

Form #3

1. The first step is to identify the key components of the system. This includes understanding the hardware, software, and data involved. For example, in a web application, this might involve identifying the server, database, and client-side code.

2007 JUL 10 AM 11:29

SECRET
SECURITY OF STATE


Authorized Signature

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.

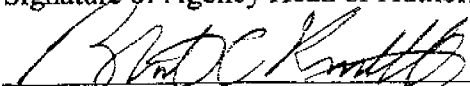
MEMORANDUM

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

FILED
2007 JUL 10 AM 11:29

ORIGINAL FILED
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.

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 10, 2007

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: ~~Continuing Education for Physicians and Podiatrists~~

1. Authorizing statute(s) citation W Va Code §30-3-12

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
May 17, 2007

b. What other notice, including advertising, did you give of the hearing?
Attached letters to: Joseph Selby, M.D., President, WVSMA; R. Austin Wallace, M.D.,
President Elect, WVSMA; Evan Jenkins, Executive Director, WVSMA; Rusty Cain, D.P.M.,
President, WVPMS; and Board of Medicine website, www.wvdhhr.org/wvbom

c. Date of Public Hearing(s) *or* Public Comment Period ended:
June 25, 2007 at 5:00 p.m.

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

Attached _____ No comments received X

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

July 10, 2007

- 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, West Virginia 25311
304.558.2921 ext. 227, Fax: 304.558.2084

email: bobknittle@wvdhhr.org

- 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.

b. Date of hearing or comment period:

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

d. Attach findings and determinations and reasons:

Attached _____

Rev. Richard Bowyer
Fairmont

Michael L. Ferrebee, MD
Morgantown

Angelo N. Georges, MD
Wheeling

Doris M. Griffin, MBA
Martinsburg

M. Khalid Hasan, MD
Beckley

Beth Hays, MA
Bluefield



State of West Virginia

West Virginia Board of Medicine

101 Dee Drive, Suite 103

Charleston, WV 25311

Telephone 304.558.2921

Fax 304.558.2084

May 18, 2007

J. David Lynch, Jr., MD
Morgantown

Vettivelu Maheswaran, MD
Charles Town

Bill May, DPM
Huntington

Leonard Simmons, DPM
Fairmont

Badshah J. Wazir, MD
South Charleston

Kenneth Dean Wright, PA-C
Huntington

Joseph Selby, M.D..
President, West Virginia State Medical Association
301 South High Street
Morgantown, West Virginia 26501

Re: Proposed Amendments to Continuing Education Rule, 11 CSR 6.

Dear Dr. Selby:

Enclosed please find a copy of proposed amendments to the Board of Medicine's continuing education rule for physicians and podiatrists. The proposed rule has been filed with the Secretary of State's office and the Legislative Rule Making Review Committee and there is a comment period open until June 25, 2007, at 5:00 p.m.

We wanted to make the West Virginia State Medical Association aware of this as your members would certainly have an interest. The proposed rule is also available for review on our website www.wvdhhr.org/wvbom.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert C. Knittle".

Robert C. Knittle

/jsp

Enclosure

cc: R. Austin Wallace, M.D., President Elect, WVSMA w/enclosure
Evan Jenkins, Executive Director, WVSMA w/enclosure

PRESIDENT
John A. Wade, Jr., MD
Point Pleasant

VICE PRESIDENT
Lee E. Smith, MD
Princeton

SECRETARY
Catherine Slemp, MD, MPH
Charleston

EXECUTIVE DIRECTOR
Robert C. Knittle
Charleston

COUNSEL
Deborah Lewis Rodecker
Charleston

PROSECUTING ATTORNEY
John K. McHugh
Charleston

Rev. Richard Bowyer
Fairmont

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South Charleston

Kenneth Dean Wright, PA-C
Huntington

Rusty Cain, D.P.M.
President, West Virginia Podiatry Medical Society
1228 Country Club Lane
Fairmont, West Virginia 26554

Re: Proposed Amendments to Continuing Education Rule, 11 CSR 6.

Dear Dr. Cain:

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We wanted to make the West Virginia Podiatry Medical Society aware of this as your members would certainly have an interest. The proposed rule is also available for review on our website www.wvdhhr.org/wvbom.

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