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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1991

— ● —

# ENROLLED

Committee Substitute  
For

HOUSE BILL No. 2478

(By ~~##~~ Delegates P. White +  
Flanigan)

— ● —

Passed February 28, 1991

In Effect ninety days from Passage

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
**H. B. 2478**  
(By DELEGATES P. WHITE AND FLANIGAN)

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[Passed February 28, 1991; in effect ninety days from passage.]

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AN ACT to amend and reenact section twelve, article three, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to requiring physicians and podiatrists to successfully complete fifty hours of continuing education every two years as a condition of renewal of licensure; automatic suspension of license for failure to timely notify the board of such completion; rules; requiring physicians and podiatrists provide supporting documentation of continuing education when requested to do so by board; and requiring written representation of continuing education in order to renew inactive licenses.

*Be it enacted by the Legislature of West Virginia:*

That section twelve, article three, 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 3. WEST VIRGINIA MEDICAL PRACTICE ACT.**

**§30-3-12. Biennial renewal of license to practice medicine and surgery or podiatry; continuing education; rules; fee; inactive license.**

1 (a) A license to practice medicine and surgery or

2 podiatry in this state is valid for a term of two years  
3 and shall be renewed upon a receipt of a reasonable fee,  
4 as set by the board, submission of an application on  
5 forms provided by the board and, beginning with the  
6 biennial renewal application forms completed by  
7 licensees and submitted to the board in one thousand  
8 nine hundred ninety-three, a certification in accordance  
9 with rules and regulations promulgated by the board in  
10 accordance with chapter twenty-nine-a of this code of  
11 participation in and successful completion of a min-  
12 imum of fifty hours of continuing medical or podiatric  
13 education satisfactory to the board, as appropriate to the  
14 particular license, during the preceding two-year  
15 period. Continuing medical education satisfactory to the  
16 board is continuing medical education designated as  
17 Category I by the american medical association or the  
18 academy of family physicians and continuing podiatric  
19 education satisfactory to the board is continuing  
20 podiatric education approved by the council on podiatric  
21 education.

22 In addition, the Legislature hereby finds and declares  
23 that it is in the public interest to encourage alternate  
24 categories of continuing education satisfactory to the  
25 board for physicians and podiatrists. In order to provide  
26 adequate notice of the same to physicians and podia-  
27 trists, no later than the first day of June, one thousand  
28 nine hundred ninety-one, the board shall file rules under  
29 the provisions of section fifteen, article three, chapter  
30 twenty-nine-a of this code, delineating any alternate  
31 categories of continuing medical or podiatric education  
32 which may be considered satisfactory to the board and  
33 any procedures for board approval of such continuing  
34 education.

35 Notwithstanding any provision of this chapter to the  
36 contrary, failure to timely submit to the board a  
37 certification in accordance with rules and regulations  
38 promulgated by the board in accordance with chapter  
39 twenty-nine-a of this code of successful completion of a  
40 minimum of fifty hours of continuing medical or  
41 podiatric education satisfactory to the board, as approp-  
42 riate to the particular license, shall, beginning the first

43 day of July, one thousand nine hundred ninety-three,  
44 result in the automatic suspension of any license to  
45 practice medicine and surgery or podiatry until such  
46 time as the certification in accordance with rules and  
47 regulations promulgated by the board in accordance  
48 with chapter twenty-nine-a of this code, with all  
49 supporting written documentation, is submitted to and  
50 approved by the board.

51 Any individual who accepts the privilege of practicing  
52 medicine and surgery or podiatry in this state is  
53 required to provide supporting written documentation  
54 of the continuing education represented as received  
55 within thirty days of receipt of a written request to do  
56 so by the board. If a licensee fails or refuses to provide  
57 supporting written documentation of the continuing  
58 education represented as received as required in this  
59 section, such failure or refusal to provide supporting  
60 written documentation is prima facie evidence of  
61 renewing a license to practice medicine and surgery or  
62 podiatry by fraudulent misrepresentation.

63 (b) The board may renew, on an inactive basis, the  
64 license of a physician or podiatrist who is currently  
65 licensed to practice medicine and surgery or podiatry in,  
66 but is not actually practicing, medicine and surgery or  
67 podiatry in this state. A physician or podiatrist holding  
68 an inactive license shall not practice medicine and  
69 surgery or podiatry in this state. His or her inactive  
70 license may be converted by the board to an active one  
71 upon a written request to the board that accounts for  
72 his or her period of inactivity to the satisfaction of the  
73 board: *Provided*, That beginning on the first day of July,  
74 one thousand nine hundred ninety-three, such licensee  
75 submits written documentation of participation in and  
76 successful completion of a minimum of fifty hours of  
77 continuing medical or podiatric education satisfactory to  
78 the board, as appropriate to the particular license,  
79 during each preceding two-year period. An inactive  
80 license may be obtained upon receipt of a reasonable fee,  
81 as set by the board, and submission of an application on  
82 forms provided by the board on a biennial basis.

Enr. Com. Sub. for H. B. 2478] 4

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

*Homer Heck*  
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Chairman Senate Committee

*Ernest C. Moore*  
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Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Harrell E. Adams*  
-----  
Clerk of the Senate

*Donald L. Hopp*  
-----  
Clerk of the House of Delegates

*Walter Bondette*  
-----  
President of the Senate

*Robert Clark*  
-----  
Speaker of the House of Delegates

The within is approved..... this the *12th*  
day of *March*....., 1991.

*Yaston Caperton*  
-----  
Governor

PRESENTED TO THE

GOVERNOR

Date 2:50 pm

Time 3/7/91