

**WEST VIRGINIA
SECRETARY OF STATE
BETTY IRELAND**

ADMINISTRATIVE LAW DIVISION

Form #2

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FILED

2007 MAY 17 AM 9:32

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: WV Code §30-3-12

AMENDMENT TO AN EXISTING RULE: YES X NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 6

TITLE OF RULE BEING AMENDED: Continuing Education for Physicians and Podiatrists

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 25, 2007 AT 5:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Robert C. Knittle

Executive Director

101 Dee Drive, Suite 103

Charleston, WV 25311

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


Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

\$3.40

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Continuing Education for Physicians and Podiatrists

Type of Rule: ☒ Legislative ☐ Interpretive ☐ Procedural

Agency: West Virginia Board of Medicine

Address: 101 Dee Drive, Suite 103
Charleston, WV 25311

Phone Number: 304.558.2921 Email: bobknittle@wvdhhr.org

Fiscal Note Summary

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

The Board of Medicine exists from a special revenue account. We use no general funds for our operations. The changes in the rule will neither increase nor decrease the costs of operation. There will be no impact on costs and revenues of state government.

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	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title: _____

Rule Title:

Continuing Education for Physicians and Podiatrists

3. Explanation of above estimates (including long-range effect):

Please include any increase or decrease in fees in your estimated total revenues.

There will be no impact on total revenues.

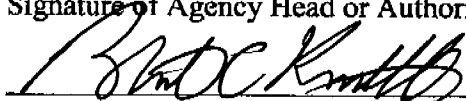
MEMORANDUM

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.

The rule will have no fiscal impact because it requires no change in procedures, and has nothing to do with fees.

Date: May 17, 2007

Signature of Agency Head or Authorized Representative



BRIEF SUMMARY OF THE RULE AND CIRCUMSTANCES THAT REQUIRE THE RULE

Pursuant to Senate Bill 573 passed in the 2007 regular Legislative Session, effective July 1, 2007, failure to timely submit to the Board of Medicine certification of receipt of required continuing education will result in the automatic expiration of a license, not suspension. (The effect is the same – inability to practice – but the word choice is gentler.) This proposed rule changes the language from suspension to expiration, to conform the language to the statutory change in W. Va. Code §30-3-12, part of Senate Bill 573.

The rule at 2.1 and 2.3 specifies that thirty (30) hours of the fifty (50) hours of continuing education required every two (2) years for license renewal must be related to the practitioner's area or areas of specialty. This is proposed because it will better ensure that practice competency is continued and maintained.

**TITLE 11
LEGISLATIVE RULE
BOARD OF MEDICINE**

**SERIES 6
CONTINUING EDUCATION FOR
PHYSICIANS AND PODIATRISTS**

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

§11-6-1. General.

1.1. Scope. -- These legislative rules address requirements for continuing education satisfactory to the Board for physicians and podiatrists.

1.2. Authority. -- W. Va. Code §30-3-12.

1.3. Filing Date. --

1.3. Effective Date. --

§11-6-2. Continuing Education Satisfactory to the Board.

2.1. Physicians. -- Beginning July 1, 1993, successful completion of a minimum of fifty (50) hours of continuing medical education satisfactory to the Board during the preceding two- (2) year period is required for the biennial renewal of a medical license. At least thirty (30) hours of the hours must be related to the physician's area or areas of specialty.

2.2. In order to acquire continuing medical education satisfactory to the Board, a physician may:

2.2.1. Take continuing medical education designated as Category I by the American Medical Association or the American Academy of Family Physicians, or

2.2.2. Teach medical education courses or lecture to medical students, residents, or licensed physicians, or serve as a preceptor to medical students or residents: Provided, that a physician may not count more than twenty (20) hours in this category toward the required fifty (50) hours of continuing medical education.

2.2.3. Sit for and pass a certification or recertification examination of one of the American Board of Medical Specialties member boards, and receive certification or recertification from said board: Provided, that a physician may not count more than twenty-five (25) hours in this category toward the required fifty (50) hours of continuing medical education. Certification or recertification from any board other than one of the American Board of Medical Specialties member boards does not qualify the recipient for any credit hours of continuing medical education.

There are no other types or categories of continuing medical education satisfactory to the Board.

2.3. Podiatrists. -- Beginning July 1, 1993, successful completion of a minimum of fifty (50) hours of continuing podiatric education satisfactory to the Board during the preceding two (2) year period is required for the biennial renewal of a podiatric license. At least thirty (30) hours of the hours must be related to the podiatrist's area or areas of specialty.

2.4. In order to acquire continuing podiatric education satisfactory to the Board a podiatrist may:

2.4.1. Take continuing podiatric education approved by the council on podiatric medical education, or

2.4.2. Take continuing podiatric education given under the auspices of the podiatry colleges in the United States, or

2.4.3. Take continuing medical education designated as Category I by the American Medical Association or the American Academy of Family Physicians.

2.4.4. Take continuing podiatric education given under the auspices of the West Virginia Podiatric Medical Association.

2.4.5. Teach podiatric education courses or lectures in podiatry taught to podiatric students, residents, or licensed podiatrists, or serve as a preceptor to podiatric students or residents: Provided, that a podiatrist may not count more than twenty (20) hours in this category toward the required fifty (50) hours of podiatric education.

There are no other types or categories of continuing podiatric education satisfactory to the Board.

2.5. Hours; Physicians and Podiatrists. -- For the purposes of this section, one (1) clock hour of attendance equals one (1) hour of continuing education.

§11-6-3. Certification of Successful Completion of Continuing Education Requirements.

3.1. Certification. -- Every applicant for licensure renewal shall timely submit to the Board a certification of the successful completion of a minimum of fifty (50) hours of continuing education satisfactory to the Board during the preceding two (2) year period. If an applicant fails to submit such certification in a timely fashion the applicant's license shall ~~be~~ automatically ~~suspended~~ expire.

3.2. Form of Certification. -- The Board shall imprint on its biennial renewal application forms a certification requiring the applicant's signature and the date after an attestation to the truth and correctness of the applicant's statements pertaining to the

successful completion of the required continuing education. The certification shall include a statement that any license issued from the application is based on the truth of the applicant's statements and that if false information is submitted in the application, such an act constitutes good cause for the ~~denial or~~ revocation of the applicant's license to practice in the State of West Virginia.

3.3. Timely Submission of Certification. -- In order for a certification to be submitted to the Board in a timely fashion, the certification must be received in the Board offices before the first day of July of the year of renewal of the license.

§11-6-4. Written Documentation of Successful Completion of Continuing Education Requirements.

4.1. Audits. -- The Board may conduct such audits and investigations as it considers necessary to determine if licensees are complying with continuing education requirements and if the statements made on the Board's renewal application forms as to continuing education are accurate.

4.2. When Written Documentation Requested. -- Any licensee is required to provide supporting written documentation of the successful completion of the continuing education certified as received on the biennial renewal application form, if the Board requests such written documentation in writing. The licensee shall provide the Board with the written documentation so that it is received by the Board within thirty (30) days of the licensee's receipt of the written request.

4.3. Automatic ~~Suspension~~ Expiration of License. -- When a licensee's license is automatically ~~suspended~~ expires for failure to timely submit to the Board a certification of successful completion of a minimum of fifty (50) hours of continuing education satisfactory to the Board, the license shall remain ~~suspended~~ expired until such time as the certification, as set forth in section 3 of these regulations, is received by the Board and until such time as all supporting written documentation is submitted to and approved by the Board.

4.4. Failure ~~of or~~ Refusal to Provide Written Documentation. -- Failure or refusal of a licensee to provide written documentation requested by the Board as set forth in section 4.2 of this regulation is prima facie evidence of renewing a license to practice medicine or podiatry by fraudulent misrepresentation and the licensee is subject to disciplinary proceedings under W. Va. Code §30-3-14.

4.5. Inactive License. -- Beginning July 1, 1993, in the case of a licensee who holds an inactive license and who makes a written request to the Board for an active license, the licensee shall submit written documentation of successful completion of a minimum of fifty (50) hours of continuing education as required in section 2 of these regulations. The Board shall not consider a request for a change from an inactive to an active license until all written documentation accompanied by a certification in accordance with section 3 of these regulations is submitted to and approved by the Board.