

**WEST VIRGINIA BOARD OF OSTEOPATHY**  
**Board Meeting Minutes**  
**June 25, 2012**

The West Virginia Board of Osteopathy met via teleconference on Monday, June 25, 2012, at 4:00 PM. The meeting was called to order by President, Ernest Miller.

**Members Present:**

Ernie Miller, D.O. – President  
Robert Whitler – Vice President  
Elizabeth Blatt – Public Member  
Joseph Schreiber, D.O. – Physician Member

**Staff Members Present:**

Jennifer Akers Board Counsel  
Diana Shepard Executive Director

**Members Absent:**

Arthur Rubin, D.O. Secretary

Today's meeting agenda consisted of three (3) issues requiring immediate attention from the Board. These included: compliance with a Consent Agreement, Approval of Legislative Rules and Nominations for the WV Controlled Substance Monitoring Program's Advisory and Review Committees.

**Complaint 2008-28:**

A Consent Agreement was signed by the physician named in the complaint with a stipulation for a CME course on acute abdomen diagnosis. The Consent Agreement also required the CME to be completed by the June 30, 2012 license renewal period. The physician notified the Board of a CME program which was to be held on September 29, 2012.

Motion made to extend the time requirement of the Consent Agreement to allow the physician to attend the Board approved CME event on September 29, 2012. (**Schreiber/Blatt**).

**Request from the WV Board of Pharmacy for WV Controlled Substance Monitoring Program:**

A letter dated, June 6, 2012, was received from the WV Board of Pharmacy requesting nominations from the WV Osteopathic Medical Board for representation on the Advisory Committee and Review Committee created under the WV Controlled Substance Monitoring Program.

Members of the Board suggested these nominations should come from the WV Osteopathic Medical Association. The Executive Director will be notified of this request

for a submission of osteopathic nominations by the July 1<sup>st</sup> deadline to the WV Board of Pharmacy.

**Proposed Osteopathic Legislative Rule Changes:**

Three rules are being proposed for the 2013 legislative session. One rule requires filing as an emergency rule.

**24 CSR 1:** This Series 1 rule establishes the licensing procedures for Osteopathic physicians. With the passage of SB 437, the Controlled Substance Abuse Bill, medical licensing boards are required to establish CME requirements as mandated in the law. Following discussion of the CME content, CME hours requirement and the addition of a definition for controlled substances, a draft was presented for review.

Motion was made to approve the definition of controlled substances, the content of the CME program and 3 hours of drug diversion and controlled substance prescribing CME required every two year, license renewal period. **(Blatt/Whitler)**

**24 CSR 2** This Series 2 rule establishes the licensing procedures for Osteopathic physician assistants. With the passage of SB 535, prescriptive privileges were expanded for osteopathic physician assistants to allow the prescribing of medication for chronic diseases for an annual supply, clarifying that controlled substances are not included and chronic pain management is excluded from chronic diseases, eliminating the exclusion for prescribing anticoagulants for the specific prescribers, and correcting terminology.

A rule was drafted by legal counsel utilizing verbiage from the WV Board of Medicine legislative rule and input from the Osteopathic Board members from a previous meeting. Motion was made to revise the draft presented as follows:

The definition of 2.3 chronic condition – A condition which lasts three months or more, generally cannot be prevented by vaccines, can be controlled but not cured by medication, does not generally disappear and has been stable for 12 months. These conditions do not include chronic pain or any condition which requires anti-neoplastics (or chemotherapeutic agents, in the active treatment of current cancer) or any conditions requiring controlled substances,, but do include anemia, arthritis, asthma, bladder outlet obstruction, cardiovascular and pulmonary disease non-insulin requiring and controlled diabetes, epilepsy and seizures, hypothyroidism and obesity. **(Blatt/Whitler)**

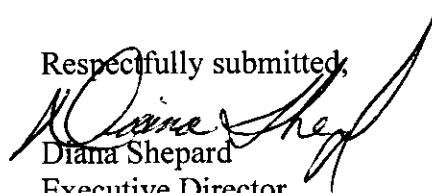
**24 CSR 7** This is a new Legislative Rule to address two items:  
1) Establishing the licensing process for a controlled substance license and;

2) Establishing the requirement for mandatory access of the WV Controlled Substance Monitoring Database before writing a new prescription for a controlled substance as outlined in SB 437.

Motion made to establish the Series 7 rule as presented. **(Blatt/Schreiber)**

The next Board meeting is scheduled for July 11, 2012, at 1:00 PM in the Charleston office.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Diana Shepard", written over the typed name.

Diana Shepard  
Executive Director

In the absence of Dr. Rubin, Secretary