

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
**KEN HECHLER**  
**ADMINISTRATIVE LAW DIVISION**

Form #4

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF RULE MODIFICATION OF A PROPOSED RULE**

AGENCY: West Virginia Board of Medicine TITLE NUMBER: 11

CITE AUTHORITY West Virginia Code §30-3-12

AMENDMENT TO AN EXISTING RULE: YES  NO

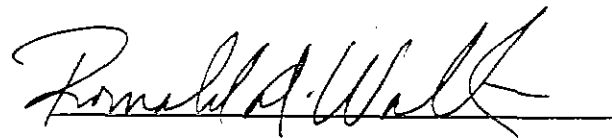
IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

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

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.



**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. -- April 9, 1992

1.3. Effective Date. -- April 10, 1992

**§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-year period is required for the biennial renewal of a medical license.

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 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 year period is required for the biennial renewal of a podiatric license.

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 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 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 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.

3.2. Form of Certification. -- The Board shall imprint on its biennial renewal application forms a certification requiring 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 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 (50) hours of continuing education satisfactory to the Board, the license shall remain suspended 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 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.

Signature and the date after an attestation to the truth and correctness of the applicant's

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.



FILED

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WEST VIRGINIA LEGISLATURE  
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

Room M-152, State Capitol  
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(304) 340-3286

Senator William R. Wooton, Co-Chairman  
Delegate David Grubb, Co-Chairman

Debra A. Graham, Counsel  
Michael McThomas, Associate Counsel  
Marie Nickerson, Admr. Assistant

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

August 30, 1991

TO: Ken Hechler, Secretary of State, State Register

TO: Mr. Ronald D. Walton  
Executive Director  
WV Board of Medicine  
101 Dee Drive  
Charleston, WV 25311

FROM: Legislative Rule-Making Review Committee

PROPOSED RULE: Continuing Education for Physicians and Podiatrists

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative Rule
  - (a) as originally filed \_\_\_\_\_
  - (b) as modified by the agency     X
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached. \_\_\_\_\_
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. \_\_\_\_\_
4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. \_\_\_\_\_
5. Recommends that the rule be withdrawn; a statement of reasons for such recommendation is attached. \_\_\_\_\_

Pursuant to Code 29A-3-11(c), this notice has been filed in the State Register and with the agency proposing the rule.

cc: Deborah L. Rodecker, Counsel  
Board of Medicine