WEST VIRGINIA CODE: §30-3-5

§30-3-5. West Virginia Board of Medicine powers and duties continued; appointment and terms of members; vacancies; removal.

(a) The West Virginia Board of Medicine has assumed, carried on, and succeeded to all the duties, rights, powers, obligations, and liabilities heretofore belonging to or exercised by the Medical Licensing Board of West Virginia. All the rules, orders, rulings, licenses, certificates, permits, and other acts and undertakings of the Medical Licensing Board of West Virginia as heretofore constituted have continued as those of the West Virginia Board of Medicine until they expired or were amended, altered, or revoked. The board remains the sole authority for the issuance of licenses to practice allopathic medicine and surgery and podiatry, and to practice as physician assistants in this state in collaboration with physicians licensed under this article. The board shall continue to be a regulatory and disciplinary body for the practice of medicine and surgery, the practice of podiatry, and for physician assistants in this state.

(b) The board shall consist of the following 15 members:

(1) The state health officer, who shall serve ex officio, with the right to vote as a member of the board, for the length of his or her term as state health officer;

(2) Eight allopathic physicians;

(3) One podiatrist;

(4) Two physician assistants; and

(5) Three citizen members.

(c) With the exception of the state health officer, all members shall be appointed by the Governor with the advice and consent of the Senate. In making appointments to the board, the Governor shall, so far as practicable, select the members from different geographical sections of the state.

(d) A person is not eligible for membership on the board who is a member of any political party executive committee or, with the exception of the state health officer, who holds any public office.

(e) To be eligible to serve on the board, physicians, podiatrists, and physician assistants shall:

(1) Reside in West Virginia;

(2) Hold an active, full and unrestricted license to practice as an allopathic physician,

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podiatrist, or physician assistant in West Virginia, and have held such license for at least five years; and

(3) Be engaged in active clinical practice in this state as a licensed provider and have a history of active clinical practice in West Virginia for the five years prior to the date of appointment. "Active clinical practice" means that the licensee is engaged in the full-time practice of clinical medicine in West Virginia for a minimum of 50 percent of the licensee's professional practice.

(f) To be eligible to serve on the board, citizen members, who represent the interests of health care consumers, and who are appointed to the board after January 1, 2026:

(1) Shall reside in West Virginia and have a history of residing in West Virginia for at least five years prior to appointment;

(2) May not be licensed under the provisions of this article and shall never have performed any services as a licensed health care provider; and

(3) May not have a financial interest in the practice of the professions regulated by the board. A person shall be deemed to have a financial interest in the practice of the professionals regulated by the board if the individual:

(A) Owns or operates a business that is engaged in the delivery of health care services or the provision of health care related goods, services, or staffing;

(B) Is married to a health care provider who is licensed to practice in this state; or

(C) Is employed by an entity which provides health care goods or services to West Virginia patients if the individual’s work responsibilities relate, in whole or in part, to the delivery of health care services, health care administration, management, or policy.

(g) Board membership terms shall begin on October 1 of the applicable year, and a member may not be appointed to more than two consecutive full terms on the board.

(h) When a vacancy on the board occurs and less than one year remains in the unexpired term, the appointee shall be eligible to serve the remainder of the unexpired term and two consecutive full terms on the board.

(i) A member whose term has expired may continue to serve until an eligible successor has been appointed.

(j) A member who has served two consecutive full terms may not be selected for re-appointment for at least one year after completion of his or her second full term.

(k) Excepting the state health officer, whose term shall be limited to their service in that office, a member of the board immediately and automatically forfeits membership to the

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board if:

(1) The member's license to practice is suspended, revoked, surrendered, expired, or placed in inactive status;

(2) The member is convicted of a felony under the laws of any jurisdiction;

(3) The member no longer meets the active clinical practice requirement;

(4) The member becomes a non-resident of this state; or

(5) A citizen member commences providing health care services or develops a financial interest in the practice of the professions regulated by the board.

(l) No member may be removed from office by the Governor except for official misconduct, incompetence, neglect of duty, or gross immorality.

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