

WEST VIRGINIA BOARD OF OSTEOPATHY
Board Meeting Minutes
June 10, 2010

The West Virginia Board of Osteopathy met on Thursday, June 10, 2010, via a conference call originating from the Board Office in Charleston, West Virginia. The meeting was called to order at 10:00 AM by President, Ernest Miller, D.O.

Members Present:

Ernie Miller, D.O. – President
Robert Whitley – Vice President
Thomas Gilligan, D.O. – Secretary
Arthur Rubin, D.O. – Physician Member

Staff Members Present:

Doren Burrell, Esq. – Board Attorney
Diana Shepard – Executive Director

Elizabeth Blatt, Ph.D. asked to be excused from today's meeting.

NEW BUSINESS:

Legislative Rules:

Any legislative rule changes being proposed for 2011 must be submitted by July 31st with a 30-day comment period prior to submission. Revisions to the PA Rules are necessary in 2011 based on the changes to the WV Code made in 2010.

Title 24, Series 5 regarding Fees for Services Rendered by the Board of Osteopathy were reviewed for the addition of the PA fees into the Series 5 Rule as they were removed from the Code during the 2010 Legislative Session. Fees for external requests for board information both under the WV Freedom of Information Act and customized reports not subject to the Act were discussed. The Board recommended the following changes for promulgation to the fees for services and that they be submitted as emergency rules: **(Rubin/Whitley)**

Physician Assistant License Application: \$200.00
Physician Assistant License Renewal: \$100.00
Fee for Prescriptive Writing Privileges: \$ 50.00
Fee for Change/Addition of Supervisor: \$ 50.00

Record Search Fee:	\$ 30.00
Copying of Hard-Copy Files:	.75 for each page in excess of 10 pages
Duplication of Electronic Media:	5.00 per compact disc 10.00 per DVD disc
Summarization of Complaint File:	300.00 exclusive of charges in excess of 10 pages

Custom Database Reports:

A) DO Directory with Issue/Exp Dates	5,000.00
PA Directory with Issue/Exp Dates	2,500.00
B) Other Custom Reports:	300.00 Administrative Fee, plus \$50 for each additional data field

Title 24, Series 2 regarding licensing of Osteopathic Physician Assistants was reviewed with the following revisions recommended to be promulgated as emergency rules:
(Rubin/Gilligan)

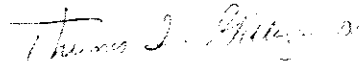
§24-2-4 (Scope of Practice):	Delete section 4.3(m) 1-11
§24-2-5 (Supervision):	Amend section 5.3 (f) End first sentence after... organized medical records. Add “per best-practice standards” in last sentence following, The established protocols...
§24-2-7 (Renewal of License):	Amend section 7.3 to require all PA licensure renewal applications be in the Board Office on or before March 31 st ...
§24-2-8 (Prescriptive Privileges):	Clarify section 8.2(b) to require not less than (8) eight hours or equivalent of clinical pharmacology courses. Amend section 8.5(g) by deleting the word “average” in the last sentence.
§24-2-10 (Board Review):	Delete entire section.
§24-2-11 (Satellite Operations):	Amend section 11.2 (a) to read, “The osteopathic physician assistant will be used in a designated health profession shortage area or a medically underserved area as defined by the Board.

The WV Board of Osteopathy’s Physician Assistant Drug Formulary will be sent for public comment along with the recommended revisions to the PA Rules. A hard copy will be mailed to all licensed Physician Assistants and their Supervising Physicians and a link will be added to the Board’s website for public comment. **(Whitler/Rubin)**

Complaint #2009-23:

At the May 2010 Board meeting a motion was made for probable cause with summary suspension of the physician's license. However, during preparation of the order and expected hearing preparation, information concerning fatalities which may have been contributed to this physician will require subpoena for medical records. It has also become increasingly difficult to obtain an expert in pain management testimony. Recommendation to re-consider the suspension was approved. **(Gilligan/Whitler)** Issue a subpoena for fatality records with a statement of charges to be drafted following receipt. **(Whitler/Gilligan)**

The next regular scheduled meeting will be held on July 15, 2010, at 1:00 PM in the Charleston Office. The meeting adjourned at 10:50 AM. **(Gilligan/Rubin)**


Thomas Gilligan, D.O.
Secretary