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
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, organi-
zation, 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:


Section 1. License Required.—It shall be unlawful for
any person to practice or offer to practice medicine and surgery as an osteopathic physician and surgeon in this state without a license issued by the West Virginia Board of Osteopathy: Provided, That any certificate of license heretofore issued under the laws of this state, authorizing its holder to practice osteopathy and surgery, shall in no way be affected by the enactment of this article; except that the holder of every such certificate of license shall be subject to all of the provisions of this article respecting the requirements and obligations herein prescribed for the continuance in force of such certificate of license.

Sec. 2. Definitions.—For the purposes of this article, “Osteopathy” shall mean that system of the healing art which places the chief emphasis on the structural integrity of the body mechanism as being the most important single factor in maintaining the well-being of the organism in health and disease; “Board” shall mean the West Virginia Board of Osteopathy; “Approved osteopathic college” shall mean a college of osteopathy and surgery which requires as a minimum
prerequisite for admission pre-professional training of at least two years of academic work in specified scientific subjects, as prescribed by the board, or by the college accrediting agency of the American Osteopathic association, in a standard college of arts and sciences of equal rank with the college of arts and sciences of West Virginia University, and which requires for graduation a four-year course of nine months each approved by the board in accordance with the minimum standards established by the American Osteopathic association;

"Approved hospital for intern training" shall mean a hospital approved for intern training by the board or by the hospital accrediting agency of the American osteopathic association;

"Reciprocal endorsement" shall mean a duly authenticated certificate of the board, addressed to a board or agency of another country, state, territory, province or the District of Columbia, vouching that a certificate of license issued to an osteopathic physician and surgeon pursuant to the laws of this state is currently valid and not suspended or revoked for any cause or causes specified in this article.
Sec. 3. Board of Osteopathy.—There shall be a board of osteopathy, known as the "West Virginia Board of Osteopathy" composed of three licensed osteopathic physicians and surgeons appointed by the governor by and with the consent of the Senate from a list of six or more names recommended by the West Virginia Osteopathic Society, incorporated. Each member of the board shall have been a resident of and engaged in the practice of his profession in this state for a period of at least five years immediately preceding his appointment.

The members of the board shall be appointed for a term of office of three years. The members of the board in office on the date this article takes effect shall, unless sooner removed, continue to serve until their respective terms expire and until their successors have been appointed and have qualified. On or before the first day July of each year, the governor shall appoint one member to serve for a term of three years commencing on said first day of July; and any member shall be eligible for reappointment. When a vacancy in the membership of the board occurs for any cause other than the
expiration of a term, the governor shall appoint a successor as a member of the board to fill the unexpired portion of the term of office of the member whose office has been vacated.

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

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

Sec. 5. Examination; Certificate of License.—The ex-
amination for a license to practice medicine and surgery
as an osteopathic physician and surgeon shall be written
and oral and shall cover all the essential branches of
medicine and surgery including anatomy, physiology,
chemistry, pharmacology, pathology, public health —
preventive medicine, surgery, obstetrics and gynecology,
osteopathic medicine, materia medica principles and prac-
tice of osteopathy; and this list of subjects may be ex-
panded or regrouped at the discretion of the board.
The board shall issue certificates of license to all ap-
plicants who shall successfully pass the said examination
and shall present evidence showing that they have served
an internship in a hospital approved for intern training.
But no license shall be issued under the provisions of
this section until the person applying therefor shall have
paid to the board a fee of five dollars.

Sec. 6. Issuance of License without Examination.—The
board may at its discretion issue a license without ex-
amination to an applicant who has been licensed by the
national board of examiners for osteopathic physicians
and surgeons, and to an applicant who has been licensed
by examination in any country, state, territory, province
or the District of Columbia, provided the requirements
for licensure in the country, state, territory, province or
the District of Columbia in which the applicant is licensed,
are deemed by the board to have been equivalent to
requirements for licensure in this state at the date such
license was issued. The board may also at its discretion
issue a license without examination to an osteopathic
physician and surgeon who is a graduate of an approved
osteopathic college and who has passed the examination
for admission into the medical corps of any of the armed
services of the United States or the United States public
health service. But no license shall be issued under the
provisions of this section until the person applying there-
for shall have paid to the board a fee of one-hundred
dollars, fifty dollars of which shall be an investigation
fee.

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

Sec. 8. Temporary Permits.—A temporary permit to
practice in areas where medical services are needed, as determined by the board, may be granted by the board to a qualified applicant eligible for licensure who applies for examination during the period between examinations or regular meetings of the board. Such temporary permit shall be effective until its holder has either been granted or denied a license at the next regular meeting of the board. Such permit shall be subject to revocation when, in the opinion of the board, the terms and conditions prescribed in the permit have been violated.

Sec. 9. Duties and Rights of Osteopathic Physicians and Surgeons.—Osteopathic physicians and surgeons licensed hereunder shall have the same rights and privileges as physicians and surgeons of other schools of medicine.

Osteopathic physicians and surgeons shall observe and be subject to all state and municipal regulations relative to reporting births and deaths and all matters pertaining to the public health with equal rights and obligations as physicians of other schools of medicine, and such reports shall be accepted by the officers of the department to which the same are made.
Osteopathic physicians and surgeons licensed hereunder shall have the same rights and privileges as physicians and surgeons of other schools of medicine with respect to the treatment of cases or the holding of health offices or offices in public institutions.

Sec. 10. License Annual Renewal Fee; Refresher Training a Prerequisite; Effect of Failure to Renew; Reinstatement.—All holders of certificates of license to practice as osteopathic physicians and surgeons in this state shall renew them annually on or before July first, by the payment of a renewal fee of two dollars to the secretary of the board. The secretary of the board shall notify each certificate holder by mail of the necessity of renewing his certificate at least thirty days prior to July first of each year.

As a prerequisite to renewal of a certificate of license issued by the board, each holder of such a certificate shall furnish annually to the secretary of the board satisfactory evidence of having completed a two-day educational refresher training course conducted by the West Virginia Osteopathic Society, Incorporated, under the supervision
and control of the board or conducted by its equivalent as determined by the board.

The failure to renew a certificate of license shall operate as an automatic suspension of the rights and privileges granted by its issuance.

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

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

(a) Conviction of a felony, as shown by a certified
copy of the record of the trial court;
(b) Conviction of a misdemeanor involving moral turpitude;
(c) Violation of any provision of this article regulating the practice of osteopathic physicians and surgeons;
(d) Fraud, misrepresentation or deceit in procuring or attempting to procure admission to practice;
(e) Gross malpractice;
(f) Advertising by means of knowingly false or deceptive statements;
(g) Advertising, practicing or attempting to practice under a name other than one's own;
(h) Habitual drunkenness, or habitual addiction to the use of morphine, cocaine or other habit forming drugs.

Sec. 12. Offenses; Penalties.—Each of the following acts shall constitute a misdemeanor, punishable upon conviction by a fine of not less than fifty nor more than five hundred dollars:

(a) The practice or attempt to practice as an osteopathic physician and surgeon without a license or permit;
(b) The obtaining of or an attempt to obtain a license
or permit to practice in the profession for money or any other thing of value, by fraudulent misrepresentation;

(c) The making of any wilfully false oath or affirmation whenever an oath or affirmation is required by this article;

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

Sec. 13. *Limitation of Article.*—The practice of medicine and surgery by persons possessing the degree of doctor of medicine and authorized by the laws of this state to practice medicine and surgery shall in no way be affected by the provisions of this article.

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

Sec. 15. *Repealer Clause.*—All acts or parts of acts in conflict with this article are hereby repealed to the extent of such conflict.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

James M. King
Chairman House Committee

Originated in the Senate.

Takes effect: Ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 9th day of March, 1951.

Governor.

Mar 9, 1951
D. Pitt O'Brien,
Secretary of State