



**WEST VIRGINIA SECRETARY OF STATE**  
**KRIS WARNER**  
**ADMINISTRATIVE LAW DIVISION**

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Office of West Virginia  
Secretary Of State

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-  
MAKING REVIEW COMMITTEE**

AGENCY: Medicine TITLE-SERIES: 11-18  
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No  
RULE NAME: 11-18 Emeritus Status Licensure for Retired Providers

**PRIMARY CONTACT**

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CITE STATUTORY AUTHORITY: W. Va. Code § 30-3-12a

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

W. Va. Code § 30-3-12a

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/30/2026

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/30/2026

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

The Board published notice of the proposed amendments and comment period on the Board of Medicine website with a link to the proposed rule and sent email notification to credential holders regarding notice of the proposed amendments and comment period with a link to the proposed rule. Additionally, the Board notified representatives of the West Virginia State Medical Association, West Virginia Hospital Association, West Virginia University and Marshall University.

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

This rule provides the regulatory framework for the issuance of an honorific Emeritus License to eligible retired physicians, podiatric physicians and physician assistants. The rule sets forth: definitions; eligibility and qualifications for an emeritus license; the application process; term; limitations and prohibitions; and grounds for denial and revocation.

During the 2026 legislative session, the West Virginia legislature passed HB 5325, which created an emeritus license for eligible fully retired physicians, podiatric physicians and physician assistants. This is an honorific license to acknowledge the important service that eligible providers have provided to West Virginia citizens. Emeritus licensees are not authorized to practice any profession in West Virginia or engage in clinical practice whatsoever.

Section 1 relates to the scope of the rule, the enabling statutory authority, and the filing/effective/sunset dates.

Section 2 provides definitions relevant to the rule.

Section 3 provides for the eligibility requirements and application process for an emeritus license and clarifies that providers who otherwise meet eligibility requirements but whose West Virginia clinical practice license expired prior to the enactment of emeritus licensees may apply to the Board of emeritus licensure prior to July 1, 2030. This section provides that there is no fee for an emeritus license and permits Board staff to process applications and issue emeritus licenses if the underlying application is complete and does not contain unresolved unusual circumstances or discrepant information regarding the applicants eligibility.

Section 4 establishes that an emeritus license is valid for the life of the holder, without periodic renewal, unless the holder reactivates a license authorizing clinical practice or the emeritus license is revoked by the Board. This section also provides for voluntary relinquishment of an emeritus license upon the reactivation of the holders clinical practice license or upon written request to the Board.

Section 5 provides that emeritus licensees who seek to return to clinical practice must apply to reactivate clinical licensure and meet all other regular reactivation requirements.

Section 6 establishes emeritus license limitations and prohibitions, including the prohibition against clinical practice.

Section 7 relates to denial and revocation of emeritus licenses, and the complaint and disciplinary procedures, including the confidentiality of investigations.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

During the 2026 legislative session, the West Virginia legislature passed HB 5325, which created an emeritus license for eligible fully retired physicians, podiatric physicians and physician assistants. This rule provides the regulatory framework for the issuance of an honorific Emeritus License to eligible retired physicians, podiatric physicians and physician assistants.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

C. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

D. FISCAL NOTE DETAIL:

| Effect of Proposal      | Fiscal Year                            |                                        |                                              |
|-------------------------|----------------------------------------|----------------------------------------|----------------------------------------------|
|                         | 2026<br>Increase/Decrease<br>(use "-") | 2027<br>Increase/Decrease<br>(use "-") | Fiscal Year (Upon<br>Full<br>Implementation) |
| 1. Estimated Total Cost |                                        |                                        |                                              |

|                                    |  |  |  |
|------------------------------------|--|--|--|
| <b>Personal Services</b>           |  |  |  |
| <b>Current Expenses</b>            |  |  |  |
| <b>Repairs and Alterations</b>     |  |  |  |
| <b>Assets</b>                      |  |  |  |
| <b>Other</b>                       |  |  |  |
| <b>2. Estimated Total Revenues</b> |  |  |  |

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Mark A Spangler -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

**TITLE 11**  
**LEGISLATIVE RULE**  
**WEST VIRGINIA BOARD OF MEDICINE**

**SERIES 18**  
**EMERITUS STATUS LICENSURE FOR RETIRED PROVIDERS**

**§11-18-1. General.**

- 1.1. Scope. -- In acknowledgement of the important service physicians, podiatric physicians, and physician assistants provide to the citizens of West Virginia, this rule establishes requirements and procedures for the issuance of an emeritus license to eligible retired providers.
- 1.2. Authority. -- W. Va. Code §§ 30-1-7 and 30-3-12a.
- 1.3. Filing Date. --
- 1.4. Effective Date. --
- 1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect upon August 1, 2032.

**§11-18-2. Definitions.**

- 2.1. “Continuing education” or “CE” means post-licensure learning activities required for the renewal of a full and unrestricted license to practice as a physician, podiatric physician or physician assistant in West Virginia.
- 2.2. “Emeritus license” is an honorific license status available to retired physicians, podiatric physicians and physician assistants who meet the eligibility criteria set forth in W. Va. Code § 30-3-12a. An emeritus license does not authorize the holder to practice any profession in this state or engage in any clinical practice whatsoever.
- 2.3. “Emeritus licensee” means a physician, podiatric physician or physician assistant who holds an emeritus license.
- 2.4. “Website” or “Board’s website” means the set of related web pages operated by or on behalf of the West Virginia Board of Medicine located at the domain name wvbom.wv.gov, or at any successor domain name published by the Board.

**§11-18-3. Eligibility and Application for an Emeritus License.**

- 3.1. Qualifications for emeritus licensure are set forth in W. Va. Code §30-3-12.a(a).
- 3.2. Physicians, podiatric physicians and physician assistants who otherwise meet the eligibility criteria set forth in W. Va. Code §30-3-12a(a), but whose West Virginia clinical practice license expired prior to the enactment of emeritus licenses may, at any time prior to July 1, 2030 apply for emeritus licensure.
- 3.3. An application for an emeritus status license shall be completed on a form provided by the Board, which is available on the Board’s website.
- 3.4. Applicants must provide the following information:
  - 3.4.1. The applicant’s name, email address, home address, and preferred mailing address;

3.4.2. Certification that the applicant:

3.4.2.a. Practiced as a licensed physician, podiatric physician or physician assistant in West Virginia for at least 10 years;

3.4.2.b. Has fully and voluntarily retired from the active practice of the applicant's profession;

3.4.2.c. Does not hold an active registration with the federal drug enforcement administration;

3.4.2.d. Is not under investigation for a violation of professional conduct standards by any professional licensing board where the applicant holds a professional license;

3.4.2.e. Does not hold a license in any jurisdiction that is subject to probation; and

3.4.2.f. Has not been the subject of disciplinary action in a jurisdiction where the individual is licensed, that resulted in the revocation, surrender or suspension of the individual's license.

3.4.3. Any additional information required by the Board to resolve any eligibility issue or to clarify any discrepant information submitted by or on behalf of the applicant.

3.5. The Board shall not charge a fee for an emeritus status license.

3.6. The burden of satisfying the Board of the applicant's qualifications for emeritus licensure is upon the applicant.

3.7. The Board may deny an application for an emeritus license to any applicant who does not meet the eligibility requirements for emeritus licensure.

3.8. Board staff are authorized to process applications and issue emeritus status licenses if the underlying application is complete and does not contain unresolved unusual circumstances or discrepant information regarding the applicant's eligibility. All other applications, once complete, shall be presented to the Board for review and action.

**§11-18-4. License Term and Voluntary Relinquishment.**

4.1. An emeritus license shall be valid for the life of the holder, without periodic renewal, unless the holder reactivates a license authorizing clinical practice or the board revokes the license.

4.2. Emeritus licensees are not required to complete continuing education to retain emeritus licensure and are exempted from any requirements to the contrary.

4.3. Voluntary relinquishment of an emeritus license shall occur:

4.3.1. Upon the reactivation of the emeritus licensee's clinical practice license pursuant to section 5 of this rule; or

4.3.2. Upon the written request of the emeritus licensee to the Board.

**§11-18-5. Reactivation of License from Emeritus Status.**

5.1. Emeritus licensees who seek to return to active clinical practice must apply to reactivate licensure and must meet all of the regular requirements for the reactivation of the professional license sought, including any continuing education requirements.

**§11-18-6. Emeritus License Limitations and Prohibitions.**

6.1. An emeritus license is an honorific license and does not authorize the holder to practice any profession or engage in clinical practice in this state.

6.2. An emeritus license may not be used to obtain a license or privileges to practice in another state, whether by endorsement or reciprocity or through a licensure compact.

**§11-18-7. Denial of Licensure, Revocation of Licensure, and Complaint and Disciplinary Procedures.**

7.1. The Board may deny an application for an emeritus status license, and may revoke an emeritus license, due to any of the following reasons:

7.1.1. The individual does not meet, or no longer meets, the requirements for emeritus licensure;

7.1.2. The individual is engaged in the active clinical practice of their profession in any jurisdiction;

7.1.3. The individual retired from professional practice while under or to avoid a pending board complaint or investigative process in any jurisdiction;

7.1.4. The individual's West Virginia license was on probation, suspended, revoked or subject to disciplinary surrender prior to retirement;

7.1.5. Misrepresentation that the emeritus licensee is currently licensed to practice as a physician, podiatric physician or physician assistant;

7.1.6. Misrepresentation or concealment of any material fact in obtaining an emeritus license;

7.1.7. Dishonorable, unethical or unprofessional conduct which is calculated to bring or has the effect of bringing the medical, podiatric, or physician assistant profession into disrepute; or

7.1.8. Having been found guilty by any court of competent jurisdiction of any felony or misdemeanor related to the practice of medicine, including convictions involving prescribing, selling, administering, dispensing, mixing, or otherwise preparing any prescription drug, including any controlled substance under state or federal law, for other than generally accepted therapeutic purposes.

7.2. Emeritus license denial and revocation proceedings shall be conducted in conformity with the applicable requirements of W. Va. Code §29A-5-1 *et seq.*

7.3. The confidentiality of the Board's complaint and investigation processes as set forth in section 11 of 11 CSR 1A apply to emeritus licensees.

7.4. The Board shall cooperate with and assist any state or federal law enforcement agency, any state or federal regulatory agency and/or any state or federal prosecuting attorney conducting an investigation or

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a prosecution of an emeritus licensee by providing the entity information that is relevant to an investigation or prosecution. Information disclosed by the Board to any entity pursuant to this subsection remains confidential and may not be disclosed by the recipient agency, except as necessary to further the investigation. Information received by the Board from state or federal law enforcement agencies, state or federal regulatory agencies or state or federal prosecuting attorneys shall remain confidential and may not be disclosed by the Board except as necessary to further the Board's investigation or when disclosure to the responding licensee is required by law.