

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #6

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE.**

AGENCY: West Virginia Board of Medicine TITLE NUMBER: 11

AMENDMENT TO AN EXISTING RULE: YES , NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

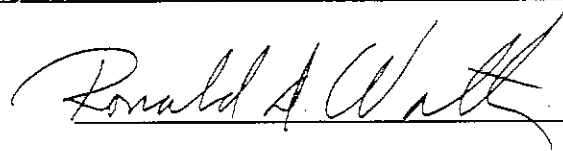
IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 6

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

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) Senate Bill No. 1, First Extraordinary
Session, 1992
SECTION 64-9-16(i), PASSED ON March 14, 1992

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON
THE FOLLOWING DATE: April 10, 1992



Ronald A. White

2.50

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 the biennial renewal of a medical license.
- 2.2. In order to acquire continuing medical education satisfactory to the Board, a physician may:
 - A. Take continuing medical education designated as Category I by the American Medical Association or the Academy of Family Physicians, or
 - B. 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 hours in this category toward the required fifty hours of continuing medical education.
 - C. 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 hours in this category toward the required fifty 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 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:
 - A. Take continuing podiatric education approved by the council on podiatric medical education, or
 - B. Take continuing podiatric education given under the auspices of the podiatry colleges in the United States, or
 - C. Take continuing medical education designated as Category I by the american medical association or the academy of family physicians.
 - D. Take continuing podiatric education given under the auspices of the West Virginia podiatric medical association.
 - E. 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 hours in this category toward the required fifty 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 hours of continuing education satisfactory to the Board during the preceding two 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 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 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, 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 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 West Virginia 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 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.

Bill BD OF MEDICINE, CONT ED 11-6

H. B. 4303

(By Delegate Grubb)

(Introduced January 27, 1992; referred to the
Committee on Health and Human Resources
then the Judiciary)

A BILL to amend and reenact section sixteen, article nine, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to authorizing the board of medicine to promulgate legislative rules relating to continuing education for physicians and podiatrists.

Be it enacted by the Legislature of West Virginia:

That section sixteen, article nine, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, to read as follows:

ARTICLE 9. AUTHORIZATION FOR MICELLANEOUS AGENCIES AND BOARDS TO PROMULGATE LEGISLATIVE RULES.

§64-9-16. Board of medicine.

(a) The legislative rules filed in the state register on the twelfth day of May, one thousand nine hundred eighty-three,

1 relating to the board of medicine (licensing, disciplinary and
2 complaint procedures; podiatry; physicians assistants), are
3 authorized with the modifications set forth below:

4 "§24.12.

5 (b) It shall be the responsibility of the supervising
6 physician to obtain consent in writing from the patient before
7 Type A physician assistants employed in a satellite clinic may
8 render general medical or surgical services, except in
9 emergencies.

10 §24.16.

11 (c) No physician assistant shall render nonemergency
12 outpatient medical services until the patient has been informed
13 that the individual providing care is a physician assistant."

14 (b) The legislative rules filed in the state register on the
15 twenty-sixth day of November, one thousand nine hundred
16 eighty-five, modified by the board of medicine to meet the
17 objections of the legislative rule-making review committee and
18 refiled in the state register on the seventeenth day of January,
19 one thousand nine hundred eighty-six, relating to the board of
20 medicine (licensing, disciplinary and complaint procedures;
21 podiatry; physicians assistants), are authorized.

22 (c) The legislative rules filed in the state register on the
23 eighth day of March, one thousand nine hundred eighty-five,
24 modified by the West Virginia board of medicine to meet the
25 objections of the legislative rule-making review committee and

1 refiled in the state register on the eighteenth day of December,
2 one thousand nine hundred eighty-five, relating to the West
3 Virginia board of medicine (rules governing the approval of
4 medical schools not accredited by the liaison committee on
5 medical education), are authorized.

6 (d) The legislative rules filed in the state register on the
7 third day of June, one thousand nine hundred eighty-seven,
8 relating to the board of medicine (fees for services rendered by
9 the board of medicine), are authorized.

10 (e) The legislative rules filed in the state register on the
11 sixteenth day of September, one thousand nine hundred
12 eighty-eight, modified by the board of medicine to meet the
13 objections of the legislative rule-making review committee and
14 refiled in the state register on the twenty-fourth day of
15 February, one thousand nine hundred eighty-nine, relating to the
16 board of medicine (dispensing of legend drugs by physicians and
17 podiatrists), are authorized with the following amendments:

18 Section 2.6 to read as follows: "Dispense means to deliver a
19 legend drug to an ultimate user or research subject by or
20 pursuant to the lawful order of a physician or podiatrist,
21 including the prescribing, packaging, labeling, administering or
22 compounding necessary to prepare the drug for that delivery."

23 Section 3.3 to read as follows: "Physicians or podiatrists
24 who are not registered with the Board as dispensing physicians
25 may not dispense legend drugs. However, the following activities

1 by a physician or podiatrist shall be exempt from the
2 requirements of sections 3 through 8 applicable to dispensing
3 physicians:

4 a. Legend drugs administered to the patient, which are not
5 controlled substance when an appropriate record is made in the
6 patient's chart;

7 b. Professional samples distributed free of charge by a
8 physician or podiatrist or certified physician assistant under
9 his or her supervision to the patient when an appropriate record
10 is made in the patient's chart; or

11 c. Legend drugs which are not controlled substances provided
12 by free clinics or under West Virginia state authorized programs,
13 including the Medicaid, family planning, maternal and child
14 health, and early and periodic screening and diagnosis and
15 treatment programs: **Provided**, That all labeling provisions of
16 section 8 shall be applicable except the requirements of section
17 8.3 (a)."

18 (f) The legislative rules filed in the state register on the
19 tenth day of August, one thousand nine hundred ninety, modified
20 by the board of medicine to meet the objections of the
21 legislative rule-making review committee and refiled in the state
22 register on the first day of October, one thousand nine hundred
23 ninety, relating to the board of medicine (fees for services
24 rendered by the board of medicine), are authorized.

1 (g) The legislative rules filed in the state register on the
2 tenth day of August, one thousand nine hundred ninety, modified
3 by the board of medicine to meet the objections of the
4 legislative rule-making review committee and refiled in the state
5 register on the eleventh day of January, one thousand nine
6 hundred ninety-one, relating to the board of medicine (licensing,
7 and disciplinary and complaint procedures: physicians;
8 podiatrists), are authorized.

9 (h) The legislative rules filed in the state register on the
10 tenth day of August, one thousand nine hundred ninety, modified
11 by the board of medicine to meet the objections of the
12 legislative rule-making review committee and refiled in the state
13 register on the eleventh day of January, one thousand nine
14 hundred ninety-one, relating to the board of medicine
15 (certification, disciplinary and complaint procedures: physician
16 assistants), are authorized.

17 (i) The legislative rules filed in the state register on the
18 tenth day of July, one thousand nine hundred ninety-one, modified
19 by the board of medicine to meet the objections of the
20 legislative rule-making review committee and refiled in the state
21 register on the third day of September, one thousand nine hundred
22 ninety-one, relating to the board of medicine (continuing
23 education for physicians and podiatrists) are authorized.

24

25 NOTE: The purpose of this bill is to authorize the Board of
26 Medicine to promulgate legislative rules relating to continuing
27 education for physicians and podiatrists.

1 Strike-throughs indicate language that would be stricken from
2 the present law, and underscoring indicates new language that
3 would be added.



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Director, Corporations

(Plus all the volunteer
help we can get)

TO: Deborah Lewis Rodecker

AGENCY: Bd. of Medicine

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: December 11, 1992

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 6 TITLE: 11 Bd. of Medicine

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: Deborah Lewis Rodecker *See pg. 2, section 3.2*

TITLE OF PERSON SIGNING: Counsel

DATE: 12/15/92

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.