

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1951

ENROLLED

SENATE BILL NO. 4

(By Mr. Taylor of Fayette)

PASSED March 5 1951

In Effect Ninety days from Passage



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Senate Bill No. 4

(By MR. TAYLOR, OF FAYETTE)

[Passed March 5, 1951; in effect ninety days from passage.]

AN ACT to amend and reenact article fourteen, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the creation, organization, powers and duties of the West Virginia board of osteopathy for the licensing of osteopathic physicians and surgeons, and the examination, licensing, revocation or suspension of licenses and annual renewal of licenses of osteopathic physicians and surgeons.

Be it enacted by the Legislature of West Virginia:

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

Article 14. Osteopathic Physicians and Surgeons.

Section 1. *License Required.*—It shall be unlawful for

2 any person to practice or offer to practice medicine and
3 surgery as an osteopathic physician and surgeon in this
4 state without a license issued by the West Virginia Board
5 of Osteopathy: *Provided*, That any certificate of license
6 heretofore issued under the laws of this state, authoriz-
7 ing its holder to practice osteopathy and surgery, shall
8 in no way be affected by the enactment of this article;
9 except that the holder of every such certificate of license
10 shall be subject to all of the provisions of this article re-
11 specting the requirements and obligations herein pre-
12 scribed for the continuance in force of such certificate of
13 license.

Sec. 2. *Definitions.*—For the purposes of this article,
2 “Osteopathy” shall mean that system of the healing art
3 which places the chief emphasis on the structural in-
4 tegrity of the body mechanism as being the most im-
5 portant single factor in maintaining the well-being of
6 the organism in health and disease;

7 “Board” shall mean the West Virginia Board of Osteo-
8 pathy;

9 “Approved osteopathic college” shall mean a college of
10 osteopathy and surgery which requires as a minimum

11 prerequisite for admission pre-professional training of at
12 least two years of academic work in specified scientific
13 subjects, as prescribed by the board, or by the college
14 accrediting agency of the American Osteopathic asso-
15 ciation, in a standard college of arts and sciences of equal
16 rank with the college of arts and sciences of West Vir-
17 ginia University, and which requires for graduation a
18 four-year course of nine months each approved by the
19 board in accordance with the minimum standards estab-
20 lished by the American Osteopathic association;

21 "Approved hospital for intern training" shall mean a
22 hospital approved for intern training by the board or by
23 the hospital accrediting agency of the American osteo-
24 pathic association;

25 "Reciprocal endorsement" shall mean a duly authenti-
26 cated certificate of the board, addressed to a board or
27 agency of another country, state, territory, province or
28 the District of Columbia, vouching that a certificate of
29 license issued to an osteopathic physician and surgeon
30 pursuant to the laws of this state is currently valid and
31 not suspended or revoked for any cause or causes speci-
32 fied in this article.

Sec. 3. *Board of Osteopathy.*—There shall be a board
2 of osteopathy, known as the “West Virginia Board of
3 Osteopathy” composed of three licensed osteopathic phy-
4 sicians and surgeons appointed by the governor by and
5 with the consent of the Senate from a list of six or more
6 names recommended by the West Virginia Osteopathic
7 Society, incorporated. Each member of the board shall
8 have been a resident of and engaged in the practice of his
9 profession in this state for a period of at least five years
10 immediately preceding his appointment.

11 The members of the board shall be appointed for a
12 term of office of three years. The members of the board
13 in office on the date this article takes effect shall, unless
14 sooner removed, continue to serve until their respective
15 terms expire and until their successors have been ap-
16 pointed and have qualified. On or before the first day
17 July of each year, the governor shall appoint one mem-
18 ber to serve for a term of three years commencing on
19 said first day of July; and any member shall be eligible
20 for reappointment. When a vacancy in the member-
21 ship of the board occurs for any cause other than the

22 expiration of a term, the governor shall appoint a
23 successor as a member of the board to fill the unexpired
24 portion of the term of office of the member whose office
25 has been vacated.

26 Each member of the board shall take, in addition to
27 the oath of office provided for in article four, section
28 five of the constitution of this state, an oath that he has
29 been engaged in the practice of his profession in this
30 state for at least five years immediately preceding his
31 appointment.

Sec. 4. *Application for Examination.*—Each applicant
2 for examination by the board shall submit an application
3 therefor on forms prepared and furnished by the board,
4 accompanied by evidence verified by oath and satisfactory
5 to the board, establishing that the applicant has satisfied
6 the following requirements: (a) that he is twenty-one
7 years of age or over; (b) that he is of good moral char-
8 acter; (c) that he has graduated from an approved osteo-
9 pathic college; and (d) that he has paid to the board a
10 fee of fifty dollars for examination.

Sec. 5. *Examination; Certificate of License.*—The ex-

2 amination for a license to practice medicine and surgery
3 as an osteopathic physician and surgeon shall be written
4 and oral and shall cover all the essential branches of
5 medicine and surgery including anatomy, physiology,
6 chemistry, pharmacology, pathology, public health —
7 preventive medicine, surgery, obstetrics and gynecology,
8 osteopathic medicine, materia medica principles and prac-
9 tice of osteopathy; and this list of subjects may be ex-
10 panded or regrouped at the discretion of the board.

11 The board shall issue certificates of license to all ap-
12 plicants who shall successfully pass the said examination
13 and shall present evidence showing that they have served
14 an internship in a hospital approved for intern training.

15 But no license shall be issued under the provisions of
16 this section until the person applying therefor shall have
17 paid to the board a fee of five dollars.

*Sec. 6. Issuance of License without Examination.—*The

2 board may at its discretion issue a license without ex-
3 amination to an applicant who has been licensed by the
4 national board of examiners for osteopathic physicians
5 and surgeons, and to an applicant who has been licensed

6 by examination in any country, state, territory, province
7 or the District of Columbia, provided the requirements
8 for licensure in the country, state, territory, province or
9 the District of Columbia in which the applicant is licensed,
10 are deemed by the board to have been equivalent to
11 requirements for licensure in this state at the date such
12 license was issued. The board may also at its discretion
13 issue a license without examination to an osteopathic
14 physician and surgeon who is a graduate of an approved
15 osteopathic college and who has passed the examination
16 for admission into the medical corps of any of the armed
17 services of the United States or the United States public
18 health service. But no license shall be issued under the
19 provisions of this section until the person applying there-
20 for shall have paid to the board a fee of one-hundred
21 dollars, fifty dollars of which shall be an investigation
22 fee.

Sec. 7. *Reciprocal Endorsement Fee.*—For the issuance
2 of any reciprocal endorsement, the board shall collect a
3 fee of ten dollars.

Sec. 8. *Temporary Permits.*—A temporary permit to

2 practice in areas where medical services are needed, as
3 determined by the board, may be granted by the board
4 to a qualified applicant eligible for licensure who applies
5 for examination during the period between examinations
6 or regular meetings of the board. Such temporary permit
7 shall be effective until its holder has either been granted
8 or denied a license at the next regular meeting of the
9 board. Such permit shall be subject to revocation when,
10 in the opinion of the board, the terms and conditions pre-
11 scribed in the permit have been violated.

Sec. 9. Duties and Rights of Osteopathic Physicians

2 *and Surgeons.*—Osteopathic physicians and surgeons
3 licensed hereunder shall have the same rights and priv-
4 ileges as physicians and surgeons of other schools of medi-
5 cine.

6 Osteopathic physicians and surgeons shall observe and
7 be subject to all state and municipal regulations relative
8 to reporting births and deaths and all matters pertaining
9 to the public health with equal rights and obligations
10 as physicians of other schools of medicine, and such re-
11 ports shall be accepted by the officers of the department
12 to which the same are made.

13 Osteopathic physicians and surgeons licensed hereun-
14 der shall have the same rights and privileges as physicians
15 and surgeons of other schools of medicine with respect
16 to the treatment of cases or the holding of health offices
17 or offices in public institutions.

Sec. 10. *License Annual Renewal Fee; Refresher Train-*
2 *ing a Prerequisite; Effect of Failure to Renew; Rein-*
3 *statement.*—All holders of certificates of license to prac-
4 tice as osteopathic physicians and surgeons in this state
5 shall renew them annually on or before July first, by
6 the payment of a renewal fee of two dollars to the secre-
7 tary of the board. The secretary of the board shall
8 notify each certificate holder by mail of the necessity
9 of renewing his certificate at least thirty days prior to
10 July first of each year.

11 As a prerequisite to renewal of a certificate of **license**
12 issued by the board, each holder of such a certificate shall
13 furnish annually to the secretary of the board **satisfactory**
14 evidence of having completed a two-day educational re-
15 fresher training course conducted by the West Virginia
16 Osteopathic Society, Incorporated, under the supervision

17 and control of the board or conducted by its **equivalent**
18 as determined by the board.

19 The failure to renew a certificate of license shall op-
20 erate as an automatic suspension of the rights and **priv-**
21 **ileges** granted by its issuance.

22 A certificate of license suspended by a failure to make
23 an annual renewal thereof may be reinstated by the
24 board upon compliance of the certificate holder with the
25 following requirements; (a) presentation to the board of
26 satisfactory evidence of educational refresher **training of**
27 quantity and standard approved by the board; (b) **pay-**
28 **ment** of all fees that would have been paid had the **cer-**
29 **tificate** holder maintained his certificate in good standing;
30 and (c) payment to the board of a reinstatement **fee of**
31 not to exceed twenty-five dollars as determined by
32 the board.

Sec. 11. *Refusal to Issue; Suspension or Revocation of*
2 *License.*—The board may either refuse to issue or may
3 suspend or revoke any license for any one or more of the
4 following causes:

5 (a) Conviction of a felony, as shown by a certified

6 copy of the record of the trial court;

7 (b) Conviction of a misdemeanor involving moral
8 turpitude;

9 (c) Violation of any provision of this article regulat-
10 ing the practice of osteopathic physicians and surgeons;

11 (d) Fraud, misrepresentation or deceit in procuring
12 or attempting to procure admission to practice;

13 (e) Gross malpractice;

14 (f) Advertising by means of knowingly false or de-
15 ceptive statements;

16 (g) Advertising, practicing or attempting to practice
17 under a name other than one's own;

18 (h) Habitual drunkenness, or habitual addiction to
19 the use of morphine, cocaine or other habit forming drugs.

20 Sec. 12. *Offenses; Penalties.*—Each of the following
21 acts shall constitute a misdemeanor, punishable upon con-
22 viction by a fine of not less than fifty nor more than five
23 hundred dollars:

24 (a) The practice or attempt to practice as an osteo-
25 pathic physician and surgeon without a license or permit;

26 (b) The obtaining of or an attempt to obtain a license

8 or permit to practice in the profession for money or any
9 other thing of value, by fraudulent misrepresentation;

10 (c) The making of any wilfully false oath or affirma-
11 tion whenever an oath or affirmation is required by this
12 article;

13 (d) Advertising, practicing or attempting to practice
14 under a name other than one's own.

Sec. 13. *Limitation of Article.*—The practice of medi-
2 cine and surgery by persons possessing the degree of doc-
3 tor of medicine and authorized by the laws of this state
4 to practice medicine and surgery shall in no way be af-
5 fected by the provisions of this article.

Sec. 14. *Separability Clause.*—The terms of this act
2 are declared to be separable; and should any word, phrase,
3 sentence or section hereof be declared unconstitutional or
4 otherwise invalid, the remainder of this act shall not
5 thereby be affected, but shall remain in full force and
6 effect.

Sec. 15. *Repealer Clause.*—All acts or parts of acts in
2 conflict with this article are hereby repealed to the extent
3 of such conflict.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

John L. Dyer
Chairman Senate Committee

James M. Hoop
Chairman House Committee

Originated in the Senate.

Takes effect *thirty days from* passage.

Howard Keyser
Clerk of the Senate

J. R. Giff
Clerk of the House of Delegates

Wesley Stuber
President of the Senate

W. E. Hammon
Speaker House of Delegates

The within *APPROVED* this the *9th* day of *MARCH*, 1951.

Oliver L. Patterson
Governor.



Filed in the Office of the Secretary of State of West Virginia **MAR 9 1951**

D. PITT O'BRIEN,
SECRETARY OF STATE