



State of West Virginia *Board of Medicine*

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SUMMARY OF COMMENTS RECEIVED REGARDING PROPOSED AMENDMENTS TO 11 CSR 5 AND RESPONSES OF THE WEST VIRGINIA BOARD OF MEDICINE

On June 29, 2021, the West Virginia Board of Medicine filed a Notice of Comment Period on a Proposed Rule, 11 CSR 5. Series 5 is the Board's rule with regard to office-based dispensing, including the dispensing of controlled substances, by physicians, podiatric physicians and physician assistants. The Notice established a thirty day comment period on the proposed rule, which concluded at 4:30 pm on July 29, 2021. During the comment period, the Board received one comment.¹ The Board has reviewed the comment received, and on July 29, 2021, the following response was authorized by the Board. A copy of this summary is being provided to the commenter.

Commenter	Date Received
Sherri P. Ferrell Chief Executive Officer WV Primary Care Association	July 29, 2021

WV Primary Care Association provided a consolidated comment on four of the Board's proposed rules and/or proposed rule amendments. With respect to this rule, WV Primary Care Association indicated that it is "encouraged by the WVBOM's progressive changes to physician and physician assistant licensing and telehealth regulation while still holding true to the legislative intent of relevant legislation." The commenter indicated that it believes the proposed changes will "allow providers under the purview of the WVBOM to practice at the top of their training without unnecessary red tape." The organization did not recommend any changes to the proposed rule.

Response: The Board appreciates WV Primary Care Association's thoughtful comments. No changes were made to the proposed rule in response thereto.

¹ A copy of the comment received by the Board and the Board's response thereto is attached to this summary.

Conclusion

In conclusion, the Board again expresses its appreciation to WV Primary Care Association for its thoughtful comment, which assisted the Board's review of its proposed rule.



Mark Spangler
Executive Director
West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311

July 29, 2021

RE: Comments on West Virginia Board of Medicine Proposed Rules 11 CSR 1A, 11 CSR 1B, 11 CSR 5 and 11 CSR 15

Dear Mr. Spangler:

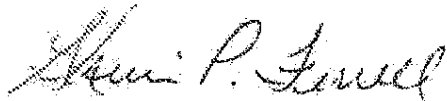
The West Virginia Primary Care Association (“WVPCA”) is grateful for the opportunity to offer feedback on the West Virginia Board of Medicine’s (“WVBOM”) various proposed rules currently out for public comment. The WVPCA represents the state’s 32 community health centers and one rural health clinic, which constitute the largest independent primary care network in the state. Health centers and rural health clinics provide primary care, and many offer specialty care, such as dental, behavioral health and school-based health services, and fill prescriptions at affiliated pharmacies. Services and prescriptions are provided to health center patients regardless of their insurance status or ability to pay. Nearly 480,000 West Virginians receive health care services from a health center—more than one out of every four citizens.

The WVPCA is encouraged by the WVBOM’s progressive changes to physician and physician assistant licensing and telehealth regulation while still holding true to the legislative intent of relevant legislation. We believe the proposed rule revisions to 11 CSR 1A, 11 CSR 1B and 11 CSR 5, as well as new proposed rule 11 CSR 15, will allow providers under the purview of the WVBOM to practice at the top of their training without unnecessary red tape. Given the rural areas that our members serve and the associated challenge of recruiting qualified physicians and physician assistants, we are especially excited about the revisions to proposed rule 11 CSR 1B .

The proposed revisions to rule 11 CSR 1B, among other things, allow physician assistants to register with the WVBOM via a practice notification instead of a practice agreement. We thank the WVBOM for extending this practice notification eligibility, which has been available to hospital-based physician assistants since 2019, to community-based providers such as health centers. This change promotes regulatory simplicity and equity. Moreover, we appreciate the WVBOM developing a simple, streamlined form for submission of practice notifications. These proposed rules revisions will reduce costs to our health centers from a compliance/legal standpoint and decrease the time needed to onboard new physician assistants.

Again, we thank you for your time and consideration of our comments. Should you or other WVBOB staff wish to discuss our comments on these proposed rules, please do not hesitate to contact Joshua Austin, Policy and Communications Director at the WVPCA, at Joshua.Austin@wvpc.org or at 304.400.8300.

Sincerely,

A handwritten signature in black ink that reads "Sherri P. Ferrell". The signature is written in a cursive style with a prominent initial "S".

Sherri P. Ferrell,
Chief Executive Officer



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MARK A. SPANGLER, MA
EXECUTIVE DIRECTOR

July 30, 2021

VIA ELECTRONIC MAIL ONLY

Ms. Sherri P. Ferrell
Chief Executive Officer
West Virginia Primary Care Association
Sherri@wvpcra.org

Re: Proposed Amendments to West Virginia Board of Medicine Rule 11 CSR 5

Dear Ms. Ferrell:

Thank you for taking the time to review and comment on the Board's proposed amendments to 11 CSR 5, *Board of Medicine Rules for Dispensing of Prescription Drugs by Practitioners*.

The Legislative Committee of the Board met yesterday, July 29, 2021, to review and consider all of the comments that were received. No modifications were made to the proposed rule in response to the comments it received. Enclosed please find the Board's *Summary of Comments Received Regarding Proposed Amendments to 11 CSR 5 and Responses of the West Virginia Board of Medicine* (without attachments).

The agency-approved version of 11 CSR 5 will be filed with the West Virginia Secretary of State's Office today and will be available for review on their website at <https://apps.sos.wv.gov/adlaw/csr/>. The enclosed summary, along with all comments will also be available on the Secretary of State's website.

Thank you again for your participation in the rulemaking process and for your comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Spangler", is written over a light blue horizontal line.

Mark A. Spangler

MAS/jcf
Enclosure