illness and associated evaluation, treatment and monitoring of illnesses in the medical profession. Obviously, this too provides benefit to the public as all chronic diseases can be treated and monitored prior to progression to a more disabling or impairing later stage.

The continued financial well-being of the WV Board of Medicine is necessary to continue its mission of protecting the public. As part of this mission is support of the WV Medical Professionals Health Program, I support that as well. The ability for healthcare professionals to seek assistance when they themselves become ill, in a voluntary-confidential respectful manner, will allow the continued early detection of potentially impairing conditions and associated protection of the public which results. As healthcare professionals are themselves able to experience being the patient, they too will likely become better physicians because of this experience. Lastly, the long term relationship between the WV Medical Professionals Health Program and the "sick physician" further protects the public as they get well.

I commend the WV Board of Medicine in its role in the development of a physicians' health program thereby fulfilling its mission to protect the public.

Respectfully,

P Brad MD

P. Bradley Hall, M.D.

W. Christopher Kwasny
2381 Woodland Hills Drive
Menasha, WI 54952

Robert C. Knittle, Executive Director
West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311

June 1, 2009

Re: Fees for Services Rendered by the Board of Medicine

Mr. Knittle:

These are my comments on the proposed changes in fees for services rendered by the West Virginia Board of Medicine.

1. In general, I can understand and accept that the board needs to raise fees to keep up with rising costs -- within reason.

2. Fees for physician assistants should also increase beyond the fee for the physician health program (and thus lower the increase of all the other proposed increased fees) because the cost of rendering services for physicians assistants has risen just as it has for everyone else.

3. While I said earlier that I can understand the need to increase fees, I will also say that I am frustrated at potentially having to pay increased fees to any board that has such a cumbersome process for obtaining a medical license. This is true of the West Virginia Board of Medicine and many other state medical boards across the country. The process for obtaining a medical license in any state should be more streamlined and less time consuming for the applicant than it currently is. All state medical boards should work together to improve this process.

W. Christopher Kwasny, M.D.

1352 Steamboat Run Rd.
Shepherdstown, WV 25443
June 22, 2009

Mr. Robert C. Kittle, Executive Director
West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311

Dear Mr. Kittle:

I very strongly oppose any increase in fees by the West Virginia Board of Medicine. West Virginia fees are already higher than for other states in which I am licensed, and any increase will be a hardship for me, since I don't realize any income from the practice of medicine.

I especially oppose the use of fees by the Board to support the physician health program (PHP). I assume that the PHP is an effort to increase the number of physicians practicing in West Virginia. If the program is successful for any given physician and that physician is able to return to practice, he/she will certainly earn enough as a physician to reimburse the PHP. If the program fails for a given individual, that person should probably not have been admitted into the program to begin with. I can't see any justification why I should be required (in addition to what I already pay in taxes) to support rehabilitation of drug addicts and alcoholics because they happen to be physicians.

I hope the Board will reconsider this ill-advised proposal.

Sincerely,

Peter H. Abbrecht, M.D.

Crigger & Associates ENT, P.L.L.C.
Thomas Memorial Hospital
Medical Pavilion, Suite 406
4607 MacCorkle Ave. SW
PO Box 9289
South Charleston, WV 25309

Telephone: (304) 767-7980
Fax: (304) 767-7989
Website: www.criggerent.com

June 24, 2009

Robert C. Knittle, Executive Director
West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311

RE: State of West Virginia Proposal to Increase Licensing Fee

Dear Mr. Knittle:

I am responding to your proposed amendment to the proposed rules. Over the years, I have experienced the same type of increase in office overhead that you have listed. However, the reimbursements I receive for my services have continued to decline since 1976.

In a recent meeting at one of the local hospitals here in Charleston, many of the physicians expressed their concerns pertaining to the financial crunch they are feeling not only professionally in what it takes to run their office, but also in their private lives.

Therefore, it is unfortunate that I oppose your proposed amendment changes.

Sincerely,

C. D. Crigger MD

Charles D. Crigger, M.D.

pc: Natalie Tennant, West Virginia Secretary of State

FROM THE DESK OF

LOUIS C. PALMER, M.D.
DIPLOMATE AMERICAN BOARD OF DERMATOLOGY
105 DOCTORS DRIVE
BRIDGEPORT, WEST VIRGINIA 26330
TELEPHONE (304) 842-5210

5/26/09

Dear Sirs

your description of finances fit my practice to a T.

I have to learn to live with these problems so perhaps you should also do the same

Learn to get along with what you have

I vote against change

L Palmer

Sarah E. Stevenson, MD
4325 Brettwood Lane
Morgantown, WV 26508

Robert C. Knittle, Executive Director
West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311

June 2, 2009

Mr. Knittle,

I recently received the information from the Secretary of State regarding the proposed legislative rule "Fees for Services Rendered by the Board of Medicine Including Assistance to the Board-Designated Physician Health Program".

I read through the enclosed information and strongly disagree with amending the rule. In my opinion, it is unfair to the responsible physicians of West Virginia to increase our fees to contribute to the Physician Health Program. I believe that those physicians who utilize the Physician Health Program should take accountability for their own recovery. I can understand asking if physicians would like to donate to the program, but to require us to provide financial support through an increase in our fees is unreasonable. I have spoken to several area physicians about this matter and they also agree. I feel it is very important to try and keep the best, most responsible physicians in our state, which is why it is essential to keep fees fair, as well as low, and give us choice as to how our fees are spent.

I appreciate being able to comment on the proposed rule and hope that my comments are taken into consideration.

Sincerely,

Sarah E. Stevenson, MD

GUY DAVID LEVEAUX, M.D.
RR2, BOX 297
SHINNSTON, W.V. 26431
Telephone (304) 592-[illegible]
dleveaux@pul.net

6/23/09

To whom it may concern:

The usefulness of a bureaucracy such as The West Virginia Board of Medicine should not be self evident but subject to measure by agreed upon standards. Benchmarking or comparison to similar entities (such as the Osteopathic Board) would be an alternative. In the absence of such measurement the presumption of utility in service of the public interest is just that.

Before any further burden for this bureaucracy is shifted onto the working M.D.'s of W.V., the performance of the Board should be subject to study and measurement. At the very least its proposed fee increase should be contingent upon an independent measurement and assessment of its performance.

Cordially,

David Leveaux

Rouzbeh Parsi, M.D.
President

Richard C. Wisman, M.D.
Secretary

Bahman Parsi
Chief Executive Officer

June 23, 2009

Robert C. Knittle
Executive Director
West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311

Mr. Knittle:

The administration of Med-Surg Group, Inc. has reviewed the proposed amendment to WV Code §30-3-7(a)(1), §30-3-9(h), §30-3D-1 and are opposed to the changes. It is our opinion that they will cause added financial hardship to already financially strapped practices, particularly a group practice such as ours.

It is hard enough to recruit physicians to West Virginia, particularly southern West Virginia, without increasing the cost of doing so. This would also apply to the retention of physicians in this area.

West Virginia already has somewhat of a reputation of being "unfriendly" to physicians given the history of malpractice insurance in this state.

We should be working to provide incentives for physicians to come to West Virginia, not making it more unappealing by raising the cost to do business in the state.

Ellen F. Miller
Chief Operating Officer

/efm

502 Main Street, West Oak Hill, WV 25901-3416
Phone: 304.465.1030 Fax: 304.469.9811
information@medsurggroup.com

DAVID S. RATLIFF, M.D.
GENERAL SURGERY • BOARD CERTIFIED
3665 TEAYS VALLEY ROAD
HURRICANE, WEST VIRGINIA 25526
TELEPHONE (304) 757-2518

June 19, 2009

Robert C. Knittle, Executive Director
West Virginia Board of Medicine
101 Dee Drive
Suite 103
Charleston, West Virginia 25311

Dear Mr. Knittle:

This letter is a comment on the proposed fee increase to financially support the operation and responsibilities of the Board of Medicine as required by the state legislature. Physicians across the state and nationwide have seen a decline in reimbursement over the past decade. Despite this decline our overhead has increased similar to that observed in the Board of Medicine office. A stated in "The Circumstances" included with the packet which I received the cost of office supplies, equipment, computer equipment, postage, etc. have increased dramatically during the past ten years making it more difficult for me to maintain an office. During this time my revenues have decreased while the Board of Medicine's have remained neutral. I do not think that it is fair for the Board of Medicine to receive a fee increase even as physicians in the state are recognizing decreased reimbursement. This only adds to our already substantial overhead making it more difficult to practice. If the legislature assigns specific tasks to the Board then the legislature should provide the funds for the Board to complete those tasks. The funds should not come from the already over taxed physicians of the state of West Virginia.

I am not in favor of the fee increase for the above stated reasons. A more favorable "show of faith" would be for the Board to decrease their fees in order to recognize the decreased reimbursement, which physicians across the state are realizing.

Sincerely,

David S. Ratliff, M. D. FACS

Allan Snider, M.D.
113 Whispering Woods Road
Charleston, WV 25304

WV License No. 20036

Robert C. Knittle, Executive Director
WV Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311

Dear Mr. Knittle:

I am opposed to any increase in medical licensing fees for any purpose. You are undoubtedly aware of that for many reasons the incomes of all physicians are under extreme pressure these days. This is especially so with the proposal of nationalizing all of health care on the near horizon.

I feel that it is not my responsibility to fund programs for the rehabilitation of impaired physicians. What ever happened to individual responsibility?

Sincerely,

Allan Snider

Allan Snider, M.D.

West Virginia Board of Medicine

I received the proposed dues increase due to take effect in the near future. You state the the salaries have increased by 33%. A lot of the salaries of the physicians at the university had and have decreased significantly over that time period. That is one of the reasons I chose to leave West Virginia. With the economy the way it is now, few salaries are on the rise. You state that a lot of your expenses are mandated by the state legislature. Why does the state legislature not appropriate money for those programs? It is my opionion that if the state legislature wants a program, they should pay for it or at least part of it. It is not right to make the health care workers pay for something they may not have wanted. I applaud the physician health program but those physicians knew what they were doing and now others have to pay for their rehab. Why can they not pay for their own rehab if they want it?

I used to be on the faculty at West Virginia University School of Medicine but have relocated to North Carolina where I am on the faculty of Duke University School of Medicine and also practice at a VA facility. I do not plan on returning to West Virginia because of the salaries and politics.

Ronald C. Hill, MD, FACS

Ronald C. Hill MD

DAVID A. FARIS, M.D.

CORNEAL SPECIALIST AND GENERAL OPHTHALMOLOGY
2-B Chenoweth Drive • Bridgeport, West Virginia 26330
Telephone (304) 842-8888 • Fax (304) 842-7629

May 26, 2009

Robert C. Kittle, Executive Director
West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311

RE: Fees for Services Rendered by the Board of Medicine Including Assistance to the Board-Designated Physician Health Program.

Dear Mr. Kittle,

Thank you for providing the opportunity to comment on the proposed increase in fees for the WV Board of Medicine.

I understand, and reluctantly agree with, the board's proposal to increase fees because of increasing operating costs. However, I must object to an increase in fees to support the "newly formed physician health program". I must ask two questions. 1) Why did the WV Board of Medicine vote to "provide a degree of financial support to the physician health program"? 2) Why should $50.00 of my WV Medical Board Licensing fee go toward supporting this program?

I feel that the re-licensing fees are already somewhat high (I don't know how the fees compare to those in other states). I don't feel that I should be asked to pay for a program that helps others recover from their self-induced drug addiction and abuse and mental illnesses. While it is the WV Board of Medicine's job to protect the WV public from drug-abusing health care providers, and those with mental illnesses, I don't feel that it is their job pay for their medical or psychological care. I realize that the WV Legislature mandated this action, but I still do not agree with this aspect of the fee increase.

Please let me know if I can provide additional information regarding my views on this subject.

Sincerely,

David A. Faris, M.D.

File

05/27/09

Robert C. Knittle, executive director
West Virginia board of medicine
101 Dee Drive, suite 103
Charleston, WV 25311

This is a comment on the proposed increase in licensure fees from $300 to $400. I have no comment in regard to the proposal to increase the Board Admin fees by $50 as clearly expenses have risen since 1999.

The proposed addition of $50 in addition to be given to the physician health program seems to me an unwise decision on several levels. I do not regard physician health as the domain of the medical Board. It will always remain a responsibility of the physician himself as all effective treatment options testify. Indeed health is only one aspect of the problems with physician practice and in my opinion the Board should be concerned with practice problem and not the Why". Secondly the costs of this are open ended and not under the control of the Medical Board. – I would fear and anticipate escalating cost and do not feel a licensing fee paid by all physicians is a proper approach to this.

Thank you for your consideration,

Robert K. Modlin

Robert K Modlin, MD
300 Alderson St
Lewisburg, WV 24901

Richard G. Stevenson, MD, FACC
226 Lakeview Drive
Morgantown, WV 26508

June 3,2009

Robert C. Knittle, Executive Director
West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311

Dear Mr. Knittle:

I am writing to comment on the proposed rule which intends to increase licensure fees for medical practitioners and to utilize a portion of the fees to support rehabilitation of physicians with abuse issues. It is my opinion that physicians with abuse issues should be responsible for their own costs for rehabilitation. It is not the responsibility of the practicing physicians of West Virginia to bear these costs.

In these difficult economic times, it should be the responsibility of the Board of Medicine to keep licensure fees as reasonable as possible to help those currently in practice and to encourage others to practice here and care for our citizens. The proposed rule does not accomplish either. I strongly disagree with the use of licensure fees for the support of abuse rehabilitation programs for practitioners. Thank you.

Sincerely,

Richard G. Stevenson MD

Richard G. Stevenson, MD, FACC

MEDBROOK

MEDBROOK MEDICAL ASSOCIATES, INC.

1370 Johnson Avenue
Bridgeport, WV 26330
304/842-7186 • 800/842-7181
www.medbrook.com

Kelly R. Nelson, MD knelson@medbrook.com
Robert J. Bowers II, MD rbowers@medbrook.com
James D. Bailey Jr., MD jdbailey@medbrook.com
Frances Murray, MD fmurray@medbrook.com

May 25, 2009

Robert C. Knittle, Executive Director
West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311

Dear Mr. Knittle,

I am writing to voice my commentary concerning the Board of Medicine's application for increasing fees charged to physicians for licensure in the state of West Virginia. While I can certainly appreciate that the Board's reserve fund has dropped some forty-one percent, I think you can appreciate that a significant number of individuals and corporations have also had their reserve fund dropped significantly by the current situation in Wall Street.

I can also appreciate that your overhead has risen significantly. While I am not in favor of increasing fees, I can certainly understand a modest increase in licensure fees to offset these basic increased costs of operations.

On the other hand, I note that you are also seeking an increase in licensure fee to support the physician's health program for substance abuse counseling and treatment. While I am quite sympathetic to physicians who may have to use the services offered by this program, I do not feel that involuntary donations to such a program are justified. Certainly, any individual can elect to donate money to this very worthy cause but being forced to donate money via an increased fee for licensure does not seem fair or justified. I strongly oppose any licensure fee increase that would be used to support such a program and would prefer to see that program, like other charitable programs, exist on voluntary charitable donations.

Although I will be greatly surprised if you receive very many letters concerning this issue, I can assure you that a number of physicians that I have talked to also strongly oppose this involuntary donation. Unfortunately, the act of having to write a letter to voice your opinion not only costs precious time but also costs money, and I would be quite surprised if the response rate was significant although I feel there is a significant number of physicians who would be opposed to this licensure fee increase.

Sincerely,

Kelly R. Nelson, M.D.
Medbrook Medical Associates

Haven N. Wall, Jr., M.D.
P.O. Box 1046
Greyrock Professional Park
Lewisburg, West Virginia 24901
Telephone (304) 645-6083

June 1, 2009

West Virginia Board of Medicine
ATTN: Robert Knittle, Executive Director
101 Dee Drive, Suite 103
Charleston, WV 25311

RE: Proposed Fee Increase for Services Rendered by the Board of Medicine

Dear Mr. Knittle:

I would like to express my strong opposition to the proposed increase in physician licensing fees. I understand that the Board has faced increased operating costs, particularly in the area of personnel benefits etc. But please understand that as a private physician who is not employed by a hospital or large clinic, I have also faced the same increase in operating expenses. All of my supplies have increased in price plus I now have to pay a "fuel surcharge" to have many of those supplies delivered or shipped. I try to continue to provide health insurance to my employees however it becomes more difficult as the premium increases every year.

There are at least two areas where my situation differs from yours however. First, my salaries have not increased by 33% because we have had to reduce staff and have not given even regular cost of living raises for some time. In fact I have personally taken several pay cuts over the course of my career in order to keep the practice afloat. I feel fortunate if I am able to just maintain the present staff. Secondly, my revenues have not remained neutral. I work in a rural area where the majority of my patients are Medicare or Medicaid. My reimbursements are running about 55% of what they were in 1994. My echocardiogram reimbursement was cut 25% just this year! I cannot schedule enough patients to recover these kind of loses. I would love to remain revenue neutral!

Lastly, if you are considering increasing licensing fees why does the increase not apply to Physician Assistants? In many cases they are earning nearly as much as some Family Physicians.

I realize my opposition will most likely not impact your decision, but I want you to realize what small practices are up against in West Virginia. We are seeing operating costs increase at every turn with little hopes of being able to increase our revenue. To continue to increase the licensing fees while we are facing heavy reimbursement cuts and onerous new project expenses such as EMR and ICD-10 is just one more straw breaking the back of hard working physicians. It is a good way to make sure Physicians choose to either leave the state or retire.

Sincerely,

Haven N. Wall, Jr., M.D.

CC: Stephen Sebert, M.D. WVSMA President

MARK T. O'DONNELL, D.P.M.
DIPLOMATE, AMERICAN BOARD OF PODIATRIC SURGERY
DIPLOMATE, AMERICAN BOARD OF PODIATRIC ORTHOPEDICS
SUITE 109, PASSAVANT PROFESSIONAL BLDG.
9102 BABCOCK BLVD.
PITTSBURGH, PA 15237
(412) 367-8404
FAX (412) 367-5144

June 2, 2009

Robert C. Knittle
Executive Director
West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311

Dear Mr. Knittle:

I received your Notice of Comment on Proposed Rule Changes regarding finances to support multiple programs by the West Virginia Board of Medicine. I appreciate that salaries have increased by 33%; however, my salary has not increased by 33%. In fact, as a physician, since 1999, reimbursements have dropped. I also share your pain with increased cost of office supplies, equipment, labor, etc. Malpractice insurance has also steadily increased over the past ten years. I feel that to raise the fees for my licensure in order to fund these programs is inappropriate.

I understand that the staff has to hold second jobs to make ends meet. In fact, in my own private practice, we have continued to employ our staff, but have had to cut hours in order to cover our costs and expenses. We have not taken away any benefits and we have not laid anybody off.

I understand the economic climate is very unstable at best. The future of our economy is also very scary. Based on all of the circumstances surrounding your proposed rule, I think there would be an overwhelming majority of physicians who would agree with me in asking you not to initiate this proposed rate change. I think there should be other ways explored by legislature to fund these programs rather than again turning back to the physicians to pay for these increased costs.

Again, if reimbursements were to increase and my salary were to increase, then obviously this would not be an issue. However, due to the sad state of affairs in our economy, I feel that I would not be willing to participate in this increase in fee for the licensure.

Sincerely,

Mark T. O'Donnell, DPM, FACFAS
License # WV220

6/31/09

Dear Mr Knuttle;

Since 1999 I have had a marked increase in the expense of running my medical practice just like the Board of Medicine. However my income is down in the past 10 years by 39%. If you need more money take it from the legislature & do not impose a fee hike on physicians.

Presently unemployment in the country is > 8.5% by government standards - actually about 20% by actual standards. Many of my patients have lost their jobs & it is time for the state, city, & federal governments to cut back on employees & expenses. Instead they are raising taxes, fees, regulations, litigations & legislations all of which make it impossible for self employed to stay employed. I oppose any fee increase.

Sincerely

[illegible] MD

Huntington Behavioral Health
1415 Sixth Avenue • Huntington, WV 25701 • (304) 523-1142 • (304) 523-2966 FAX

May 26, 2009

Robert C. Knittle, Executive Director
West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311

Dear Mr. Knittle:

I am pleased to comment on the proposed increase in fees and licensure by the Board of Medicine.

While I fully comprehend that the Board has suffered increases in operating costs and stagnant salaries over the past 10 years, I must point out that the physicians licensed by that Board have undergone the same problems and worse.

When I left training in 1992, I started at a substantially higher salary than I am now making. Factoring in rates of inflation I am probably earning two-thirds what I made then, not counting the fact that I have no retirement, no disability insurance, and substantially fewer paid vacation days. I am making less, much less, and I see no reason why the Board that grants my license should make more. My lot is not unusual and many of my colleagues are struggling to survive these times of decreased reimbursement and higher expenses. I know of NO psychiatrists (my specialty) in any position to retire for years to come. I would ask that you consider the status of West Virginia physicians before you make our lives even harder.

Sincerely,

Nancy B. Graham, M.D.

203 Southern Woods Dr.
Charleston, WV 25309

May 27, 2009

Robert C. Knittle, Executive Director
West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311

Dear Robert C. Knittle, Executive Director,

Subject: fee increase

In response to the Comment period for proposed rule to increase fees to the Board of Medicine, I am not in support of this. I did not see mention of efforts to contain costs mentioned. For example, use of email to distribute information instead costly paper mail. Performance measures and benchmarking also not mentioned. The physician health program does sound like an important program, however, it would seem that the health insurance of the affected persons should cover the expense of this to some extent, as well as the person themselves picking up a portion of that expense.

Respectfully,

Kimberly Cross, MD

May 31, 2009

To whom it may concern:

re: Amendment to Legislative Rule, series # 4 title # 11

Authority W. Va Code § 30-3-7(a)(1), § 30-3-9(h), § 30-30-1

I have just renewed my inactive licence # 18692.

If the increased fee is passed I would like to cancel my inactive licence.

I have a stable position in Illinois state and have no intention of returning to WV.

Respectfully,

[illegible]

John F. Di Stefano, MD
HC 77 Box 53A
Hinton, WV 25951

May 27, 2009

Robert C. Knittle, Executive director
West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311

Dear Mr. Knittle,

This letter is a comment on the Amendment to the Rule "Fees for services rendered by the Board of Medicine Including Assistance to the Board-Designated Physician Health Program".

The statement of circumstances which require the proposed rule stipulated that the increase in fees is to cover salaries of employees of the State of Virginia who are earning salaries far below market value. Per you letter, these employees are working second jobs to "make ends meet".

The argument that low paying government jobs are responsible for the suffering of State Government Employees seems specious. The employees are receiving health benefits and retirement benefits that are far better than most people in private sector jobs. They have far better job security than those in private sector jobs. The lower wages have traditionally been the quid pro quo for the better benefits and job security. These employees can certainly pursue higher wages by working in the private sector if they wish.

As you know, in this economy especially, everyone is suffering. Increasing taxation always has a negative impact on government revenue. Reimbursement for medical care under medicare continues to decrease. Unemployment increases the demand for free services and causes increased costs to the government via demands on medicaid. The solution to the government's financial woes is to decrease spending and re-distribute money appropriately. The suggestion that increasing fees will somehow solve your financial problems is equivalent to increased taxation, which will have a negative impact on revenue. This amendment will likely further erode medical care by increasing costs to the provider, which ultimately is always passed on to the consumer. In the current health care environment the payer is often the State of West Virginia. The legislature needs to do the math.

This amendment should be opposed and I am opposed to it on fundamental economic grounds.

Sincerely yours,

John F. Di Stefano, MD

June 8, 2009
765 College Ave. #105
Pittsburgh, PA. 15232

Robert C Knittle,
Executive Director
West Virginia Board of Medicine
101 Dee Drive, Suite 101
Charleston, WV 25311

RE: Comments upon proposed rule

Dear Director:

I personally do not think that a 33% rate hike for Medical Doctor license renewal is a good idea. While the traditional view holds that physicians have high incomes, it is time for you and your colleagues to re-examine this assumption. Not only have the reimbursements for every kind of medical service gone down (and continue to go down) but the operating costs have steadily gone up.

I am involving in the training of new physicians and the debt burden they have after training is shocking. They will work for many years to break even and they will work much harder, longer hours, and carry more burden of responsibility than any comparably paid professional in any other field. Those young doctors are your future. It is all too easy to levy higher fees for well-meaning programs but ultimately medicine is becoming economically unattractive. A 33% increase is way out of line. If someone increased your rent by 33% you would likely have to move out. A 5 – 10% increase, on top of the other cuts your physician population will absorb this year, is plenty.

Yours Truly,

Alan Rosenbloom, MD

Alan Rosenbloom, M.D.

HOLZER CLINIC

Medical Excellence. Local Caring.

June 5, 2009

Robert C. Knittle, Executive Director
West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311

Re: Proposed Legislative Rule Amendment to Increase Licensure Fees

Dear Mr. Knittle:

On behalf of the Holzer Clinic physicians licensed in WV, we are opposed to the licensure fee increase. We certainly understand the effects caused by these hard economic times, but this type of increase creates an immense cost to group practices.

Sincerely,

T. Wayne Munro, M.D.
President

TWM:vlm

WHEELING™ HOSPITAL

The Schiffler Cancer Center
Gregory S. Merrick, M.D., Director
Phone: (304) 243-3490
Fax: (304) 243-5047 / (304) 243-7110
SchifflerCancerCenter@wheelinghospital.com

Wheeling Office
1 Medical Park
Wheeling, WV 26003
(304) 243-3490

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Gregory S. Merrick, M.D.
Jondavid Pollock, M.D., Ph.D
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Medical Physics
Wayne M. Butler, Ph.D.
Tapash K. Roy, Ph.D.
Amber L. Hines, M.S., C.M.D.
Jonathan H. Lief, Ph.D.
Robert W. Galbreath, Ph.D.
Brian S. Kurko, M.S., C.M.D.
Richard L. Anderson, R.T.T., C.M.D.
Brian C. Murray, B.S., C.M.D.
Ernest G. Butler, B.S., C.M.D.
Zachariah Allen, M.S.

Administrative Coordinator
Michele R. Doan

Administrative Assistant
Jill Ernest

Physical Rehabilitation
John DeBlasis, M.S., P.T., A.T.C.

SELECT Research Nurse
Jayme Nardo, R.N.

June 3, 2009

Mr. Robert Knittle
c/o West Virginia Board of Medical Examiners
101 Dee Drive
Charleston, WV 25311

Dear Mr. Knittle:

I am somewhat dismayed by the request I recently received with regard to an increase in my annual rates to continue participating as an active physician in the West Virginia State Medical Society. I am really not familiar with the physician health program but this was explained to me in depth by Dr. Angelo Georges, a close colleague of mine in Wheeling. It is my understanding that this program, albeit potentially valuable, should not be paid for out of annual funds that I pay to maintain my medical licensure with the state of West Virginia.

Sincerely,

Jondavid Pollock, M.D., Ph.D.

JdP/lag

WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION

Form #2

Do Not Mark In This Box

FILED

2009 MAY 22 AM 8:28

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Board of Medicine TITLE NUMBER: 11

RULE TYPE: Legislative CITE AUTHORITY: W.Va. Code §30-3-7(a)(1), §30-3-9(h), §30-3D-1

AMENDMENT TO AN EXISTING RULE: YES x NO ____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 4

TITLE OF RULE BEING AMENDED: Fees for Services Rendered by the Board of Medicine Including Assistance to the Board-Designated Physician Health Program

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: ____

TITLE OF RULE BEING PROPOSED: ____

---

348 Carter Drive
Charleston, WV 25306

May 30, 2009

Dear Robert Knuttle:

I accept the proposed change in spite of my belief that physicians with addiction should pay for their own therapy

Sincerely, MD

WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION

Form #2

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FILED

2009 MAY 22 AM 8:28

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NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

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AMENDMENT TO AN EXISTING RULE: YES x NO ____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 4

TITLE OF RULE BEING AMENDED: Fees for Services Rendered by the Board of Medicine Including Assistance to the Board-Designated Physician Health Program

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: ____

TITLE OF RULE BEING PROPOSED: ____

345 Carter Dr
Charleston WV 25306
June 14, 2009

I think it is fine that the legislature cares about the doctors of this state but ~~(if that is why any BOM fee goes up)~~ I think that the legislature should have come up with the funding without using another focused tax on physicians

Joe Jarrell MD

State of West Virginia
Board of Medicine

101 Dee Drive, Suite 103
Charleston, WV 25311
Telephone 304.558.2921
Fax 304.558.2084
www.wvdhhr.org/wvbom

JOHN A. WADE, JR., MD
PRESIDENT

CATHERINE SLEMP, MD, MPH
SECRETARY

J. DAVID LYNCH, JR., MD
VICE PRESIDENT

ROBERT C. KNITTLE
EXECUTIVE DIRECTOR

July 15, 2009

Carl Rollynn Sullivan, M.D.
WVU Department of Behavioral Medicine and Psychiatry
930 Chestnut Ridge Road
Morgantown, WV 26505

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. Sullivan:

Your strong support for the $100 licensing fee increase to be equally divided between the West Virginia Board of Medicine and the designated physician health program is greatly appreciated by the Board. Your insights as a practitioner of addiction medicine for more than two decades and comments about the need for a financially stable program to assist impaired physicians to get well will be helpful for legislators to read as they consider changes in the rule. Thank you for your comments.

Sincerely,

Robert C. Knittle

lab

State of West Virginia
Board of Medicine

101 Dee Drive, Suite 103
Charleston, WV 25311
Telephone 304.558.2921
Fax 304.558.2084
www.wvdhhr.org/wvbom

JOHN A. WADE, JR., MD
PRESIDENT

CATHERINE SLEMP, MD, MPH
SECRETARY

J. DAVID LYNCH, JR., MD
VICE PRESIDENT

ROBERT C. KNITTLE
EXECUTIVE DIRECTOR

July 15, 2009

Cynthia T. Vincent, MMS, PA-C, President
West Virginia Association of Physician Assistants
HC 35-Box 2E
Heaters, WV 26627

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Ms. Vincent:

Thank you for your comments on behalf of WVAPA in support of the above proposed amendments. The WVAPA suggestion regarding amending the title to reflect that the physician health program is for podiatrists and physician assistants as well as for physicians was adopted by the Board, and when the agency approved rule is filed later this month, you will see the change in the title. Thank you for bringing this to the Board's attention.

Sincerely,

Robert C. Knittle

lab

State of West Virginia
Board of Medicine

101 Dee Drive, Suite 103
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Fax 304.558.2084
www.wvdhhr.org/wvbom

JOHN A. WADE, JR., MD
PRESIDENT

CATHERINE SLEMP, MD, MPH
SECRETARY

J. DAVID LYNCH, JR., MD
VICE PRESIDENT

ROBERT C. KNITTLE
EXECUTIVE DIRECTOR

July 15, 2009

Hoyt J. Burdick, M.D., MMM, CPE
251 High Drive
Huntington, West Virginia 25705

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. Burdick:

The Board of Medicine very much appreciates your strong support of the proposed licensure fee increase and associated fee distribution to the Board of Medicine as well as the designated physician health program in the state. Early detection of impairing conditions in a voluntary, confidential and respectful manner certainly better protects the public than if there is nothing available to provide that, and we want the program to be able to continue its good work.

Sincerely,

Robert C. Knittle

lab

State of West Virginia
Board of Medicine

101 Dee Drive, Suite 103
Charleston, WV 25311
Telephone 304.558.2921
Fax 304.558.2084
www.wvdhhr.org/wvbom

JOHN A. WADE, JR., MD
PRESIDENT

CATHERINE SLEMP, MD, MPH
SECRETARY

J. DAVID LYNCH, JR., MD
VICE PRESIDENT

ROBERT C. KNITTLE
EXECUTIVE DIRECTOR

July 15, 2009

David L. Rader
President and CEO
West Virginia Mutual Insurance Company
500 Virginia Street, East, Suite 1200
Charleston, WV 25301

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Mr. Rader:

Thank you for the support of the West Virginia Mutual Insurance Company for the above proposed amendments increasing fees. The Board of Medicine agrees that the designated physician health program is essential to the continuing delivery of quality health services. On behalf of the West Virginia Board of Medicine, I want to extend appreciation and gratitude for the continuing assistance of the West Virginia Mutual Insurance Company to the designated physician health program.

Sincerely,

Robert C. Knittle

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ROBERT C. KNITTLE
EXECUTIVE DIRECTOR

July 16, 2009

James D. Felsen, M.D., MPH
694A Clearview Heights
Charleston, WV 25312

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. Felsen:

Thank you for your letter expressing support for the proposed fee increase, half of which will fund the designated physician health program. We appreciate your noting that the designated physician health program is an extremely well run operation with a dedicated staff, that the demand for its services has greatly increased, and that it is already struggling to meet the demand, relying on donations and other periodic funding contributions. The Board agrees that the designated physician health program needs a sustained funding source to keep the program financially stable. Thank you for taking the time to file a written comment.

Sincerely,

Robert C. Knittle

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ROBERT C. KNITTLE
EXECUTIVE DIRECTOR

July 16, 2009

Wade Blair Stoughton, M.D.
143 Hummingbird Lane
Morgantown, WV 26508

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. Stoughton:

Thank you for writing to express your support for the increase in licensing fees in order for the Board of Medicine to remain solvent. The Board of Medicine appreciates your taking the time to express your view on this proposal.

Sincerely,

Robert C. Knittle

lab

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Board of Medicine

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J. DAVID LYNCH, JR., MD
VICE PRESIDENT

ROBERT C. KNITTLE
EXECUTIVE DIRECTOR

July 22, 2009

Michael L. Stitely, M.D.
110 Summit Overlook Drive
Morgantown, WV 26508

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. Stitely:

As a follow up to my letter to you of June 16, 2009, I want to thank you for your support of the proposed fee increase and let you know that the agency approved rule will be filed at the end of July, and the only change from the initial rule is that the title clarifies that the designated physician health program is for podiatrists and physician assistants as well as physicians.

Sincerely,

Robert C. Knittle

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J. DAVID LYNCH, JR., MD
VICE PRESIDENT

ROBERT C. KNITTLE
EXECUTIVE DIRECTOR

June 16, 2009

Michael L. Stitely, M.D.
110 Summit Overlook Drive
Morgantown, WV 26508

Dear Dr. Stitely:

The Board of Medicine is in receipt of your written comments regarding the proposed revisions of Legislative Rule 11 CSR 4 – Fees for Services Rendered by the Board of Medicine.

We are also in receipt of your check to the Board of Medicine which you included as an additional measure of support for the physician health program. At this time, the Board of Medicine has no basis by which to move funds to the designated physician health program. As such, we must return your check.

If you would like to financially support the physician health program, it is suggested that you send your donation directly to the West Virginia Medical Professionals Health Program, 4307 MacCorkle Avenue, PO Box 40027, Charleston, WV 25364.

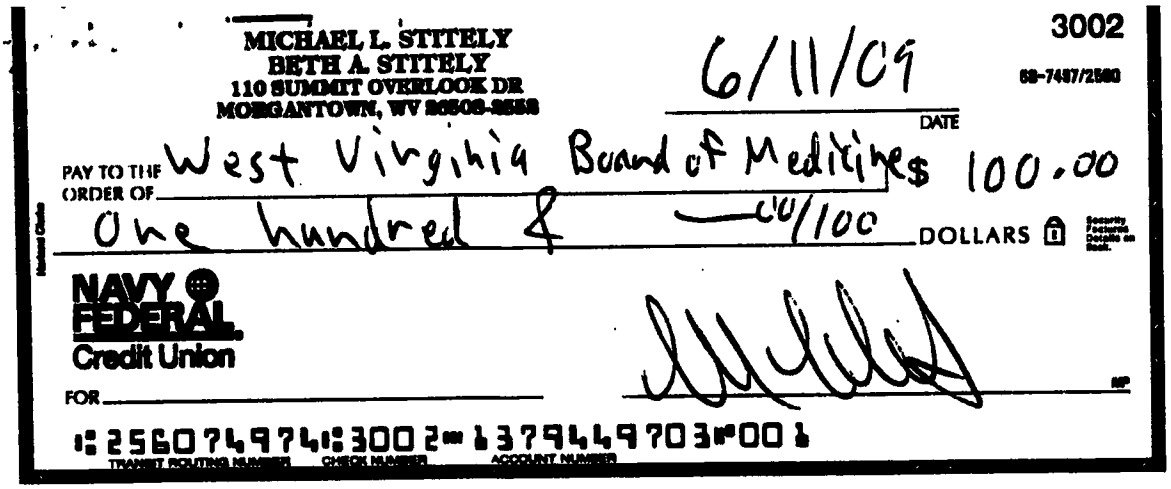
We appreciate you taking the time to provide us with your written comments.

Sincerely,

Robert C. Knittle

RCK/eb

Enclosure



MICHAEL L. STITELY
BETH A. STITELY
110 SUMMIT OVERLOOK DR
MORGANTOWN, WV 26508-2558

3002

6/11/09
DATE

PAY TO THE ORDER OF West Virginia Board of Medicine $ 100.00

One hundred & —00/100 DOLLARS

NAVY FEDERAL Credit Union

FOR

⑆256074974⑆3002 ⑈137944970⑈3001

TRANSIT ROUTING NUMBER CHECK NUMBER ACCOUNT NUMBER

J. DAVID LYNCH, JR., MD
VICE PRESIDENT

ROBERT C. KNITTLE
EXECUTIVE DIRECTOR

June 16, 2009

Michael L. Stitely, M.D.
110 Summit Overlook Drive
Morgantown, WV 26508

Dear Dr. Stitely:

The Board of Medicine is in receipt of your written comments regarding the proposed revisions of Legislative Rule 11 CSR 4 – Fees for Services Rendered by the Board of Medicine.

We are also in receipt of your check to the Board of Medicine which you included as an additional measure of support for the physician health program. At this time, the Board of Medicine has no basis by which to move funds to the designated physician health program. As such, we must return your check.

If you would like to financially support the physician health program, it is suggested that you send your donation directly to the West Virginia Medical Professionals Health Program, 4307 MacCorkle Avenue, PO Box 40027, Charleston, WV 25364.

We appreciate you taking the time to provide us with your written comments.

Sincerely,

Robert C. Knittle

RCK/eb

Enclosure

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ROBERT C. KNITTLE
EXECUTIVE DIRECTOR

July 20, 2009

Ahmed W. Husari, M.D.
5003 Adriatic Avenue
Tavares, FL 32778

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. Husari:

Thank you for notifying the Board of Medicine that you are in favor of the proposed fee increases. The Board appreciates your taking the time to convey your support.

Sincerely,

Robert C. Knittle

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VICE PRESIDENT

ROBERT C. KNITTLE
EXECUTIVE DIRECTOR

July 20, 2009

Robert K. Modlin, M.D.
300 Alderson Street
Lewisburg, West Virginia 24901

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. Modlin:

Thank you for your comments supporting the proposed increase in licensure fees by $50 for the Board of Medicine to carry out its duties. The Board of Medicine understands that you disagree with an additional $50 for the benefit of the designated physician health program in assisting impaired physicians.

The Board carefully considered all the comments received and determined that the financial health and well being of the physician health program is an essential part of the Board's mission and responsibility to protect the public health. Dr. Stephen L. Sebert, just completing his term as President of the State Medical Association, wrote a President's Message in the May-June issue of the West Virginia Medical Journal about the need for physicians to help one another. The Board concurs with his view. Often the impaired physician seeking help simply is not in a position to provide all the funds for the evaluation, treatment and monitoring needed. The Board of Medicine also determined that the Board itself is in need of a fee increase after a decade operating with no increase, in order to fulfill its duties mandated by the Legislature.

Therefore, the agency approved rule to be filed at the end of July with the Legislature will contain the same proposed increases sent to you in May. Nothing is final. The proposed rule will go before several Legislative committees in the months ahead, both prior to and during the Legislative session in 2010. The progress of the proposed rule will be posted on the Board's website, www.wvdhhr.org/wvbom.

Sincerely,

Robert C. Knittle

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VICE PRESIDENT

ROBERT C. KNITTLE
EXECUTIVE DIRECTOR

July 22, 2009

Steven L. McCormick, M.D., F.A.C.C.
Associated Cardiology of Charleston
2930 Chesterfield Avenue
Charleston, WV 25304

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. McCormick:

Thank you for your letter totally and completely supporting the above amendments. We are very pleased to hear of your personal experience as Chief of Staff at the Charleston Area Medical Center, sending two physicians to the designated physician health program with successful results already in one of the cases. Also, the Board of Medicine is glad to know how impressed you are with the Medical Director of the program.

The agency approved rule will be filed at the end of July, and the only change from the initial rule is that the title clarifies that the designated physician health program is for podiatrists and physician assistants as well as physicians.

Sincerely,

Robert C. Knittle

lab

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SECRETARY

ROBERT C. KNITTLE
EXECUTIVE DIRECTOR

July 22, 2009

Kimberly Cross, M.D.
203 Southern Woods Drive
Charleston, West Virginia 25309

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. Cross:

We have received your comments expressing lack of support for the above proposed increase. After several delays over the past few years, the Board of Medicine will be having another Legislative Audit this coming year. The costly mailing of the proposed rule to all the physicians, podiatrists, and physician assistants is mandated by the law. The Board has been trying to change that law, and a bill to do so was introduced last year in the House of Delegates and was blocked in the Senate. We continue to work on this. In addition, a number of cost cutting efforts have been implemented over the last three years, just a few of which are online renewal, when physicians meet the criteria for the same, the use of less paper, and fewer printed documents. Most of our information now may be found directly on our website, www.wvdhhr.org/wvbom.

The Board carefully considered all the comments received and determined that the financial health and well being of the physician health program is an essential part of the Board's mission and responsibility to protect the public health. Dr. Stephen L. Sebert, just completing his term as President of the State Medical Association, wrote a President's Message in the May-June issue of the West Virginia Medical Journal about the need for physicians to help one another. The Board concurs with his view. Often the impaired physician seeking help simply is not in a position to provide all the funds for the evaluation, treatment and monitoring needed.

Therefore, the agency approved rule to be filed at the end of July with the Legislature will contain the same proposed increases sent to you in May. The proposed rule will go before several Legislative committees in the months ahead, both prior to and during the Legislative session in 2010. The progress of the proposed rule will be posted on the Board's website, www.wvdhhr.org/wvbom.

Sincerely,

Robert C. Knittle

lab

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SECRETARY

J. DAVID LYNCH, JR., MD
VICE PRESIDENT

ROBERT C. KNITTLE
EXECUTIVE DIRECTOR

July 20, 2009

Walter B. Bice, M.D.
1019 Garfield Avenue
Parkersburg, WV 26101

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. Bice:

The Board of Medicine is in receipt of your comments opposing the proposed fee increase. The Board of Medicine cannot answer for the Legislature and its not appropriating money for the designated health program. We received several such comments. All the comments received about the proposed rule will be seen by legislators as the proposed rule makes its way through the Legislature

The Board carefully considered all the comments received and determined that the financial health and well being of the physician health program is an essential part of the Board's mission and responsibility to protect the public health. Dr. Stephen L. Sebert, just completing his term as President of the State Medical Association, wrote a President's Message in the May-June issue of the West Virginia Medical Journal about the need for physicians to help one another. The Board concurs with his view. Often the impaired physician seeking help simply is not in a position to provide all the funds for the evaluation, treatment and monitoring needed. Also, the Board determined again that despite the cost saving measures it has implemented over the last three years, a moderate increase to carry out the duties imposed by the law is necessary.

Therefore, the agency approved rule to be filed at the end of July with the Legislature will contain the same proposed increases sent to you in May. The proposed rule will go before several Legislative committees in the months ahead, both prior to and during the Legislative session in 2010. The progress of the proposed rule will be posted on the Board's website, www.wvdhhr.org/wvbom.

Sincerely,

Robert C. Knittle

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CATHERINE SLEMP, MD, MPH
SECRETARY

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VICE PRESIDENT

ROBERT C. KNITTLE
EXECUTIVE DIRECTOR

July 22, 2009

David A. Faris, M.D.
300 Alderson Street
Lewisburg, West Virginia 24901

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. Faris:

Thank you for your comments supporting the proposed increase in licensure fees by $50 for the Board of Medicine to carry out its duties. The Board of Medicine understands that you disagree with an additional $50 for the benefit of the designated physician health program in assisting impaired physicians. The Board of Medicine and the designated physician health program Board of Directors believe that without the infusion of funds it will be forced to stop its work.

The Board carefully considered all the comments received and determined that the financial health and well being of the physician health program is an essential part of the Board's mission and responsibility to protect the public health. Dr. Stephen L. Sebert, just completing his term as President of the State Medical Association, wrote a President's Message in the May-June issue of the West Virginia Medical Journal about the need for physicians to help one another. The Board concurs with his view. Often the impaired physician seeking help simply is not in a position to provide all the funds for the evaluation, treatment and monitoring needed. The Board of Medicine also determined that the Board itself is in need of a fee increase after a decade operating with no increase, in order to fulfill its duties mandated by the Legislature.

Therefore, the agency approved rule to be filed at the end of July with the Legislature will contain the same proposed increases sent to you in May. The proposed rule will go before several Legislative committees in the months ahead, both prior to and during the Legislative session in 2010. The progress of the proposed rule will be posted on the Board's website, www.wvdhhr.org/wvbom.

Sincerely,

Robert C. Knittle

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VICE PRESIDENT

ROBERT C. KNITTLE
EXECUTIVE DIRECTOR

July 20, 2009

Louis C. Palmer, M.D.
105 Doctors Drive
Bridgeport, West Virginia 26330

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. Palmer:

Thank you for your comments on the above proposed increase in fees, expressing that the Board of Medicine should learn to get along with what it has, just as you have had to do.

The Board carefully considered all the comments received and determined that the financial health and well being of the physician health program is an essential part of the Board's mission and responsibility to protect the public health and also determined that the Board itself is in need of a fee increase after a decade operating with no increase, in order to fulfill its mandated duties.

Therefore, the agency approved rule to be filed at the end of July with the Legislature will contain the same proposed increases sent to you in May. The proposed rule will go before several Legislative committees in the months ahead, both prior to and during the Legislative session in 2010. The progress of the proposed rule will be posted on the Board's website, www.wvdhhr.org/wvbom.

Sincerely,

Robert C. Knittle

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VICE PRESIDENT

ROBERT C. KNITTLE
EXECUTIVE DIRECTOR

July 20, 2009

David S. Ratliff, M.D.
3665 Teays Valley Road
Hurricane, West Virginia 25526

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. Ratliff:

Thank you for your comments on the above proposed increase in fees, expressing that the Board of Medicine should decrease fees for physicians and that the Legislature should provide funding for the Board to carry out the Board's responsibilities. Your comments will be provided to legislators. That is part of the process.

The Board carefully considered all the comments received and determined that the financial health and well being of the physician health program is an essential part of the Board's mission and responsibility to protect the public health and also determined that the Board itself is in need of a fee increase after a decade operating with no increase, in order to fulfill its mandated duties.

Therefore, the agency approved rule to be filed at the end of July with the Legislature will contain the same proposed increases sent to you in May. The proposed rule will go before several Legislative committees in the months ahead, both prior to and during the Legislative session in 2010. The progress of the proposed rule will be posted on the Board's website, www.wvdhhr.org/wvbom.

Sincerely,

Robert C. Knittle

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VICE PRESIDENT

ROBERT C. KNITTLE
EXECUTIVE DIRECTOR

July 20, 2009

Richard G. Stevenson, M.D., FACC
226 Lakeview Drive
Morgantown, West Virginia 26508

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. Stevenson:

We have received your comments relating to the above noted proposed increase in fees. The Board of Medicine understands that you do not believe it is the responsibility of the practicing physicians of West Virginia to bear the costs of rehabilitation for physicians with abuse issues. You strongly disagree with the use if any of the licensure fees for the designated physician health program.

The Board carefully considered all the comments received and determined that the financial health and well being of the physician health program is an essential part of the Board's mission and responsibility to protect the public health. Dr. Stephen L. Sebert, just completing his term as President of the State Medical Association, wrote a President's Message in the May-June issue of the West Virginia Medical Journal about the need for physicians to help one another. The Board concurs with his view. Often the impaired physician seeking help simply is not in a position to provide all the funds for the evaluation, treatment and monitoring needed. The Board of Medicine also determined that the Board itself is in need of a fee increase after a decade operating with no increase, in order to fulfill its duties mandated by the Legislature.

Therefore, the agency approved rule to be filed at the end of July with the Legislature will contain the same proposed increases sent to you in May. Nothing is final. The proposed rule will go before several Legislative committees in the months ahead, both prior to and during the Legislative session in 2010. The progress of the proposed rule will be posted on the Board's website, www.wvdhhr.org/wvbom.

Sincerely,

Robert C. Knittle

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ROBERT C. KNITTLE
EXECUTIVE DIRECTOR

July 20, 2009

Guy David Leveaux, M.D.
RR2, Box 297
Shinnston, West Virginia 26431

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. Leveaux:

Thank you for your comments relating to the above noted proposed increase in fees. In fact, after being postponed by the Legislature several times over the last decade, a Legislative audit of the Board of Medicine is scheduled to begin this coming year.

The Board carefully considered all the comments received and determined that the financial health and well being of the physician health program is an essential part of the Board's mission and responsibility to protect the public health and also determined that the Board itself is in need of a fee increase after a decade operating with no increase, in order to fulfill its mandated duties.

Therefore, the agency approved rule to be filed at the end of July with the Legislature will contain the same proposed increases sent to you in May. The proposed rule will go before several Legislative committees in the months ahead, both prior to and during the Legislative session in 2010. The progress of the proposed rule will be posted on the Board's website, www.wvdhhr.org/wvbom.

Sincerely,

Robert C. Knittle

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ROBERT C. KNITTLE
EXECUTIVE DIRECTOR

July 20, 2009

Allan Snider, M.D.
113 Whispering Woods Road
Charleston, West Virginia 25304

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. Snider:

We have received your comments relating to the above noted proposed increase in fees. The Board of Medicine understands that you are not in favor of the proposed fee increase, and that you do not wish to fund a program for the rehabilitation of impaired physicians.

The Board carefully considered all the comments received and determined that the financial health and well being of the physician health program is an essential part of the Board's mission and responsibility to protect the public health. Dr. Stephen L. Sebert, just completing his term as President of the State Medical Association, wrote a President's Message in the May-June issue of the West Virginia Medical Journal about the need for physicians to help one another. The Board concurs with his view. Often the impaired physician seeking help simply is not in a position to provide all the funds for the evaluation, treatment and monitoring needed. The Board of Medicine also determined that the Board itself is in need of a fee increase after a decade operating with no increase, in order to fulfill its mandated duties.

Therefore, the agency approved rule to be filed at the end of July with the Legislature will contain the same proposed increases sent to you in May. The proposed rule will go before several Legislative committees in the months ahead, both prior to and during the Legislative session in 2010. The progress of the proposed rule will be posted on the Board's website, www.wvdhhr.org/wvbom.

Sincerely,

Robert C. Knittle

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VICE PRESIDENT

ROBERT C. KNITTLE
EXECUTIVE DIRECTOR

July 20, 2009

Sarah Stevenson, M.D.
4325 Brettwood Lane
Morgantown, West Virginia 26508

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. Stevenson:

We have received your comments relating to the above noted proposed increase in fees. The Board of Medicine understands that you "strongly disagree" with helping to fund a program for the rehabilitation of impaired physicians.

The Board carefully considered all the comments received and determined that the financial health and well being of the physician health program is an essential part of the Board's mission and responsibility to protect the public health. Dr. Stephen L. Sebert, just completing his term as President of the State Medical Association, wrote a President's Message in the May-June issue of the West Virginia Medical Journal about the need for physicians to help one another. The Board concurs with his view. Often the impaired physician seeking help simply is not in a position to provide all the funds for the evaluation, treatment and monitoring needed. The Board of Medicine also determined that the Board itself is in need of a fee increase after a decade operating with no increase, in order to fulfill its mandated duties.

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Sincerely,

/s/ Robert Knittle

Robert C. Knittle

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VICE PRESIDENT

ROBERT C. KNITTLE
EXECUTIVE DIRECTOR

July 20, 2009

Ellen F. Miller, Chief Operating Officer
Med-Surg Group, Inc.
502 Main Street, West
Oak Hill, West Virginia 25901-3416

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Ms. Miller:

Thank you for your comments expressing the opposition of Med-Surg Group, Inc. to the above proposed increase in fees. The Board of Medicine is not unaware of the concerns you expressed.

The Board carefully considered all the comments received and determined that the financial health and well being of the physician health program is an essential part of the Board's mission and responsibility to protect the public health and also determined that the Board itself is in need of a fee increase after a decade operating with no increase, in order to fulfill its mandated duties.

Therefore, the agency approved rule to be filed at the end of July with the Legislature will contain the same proposed increases sent to you in May. The proposed rule will go before several Legislative committees in the months ahead, both prior to and during the Legislative session in 2010. The progress of the proposed rule will be posted on the Board's website, www.wvdhhr.org/wvbom.

Sincerely,

Robert C. Knittle

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State of West Virginia
Board of Medicine

101 Dee Drive, Suite 103
Charleston, WV 25311
Telephone 304.558.2921
Fax 304.558.2084
www.wvdhhr.org/wvbom

JOHN A. WADE, JR., MD
PRESIDENT

CATHERINE SLEMP, MD, MPH
SECRETARY

J. DAVID LYNCH, JR., MD
VICE PRESIDENT

ROBERT C. KNITTLE
EXECUTIVE DIRECTOR

July 20, 2009

Kelly R. Nelson, M.D.
Medbrook Medical Associates
1370 Johnson Avenue
Bridgeport, West Virginia 26330

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. Nelson:

Thank you for your understanding of the Board of Medicine's need to modestly increase licensure fees by $50 for the Board of Medicine to carry out its duties. The Board of Medicine understands that you disagree with the "involuntary" additional $50 for the benefit of the designated physician health program in assisting impaired physicians. The Board of Medicine and the designated physician health program Board of Directors believe that without the infusion of funds it will be forced to stop its work. The Board was glad to see that you do believe it is a "very worthy cause" to have a physician health program for impaired physicians.

The Board carefully considered all the comments received and determined that the financial health and well being of the physician health program is an essential part of the Board's mission and responsibility to protect the public health. Dr. Stephen L. Sebert, just completing his term as President of the State Medical Association, wrote a President's Message in the May-June issue of the West Virginia Medical Journal about the need for physicians to help one another. The Board concurs with his view. Often the impaired physician seeking help simply is not in a position to provide all the funds for the evaluation, treatment and monitoring needed.

Therefore, the agency approved rule to be filed at the end of July with the Legislature will contain the same proposed increases sent to you in May. The proposed rule will go before several Legislative committees in the months ahead, both prior to and during the Legislative session in 2010. The progress of the proposed rule will be posted on the Board's website, www.wvdhhr.org/wvbom.

Sincerely,

Robert C. Knittle

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EXECUTIVE DIRECTOR

July 20, 2009

Sue Westfall, M.D.
348 Carter Drive
Charleston, West Virginia 25306

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. Westfall:

Thank you for your understanding of the Board of Medicine's need to increase licensure fees though you, like some others, believe physicians with addiction should pay for their own therapy.

The Board carefully considered all the comments received and determined that the financial health and well being of the physician health program is an essential part of the Board's mission and responsibility to protect the public health. Dr. Stephen L. Sebert, just completing his term as President of the State Medical Association, wrote a President's Message in the May-June issue of the West Virginia Medical Journal about the need for physicians to help one another. The Board concurs with his view. Often the impaired physician seeking help simply is not in a position to provide all the funds for the evaluation, treatment and monitoring needed.

Therefore, the agency approved rule to be filed at the end of July with the Legislature will contain the same proposed increases sent to you in May. The proposed rule will go before several Legislative committees in the months ahead, both prior to and during the Legislative session in 2010. The progress of the proposed rule will be posted on the Board's website, www.wvdhhr.org/wvbom.

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EXECUTIVE DIRECTOR

July 20, 2009

Peter H. Abbrecht, M.D.
1352 Steamboat Run Road
Shepherdstown, West Virginia 25443

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. Abbrecht:

We have received your comments expressing disapproval of the above proposed increase. The Board of Medicine understands that you especially oppose the use of half of the proposed fee increase for the support of the physician health program.

The Board carefully considered all the comments received and determined that the financial health and well being of the physician health program is an essential part of the Board's mission and responsibility to protect the public health. Dr. Stephen L. Sebert, just completing his term as President of the State Medical Association, wrote a President's Message in the May-June issue of the West Virginia Medical Journal about the need for physicians to help one another. The Board concurs with his view. Often the impaired physician seeking help simply is not in a position to provide all the funds for the evaluation, treatment and monitoring needed.

Therefore, the agency approved rule to be filed at the end of July with the Legislature will contain the same proposed increases sent to you in May. The proposed rule will go before several Legislative committees in the months ahead, both prior to and during the Legislative session in 2010. The progress of the proposed rule will be posted on the Board's website, www.wvdhhr.org/wvbom.

Sincerely,

Robert C. Knittle

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EXECUTIVE DIRECTOR

July 20, 2009

Richard C. Hill, M.D., FACS
Department of Veterans Affairs
Medical Center
Asheville, NC 28805-2087

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. Hill:

Thank you for your comments on the proposed fee increase. The Board of Medicine cannot answer for the Legislature and its not appropriating money for the designated health program. All the comments received about the proposed rule will be seen by legislators as the proposed rule makes its way through the Legislature.

The Board carefully considered all the comments received and determined that the financial health and well being of the physician health program is an essential part of the Board's mission and responsibility to protect the public health. Dr. Stephen L. Sebert, just completing his term as President of the State Medical Association, wrote a President's Message in the May-June issue of the West Virginia Medical Journal about the need for physicians to help one another. The Board concurs with his view. Often the impaired physician seeking help simply is not in a position to provide all the funds for the evaluation, treatment and monitoring needed.

Therefore, the agency approved rule to be filed at the end of July with the Legislature will contain the same proposed increases sent to you in May. The proposed rule will go before several Legislative committees in the months ahead, both prior to and during the Legislative session in 2010. The progress of the proposed rule will be posted on the Board's website, www.wvdhhr.org/wvbom.

I am very sorry to hear that you do not plan on returning to West Virginia because of the salaries and politics.

Sincerely,

Robert C. Knittle

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ROBERT C. KNITTLE
EXECUTIVE DIRECTOR

July 20, 2009

Joe Jarrell, M.D.
348 Carter Drive
Charleston, West Virginia 25306

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. Jarrell:

Thank you for taking the time to comment on the Board of Medicine's proposed fee increase, part of which is proposed to go to the designated physician health program. We received another comment, like yours, that the Legislature should have come up with the funding. All the letters sent in commenting on this proposed rule will be reviewed by legislators before final action is taken.

The Board carefully considered all the comments received and determined that the financial health and well being of the physician health program is an essential part of the Board's mission and responsibility to protect the public health. Dr. Stephen L. Sebert, just completing his term as President of the State Medical Association, wrote a President's Message in the May-June issue of the West Virginia Medical Journal about the need for physicians to help one another. The Board concurs with his view. Often the impaired physician seeking help simply is not in a position to provide all the funds for the evaluation, treatment and monitoring needed. To date, the Legislature has not considered funding to help impaired physicians.

Therefore, the agency approved rule to be filed at the end of July with the Legislature will contain the same proposed increases sent to you in May. The proposed rule will go before several Legislative committees in the months ahead, both prior to and during the Legislative session in 2010. The progress of the proposed rule will be posted on the Board's website, www.wvdhhr.org/wvbom.

Sincerely,

Robert C. Knittle

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EXECUTIVE DIRECTOR

July 16, 2009

Roy C. Harmon, D.P.M.
55 15th Street
Wheeling, WV 26003

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. Harmon:

Thank you for signing and sending in your endorsement of the Board of Medicine's proposed fee increase. We appreciate your taking the time to let the Board of Medicine know of your support.

Sincerely,

Robert C. Knittle

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July 16, 2009

P. Bradley Hall, M.D.
RR-1-200 Clemans Road
Flemington, WV 26347

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. Hall:

Thank you for your letter fully supporting the above amendments. You are correct, the Board is requesting a $100 increase, $50 to go to the Board of Medicine and $50 to the designated physician health program, which at this time is the West Virginia Medical Professionals Health Program. Your comments commending the Board of Medicine for this effort are greatly appreciated. Several people wrote to us expressing what you did, that recognizing the sick physician early for evaluation, treatment and monitoring of illnesses, benefits the physician and the public as well.

The agency approved rule will be filed at the end of July, and the only change from the initial rule is that the title clarifies that the designated physician health program is for podiatrists and physician assistants as well as physicians.

Sincerely,

Robert C. Knittle

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EXECUTIVE DIRECTOR

July 16, 2009

Victor Argumedo, M.D.
5003 Adriatic Avenue
Tavares, FL 32778

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. Argumedo:

Thank you for notifying the Board of Medicine that you are in favor of the proposed fee increases. The Board appreciates your taking the time to convey your support.

Sincerely,

Robert C. Knittle

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EXECUTIVE DIRECTOR

July 15, 2009

Clara S. Shockley, Program Manager
WV Prescription Drug Abuse Hotline
P.O. Box 9190
WVU School of Medicine
Morgantown, WV 26506-9190

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Ms. Shockley:

Thank you for your support of the proposed $100 fee increase, half to go to the Board for its work and half to go to the designated physician health program. Your letter of June 9, 2009, was very kind and the Board of Medicine appreciates the time and attention to this matter that you have given. The many letters of support that have been received will be helpful to the legislators as they determine whether to approve the proposed increase.

Sincerely,

Robert C. Knittle

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July 15, 2009

John W. Byrd, M.D., FACP
924 Chappell Road
Charleston, WV 25304

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. Byrd:

Thank you for your letter expressing support for the proposed fee increase to benefit the designated physician health program. Your experience demonstrates the need for the financial stability of the West Virginia Medical Professionals Health Program, which is the designated physician health program. The Board of Medicine agrees that the proposed fee increases will enhance public health and safety.

Sincerely,

Robert C. Knittle

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EXECUTIVE DIRECTOR

July 20, 2009

Mark T. O'Donnell, D.P.M.
9102 Babcock Boulevard
Pittsburgh, Pa. 15237

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. O'Donnell:

We have received your comments expressing disapproval of the above proposed increase due to the unstable economic climate. We understand that you do not approve of using part of the licensure fee increase to fund the designated physician health program, which also is for impaired podiatrists.

The Board carefully considered all the comments received and determined that the financial health and well being of the physician health program is an essential part of the Board's mission and responsibility to protect the public health. Dr. Stephen L. Sebert, just completing his term as President of the State Medical Association, wrote a President's Message in the May-June issue of the West Virginia Medical Journal about the need for physicians to help one another. The Board concurs with his view. Often the impaired physician (or podiatrist) seeking help simply is not in a position to provide all the funds for the evaluation, treatment and monitoring needed.

Therefore, the agency approved rule to be filed at the end of July with the Legislature will contain the same proposed increases sent to you in May. The proposed rule will go before several Legislative committees in the months ahead, both prior to and during the Legislative session in 2010. The progress of the proposed rule will be posted on the Board's website, www.wvdhhr.org/wvbom.

Sincerely,

Robert C. Knittle

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July 20, 2009

Leah Urbanosky, M.D.
5252 Washington Street
Downers Grove, IL 60515

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. Urbanosky:

We are in receipt of your letter wherein you state that if the inactive license fee is increased in accordance with the Board of Medicine proposed rule, you would like to cancel your inactive license.

The final rule, however it ends up, will not be effective until late spring of 2010. The progress of the proposed rule will be posted on the Board's website, www.wvdhhr.org/wvbom and the Board of Medicine will keep you informed by its Newsletter. If the fees are increased, the increase would not be effective for you until renewal time in 2011, so at that point you could simply allow your license to expire by not renewing.

Sincerely,

Robert C. Knittle

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EXECUTIVE DIRECTOR

July 20, 2009

Nancy B. Graham, M.D.
Huntington Behavioral Health
1415 Sixth Avenue
Huntington, West Virginia 25701

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. Graham:

Thank you for your comments on the Board of Medicine's proposed fee increase. Retirement for all of us seems to be much farther down the road than we may have once thought.

All the comments were considered, and the agency approved rule to be filed at the end of July with the Legislature will contain the same proposed increases sent to you in May. Nothing is final. The proposed rule will go before several Legislative committees in the months ahead, both prior to and during the Legislative session in 2010. The progress of the proposed rule will be posted on the Board's website, www.wvdhhr.org/wvbom.

Sincerely,

Robert C. Knittle

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EXECUTIVE DIRECTOR

July 20, 2009

Charles D. Crigger, M.D.
Thomas Memorial Hospital
Medical Pavilion, Suite 406
4607 MacCorkle Ave. SW
P.O. Box 9289
South Charleston, West Virginia 25309

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. Crigger:

Thank you for your comments expressing your opposition to the above proposed increase in fees. The Board of Medicine is not unaware of the concerns you expressed.

The Board carefully considered all the comments received and determined that the financial health and well being of the physician health program is an essential part of the Board's mission and responsibility to protect the public health and also determined that the Board itself is in need of a fee increase after a decade operating with no increase, in order to fulfill its mandated duties.

Therefore, the agency approved rule to be filed at the end of July with the Legislature will contain the same proposed increases sent to you in May. The proposed rule will go before several Legislative committees in the months ahead, both prior to and during the Legislative session in 2010. The progress of the proposed rule will be posted on the Board's website, www.wvdhhr.org/wvbom.

Sincerely,

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EXECUTIVE DIRECTOR

July 20, 2009

Alan Rosenbloom, M.D.
765 College Avenue #105
Pittsburgh, PA 15232

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. Rosenbloom:

Thank you for your comments expressing your opposition to the above proposed increase in fees. The Board of Medicine is not unaware of the concerns you expressed.

The Board carefully considered all the comments received and determined that the financial health and well being of the physician health program is an essential part of the Board's mission and responsibility to protect the public health and also determined that the Board itself is in need of a fee increase after a decade operating with no increase, in order to fulfill its mandated duties.

Therefore, the agency approved rule to be filed at the end of July with the Legislature will contain the same proposed increases sent to you in May. The proposed rule will go before several Legislative committees in the months ahead, both prior to and during the Legislative session in 2010. The progress of the proposed rule will be posted on the Board's website, www.wvdhhr.org/wvbom.

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EXECUTIVE DIRECTOR

July 20, 2009

John F. Di Stefano, M.D.
HC 77 Box 53A
Hinton, WV 25951

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. Di Stefano:

Thank you for your comments expressing your opposition to the above proposed increase in fees. The Board of Medicine is not unaware of the concerns you expressed. All the comments received will be seen by legislators as the process continues.

The Board carefully considered all the comments received and determined that the financial health and well being of the physician health program is an essential part of the Board's mission and responsibility to protect the public health and also determined that the Board itself is in need of a fee increase after a decade operating with no increase, in order to fulfill its mandated duties.

Therefore, the agency approved rule to be filed at the end of July with the Legislature will contain the same proposed increases sent to you in May. The proposed rule will go before several Legislative committees in the months ahead, both prior to and during the Legislative session in 2010. The progress of the proposed rule will be posted on the Board's website, www.wvdhhr.org/wvbom.

Sincerely,

Robert C. Knittle

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VICE PRESIDENT

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EXECUTIVE DIRECTOR

July 20, 2009

Haven N. Wall, Jr., M.D.
P.O. Box 1046
Greyrock Professional Park
Lewisburg, WV 24901

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. Wall:

Thank you for your comments expressing your opposition to the above proposed increase in fees. The Board of Medicine is not unaware of the concerns you expressed. All the comments received will be seen by legislators as the process continues. The physician assistant fees did increase substantially just last year in the statute pertaining to physician assistants.

The Board carefully considered all the comments received and determined that the financial health and well being of the physician health program is an essential part of the Board's mission and responsibility to protect the public health and also determined that the Board itself is in need of a fee increase after a decade operating with no increase, in order to fulfill its mandated duties.

Therefore, the agency approved rule to be filed at the end of July with the Legislature will contain the same proposed increases sent to you in May. The proposed rule will go before several Legislative committees in the months ahead, both prior to and during the Legislative session in 2010. The progress of the proposed rule will be posted on the Board's website, www.wvdhhr.org/wvbom.

Sincerely,

Robert C. Knittle

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EXECUTIVE DIRECTOR

July 20, 2009

Jondavid Pollock, M.D., Ph.D.
The Schiffler Cancer Center
Wheeling Hospital
1 Medical Park
Wheeling, WV 26003

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. Pollock:

Thank you for your comments expressing your opposition to the above proposed increase in fees. We understand that while you believe the designated physician health program may be valuable, you do not wish any portion of your licensure fees to be designated for this program.

The Board carefully considered all the comments received and determined that the financial health and well being of the physician health program is an essential part of the Board's mission and responsibility to protect the public health and also determined that the Board itself is in need of a fee increase after a decade operating with no increase, in order to fulfill its mandated duties.

Therefore, the agency approved rule to be filed at the end of July with the Legislature will contain the same proposed increases sent to you in May. The proposed rule will go before several Legislative committees in the months ahead, both prior to and during the Legislative session in 2010. The progress of the proposed rule will be posted on the Board's website, www.wvdhhr.org/wvbom.

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EXECUTIVE DIRECTOR

July 20, 2009

T. Wayne Munro, M.D. President
Holzer Clinic
90 Jackson Pike
Gallipolis, Ohio 45631

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. Munro:

We are in receipt of your letter wherein you state that on behalf of the Holzer Clinic physicians licensed in West Virginia, you are opposed to the proposed fee increase. The Board is very much aware of these hard economic times and the effects on everyone.

All of the comments received by the Board of Medicine were carefully considered, and the agency approved rule will be filed at the end of July with the Legislature to continue its way through the process. You will see when it is filed that no changes have been made in the proposed fee increases. Nothing is final. The proposed rule will be reviewed by a number of committees prior to and during the 2010 Legislative Session.

The progress of the proposed rule will be posted on the Board's website, www.wvdhhr.org/wvbom.

Sincerely,

Robert C. Knittle

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EXECUTIVE DIRECTOR

July 16, 2009

Dennis J. McHenry, D.D.S.
RR1, Box 30
Gay, WV 25244

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. McHenry:

Thank you for your letter expressing support for the Board of Medicine proposed $100 increase in fees and the allocation of $50 of that to the designated physician health program. The Board of Medicine agrees that it should assist in funding this necessary and important program so that it remains financially stable.

Sincerely,

Robert C. Knittle

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EXECUTIVE DIRECTOR

July 16, 2009

Marlene D. Barker-Hall
RR 1-200 Clemans Road
Flemington, WV 26347

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Ms. Barker-Hall:

Thank you for taking the time to write to the Board of Medicine to voice your support of the licensure fee increase, and the recommended distribution of the funds to the Board of Medicine and the West Virginia Medical Professionals Health Program. The Board of Medicine appreciates the numerous letters of support that have been sent regarding the proposed increase in fees.

Sincerely,

Robert C. Knittle

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ROBERT C. KNITTLE
EXECUTIVE DIRECTOR

July 16, 2009

Ali A. Suleiman, M.D.
200 East Bunting Lane
Beckley, WV 25801

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. Suleiman:

We are in receipt of your signed copy of the Board of Medicine's filing proposing a fee increase for the Board of Medicine's functions as well as for the designated physician health program. Your support is appreciated. Thank you.

Sincerely,

Robert C. Knittle

lab

State of West Virginia
Board of Medicine

101 Dee Drive, Suite 103
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Telephone 304.558.2921
Fax 304.558.2084
www.wvdhhr.org/wvbom

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VICE PRESIDENT

ROBERT C. KNITTLE
EXECUTIVE DIRECTOR

July 16, 2009

John A. Bellotte, M.D.
37 Club View Drive
Bridgeport, WV 26330-9712

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. Bellotte:

Thank you for taking the time to express your views on the above proposed fee increase. The Board of Medicine appreciates your understanding and support of the portion of the fee increase for the designated physician health program.

Sincerely,

Robert C. Knittle

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July 16, 2009

W. Christopher Kwasny, M.D.
2381 Woodland Hills Drive
Menasha, WI 54952

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. Kwasny:

We received your letter stating that you understand and accept the Board of Medicine's needing to raise fees, within reason. As to your comments about physician assistant fees, they were substantially raised in 2008, a fact of which I suspect you may not be aware. The proposed rule does assess a new fee for the physician assistants for the designated physician health program, the same as that for everyone else, $50.

The Federation of State Medical Boards is continuing to work with the states to make the licensure process easier for physicians. You are by no means alone in your thinking about this issue.

Thank you for taking the time to write to the West Virginia Board of Medicine.

Sincerely,

Robert C. Knittle

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July 15, 2009

Edward W. Eskew, D.O.
3715 Washington Avenue
Charleston, West Virginia 25304

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. Eskew:

Thank you for your letter supporting the medical licensure fee increase and for expressing your support for the designated physician health program allowing for the early detection of illness and associated evaluation, treatment, and monitoring of illnesses in the medical profession. The physician health program is also for podiatrists and physician assistants, and they will obtain the same benefits.

Sincerely,

Robert C. Knittle

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July 15, 2009

Rachel G. Byrd
924 Chappell Road
Charleston, West Virginia 25304

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Ms. Byrd:

Thank you for your letter of support for the $100 proposed increase in licensure fees. You are correct, $50 would go to the Board for its work and $50 would go to the designated physician health program. The Board agrees with you that the continued financial well-being of the West Virginia Board of Medicine is necessary to pursue its mission of protecting the public and that a part of this mission is early detection of potentially impairing health conditions of physicians, podiatrists and physician assistants.

Sincerely,

Robert C. Knittle

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July 15, 2009

Stephanie Loebs, BSN, Executive Director
The Farley Center at Williamsburg Place
5477 Mooretown Road
Williamsburg, Virginia 23188

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Ms. Loebs:

Thank you for taking the time to write in support of the above fee increase which will benefit both the Board of Medicine and the designated physician health program in West Virginia. We have received many letters supporting the proposed fee increase. There seems to be a good understanding of the importance of a financially stable physician health program in West Virginia.

Sincerely,

Robert C. Knittle

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EXECUTIVE DIRECTOR

July 15, 2009

Ronni Rittenhouse, Ph.D.
57 Table Rock Lane
Wheeling, West Virginia 26003

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. Rittenhouse:

Thank you for your letter of support for the proposed licensure fee increase for the Board of Medicine's work and for the physician health program. The agency approved rule which will be filed at the end of July as a result of all the comments is essentially the same as the proposed rule for which you expressed approval. The Board changed only the title to add that the physician health program was also for podiatrists and physician assistants.

Sincerely,

Robert C. Knittle

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EXECUTIVE DIRECTOR

July 15, 2009

William A. Merva, M.D.
Suite #23, 100 New Hope Road
Princeton, WV 24740

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. Merva:

Thank you for your support of the above proposed fee increases, half of which would go to the Board of Medicine, and half of which would go to the designated physician health program. Your understanding of the need for the increase is greatly appreciated.

Sincerely,

Robert C. Knittle

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July 16, 2009

Russell T. Holbert, RN, EMT-P, CCEMT-P
P.O. Box 385
Hepzibah, WV 26369

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Mr. Holbert:

Thank you for writing in support of the $100 fee increase proposed by the Board of Medicine, $50 of which is proposed to go to the Board of Medicine, and $50 of which would be for the designated physician health program. We greatly appreciate your support of both the fee increase for the Board of Medicine and the designated physician health program. We too recognize that if the "sick physician" is recognized early, and may be evaluated, treated and monitored, this provides an enormous benefit not only to the physician but to the public safety. Thank you for your comments and for commending the Board of Medicine.

Sincerely,

Robert C. Knittle

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EXECUTIVE DIRECTOR

July 16, 2009

R. Curtis Arnold, D.P.M.
417 D Street
South Charleston, WV 25303

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. Arnold:

Thank you for writing in support of the $100 fee increase proposed by the Board of Medicine, $50 of which is proposed to go to the Board of Medicine, and $50 of which would be for the designated physician health program. You are correct that the Board of Medicine has not had any increase in fees for a decade, and your support of the designated physician health program is wonderful. We too recognize that if the "sick physician" is recognized early, and may be evaluated, treated and monitored, this provides an enormous benefit not only to the physician but to the public safety. Thank you for your comments.

When the agency approved rule is filed at the end of this month, you will see that the only change the Board of Medicine adopted was to clarify in the title that the designated physician health program is also for podiatrists and physician assistants.

Sincerely,

Robert C. Knittle

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July 16, 2009

Robert D. Hoeldtke, M.D., PhD
863 Shaffer Lane
Morgantown, WV 26508

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. Hoeldtke:

Thank you for your letter in support of raising Board of Medicine fees in order to assist the designated physician health program with its important work. Your account of your personal experience with the program and how its professional staff helped in your own healing was beneficial for the Board to know about.

Sincerely,

Robert C. Knittle

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July 16, 2009

Joseph Selby, M.D.
Robert C. Byrd Health Sciences Center
P.O. Box 9152
Morgantown, WV 26506-9152

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Dr. Selby:

Thank you for congratulating the Board of Medicine on its proactive stance in attempting through the proposed fee increases to support the Board's work and to obtain stable funding for the designated physician health program. We received many comments in favor of the $100 increase, to be allocated half to the Board and half to the designated physician health program. So, the Board of Medicine is going forward with the proposed rule as first submitted, with one change to the title, to state that the physician health program is also for podiatrists and physician assistants.

Sincerely,

Robert C. Knittle

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EXECUTIVE DIRECTOR

July 16, 2009

Wilma G. Holmes
105 Fannie Street
Grafton, WV 26354

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Ms. Holmes:

Thank you for your full support of the proposed fee increase, with the recommended $50 distribution to the designated physician health program. Your question makes good sense: "If the physicians can't get the medical help they need and deserve and be educated on the disease of addiction, then how can we expect them to be there to assist our family in their time of need?" We cannot expect it, and that is why the Board agrees with you that the designated physician health program must be able to continue and be financially stable.

Sincerely,

Robert C. Knittle

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ROBERT C. KNITTLE
EXECUTIVE DIRECTOR

July 16, 2009

Lester E. Holmes
105 Fannie Street
Grafton, WV 26354

Re: Proposed amendments to 11 CSR 4 relating to fees

Dear Mr. Holmes:

Thank you for your full support of the proposed fee increase, with the recommended $50 distribution to the designated physician health program. Your question makes good sense: "If the physicians can't get the medical help they need and deserve and be educated on the disease of addiction, then how can we expect them to be there to assist our family in their time of need?" We cannot expect it, and that is why the Board agrees with you that the designated physician health program must be able to continue and be financially stable.

Sincerely,

Robert C. Knittle

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EXECUTIVE DIRECTOR

REASONS FOR CHANGES

The title of the proposed rule has been changed to reflect the fact that the Physician Health Program is for podiatrists and physician assistants as well as for physicians. This was suggested by the West Virginia Association of Physician Assistants and the Board of Medicine believed this to be a sensible and helpful change.