

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

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FILED
1991 MAY 29 AM 11:08
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 West Virginia Code §30-3-12

AMENDMENT TO AN EXISTING RULE: YES___ NO x

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 6

TITLE OF RULE BEING PROPOSED: Continuing Education for Physicians
and Podiatrists.

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 28, 1991 AT 4:30 p.m.

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

West Virginia Board of Medicine
101 Dee Drive
Charleston, West Virginia 25311

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

Attention: Ronald D. Walton



ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

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Rule Title: Continuing Education for Physicians and Podiatrists

OFFICE OF THE COMPTROLLER
SECRETARY OF STATE

Type of Rule: X Legislative Interpretive Procedural

Agency West Virginia Board of Medicine Address 101 Dee Drive,
Charleston, West Virginia 25311

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$	\$	\$	\$	\$
Personal Services					
Current Expense					
Repairs and Alterations					
Equipment					
Other					

2. Explanation of above estimates:

No increase in state funding will be needed.

3. Objectives of these rules:

To provide for successful completion of a minimum of fifty hours of continuing education every two years, as a condition of relicensure for physicians and podiatrists.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

None

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens.

Physicians and podiatrists will pay for attendance at some continuing education classes.

C. Economic Impact on Citizens/Public at Large.

None

Date: May 29, 1991

Signature of Agency Head or Authorized Representative

Ronald J. Walk

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1991 MAY 29 AM 11

DEPARTMENT OF HEALTH SERVICES
OFFICE OF THE SECRETARY OF STATE

SUMMARY OF CONTENT OF LEGISLATIVE RULE AND STATEMENT
OF CIRCUMSTANCES WHICH REQUIRE THE RULE:
CONTINUING EDUCATION FOR PHYSICIANS AND PODIATRISTS

This rule requires that beginning July 1, 1993, successful completion of a minimum of fifty (50) hours of continuing education satisfactory to the Board during the preceding two (2) year period is required for license renewal for physicians and podiatrists. Continuing education considered satisfactory to the Board is specified in the rule for both physicians and podiatrists.

The procedure for providing timely information and certification to the Board pertaining to continuing education is set forth, as is permission for the Board to conduct compliance audits and to require written documentation. Licenses are automatically suspended for failure to comply with continuing education requirements and remain suspended until all required material is supplied to the Board. Inactive licensees who wish to change to active status must supply documentation of successful completion of the continuing education hours required.

FILE

1991 MAY 20

OFFICE OF THE
SECRETARY

TITLE 11
LEGISLATIVE RULE
BOARD OF MEDICINE

SERIES 6
CONTINUING EDUCATION FOR
PHYSICIANS AND PODIATRISTS

§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. -
- 1.4. 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 hours of continuing medical education satisfactory to the Board during the preceding two year period is required for medical license biennial renewal.
- 2.2. Continuing medical education satisfactory to the Board means continuing medical education designated as Category I by the American Medical Association or the Academy of Family Physicians. For physicians, 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 hours of continuing podiatric education satisfactory to the Board during the preceding two year period is required for podiatric license biennial renewal.
- 2.4. Continuing podiatric education satisfactory to the Board means:

- A. Continuing podiatric education approved by the council on podiatric education, or
- B. Continuing podiatric education given under the auspices of the podiatry colleges in the United States, or
- C. Continuing medical education designated as Category I by the American Medical Association or the Academy of Family Physicians.

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 clock hour of attendance equals one 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 successful completion of a minimum of fifty hours of continuing education during the preceding two year period. Failure of an applicant to submit such certification in a timely fashion shall result in the automatic suspension of license.
- 3.2. Form of Certification. - The Board shall cause to be imprinted on its biennial renewal application forms a certification wherein the applicant places 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 deems 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 successful completion of the continuing education represented as received on the biennial renewal application form, if the Board requests such written documentation in writing. Upon receipt of such a written request for written documentation of the successful completion of the continuing education received, the licensee shall provide to the Board such written documentation so that it is received by the Board within thirty days of the licensee's receipt of the written request.
- 4.3. Automatic Suspension of License. - When a licensee's license is automatically suspended for failure to timely submit to the Board a certification of successful completion of a minimum of fifty hours of continuing education satisfactory to the Board, the license shall remain suspended until such time as the certification is received by the Board as set forth in section three of these regulations, and until such time as all supporting written documentation is submitted to and approved by the Board.
- 4.4. Failure or Refusal to Provide Written Documentation. - Failure or refusal of the licensee to provide written documentation requested by the Board as set forth in section 4.2 is prima facie evidence of renewing a license to practice medicine or podiatry by fraudulent misrepresentation and may subject the licensee to disciplinary proceedings under section fourteen of article three of chapter thirty of the West Virginia Code.
- 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 active status, the licensee shall submit written documentation of successful completion of a minimum of fifty hours of continuing

education satisfactory to the Board during each preceding two year period. No request for a change from inactive to active license shall be considered by the Board until such written documentation is submitted to and approved by the Board, accompanied by a certification in accordance with section three of these regulations.