WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1965

ENROLLED

HOUSE BILL No. 662

(By Mr. Cogar and Mr. Seay.)

PASSED March 13, 1965

In Effect ninety days from Passage
ENROLLED

House Bill No. 662
(By Mr. Ayers and Mr. Seabright)

[Passed March 13, 1965; in effect ninety days from passage.]

AN ACT to amend and reenact section two, article two-a; section three, article three, all of chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend article three of said chapter by adding thereto two new sections, designated sections four-b and four-c, relating to the powers and duties of the medical licensing board, examinations by the medical licensing board, the practice of medicine and surgery in the state of West Virginia, and the formation of medical corporations; providing certain limitations on medical corporations; and providing penalties.
Be it enacted by the Legislature of West Virginia:

That section two, article two-a; section three, article three, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that article three of said chapter be amended by adding thereto two new sections, designated sections four-b and four-c, all to read as follows:

Article 2-a. Medical Licensing Board.

Section 2. Powers and Duties.—The medical licensing board of West Virginia shall assume, carry on, and succeed, to all the duties, rights, powers, obligations and liabilities heretofore belonging to, exercised by, or assumed by the public health council, with regard to the licensure of physicians and surgeons, and chiropodists.

The medical licensing board shall examine all qualified applicants for license to practice medicine and surgery, and chiropody, and it shall license all such applicants who are qualified under applicable statutes and who pass any examination that may be required by statute or by any legally adopted rule or regulation. The board
shall also have authority to authorize medical corporations in accordance with the provisions and subject to the limitations of article three of this chapter to practice medicine and surgery through duly licensed physicians and surgeons.

The said board shall have the power to make such examination of all applicants appearing before it for any type of license as may be necessary to determine that the applicant is qualified. The said board shall also have the power to revoke or suspend any license or certificate of authorization issued by it for cause, after having given the person whose license or medical corporation whose certificate of authorization is sought to be revoked or suspended, an opportunity to be heard in the manner provided by section eight, article one, chapter thirty of this code. It shall have the power to reinstate any license or certificate of authorization revoked or suspended by it.

The said board is authorized and empowered to hold and conduct hearings and investigations on the issuance, suspension, revocation, or reinstatement of licenses or certificates of authorization.
The said board shall have the power to hire, fix the compensation of, and discharge such employees as are necessary for the performance of the powers and duties vested in the said board by law.

Article 3. Physicians and Surgeons.

Section 3. Examination by Medical Licensing Board.—

The medical licensing board of West Virginia shall examine all qualified applicants for license to practice medicine and surgery in this state, and shall examine the application of medical corporations provided for in section four-b of this article, and issue certificates of license, and in the case of proposed medical corporations certificates of authorization, to all applicants who are legally entitled to receive the same; and said certificates shall be signed by the chairman of the said board and by the director of health as secretary thereof.

Sec. 4-b. Registration of Medical Corporations.—When two or more physicians or surgeons duly licensed to practice medicine in the state of West Virginia wish to form a medical corporation, such physicians or surgeons shall file a written application with the medical licensing board,
on a form prescribed by the board, and shall furnish proof satisfactory to the board that all of the signers of such application are such duly licensed physicians or surgeons.

A fee of twenty-five dollars shall accompany each such application, no part of which shall be returnable.

If the board finds that all of the signers of such application are such duly licensed physicians or surgeons, the board shall notify the secretary of state that a certificate of authorization has been issued to the individuals signing such application.

When the secretary of state receives notification from the state medical board that certain persons have been issued a certificate of authorization, he shall attach such authorization to the corporation application and upon compliance by the corporation with chapter thirty-one of this code shall notify the incorporators that such corporation, through duly licensed physicians and surgeons, may engage in the practice of medicine and surgery.

**Sec. 4-c. Limitations Pertinent to Medical Corporations.**—(1) A medical corporation may practice medicine and surgery only through individual physicians and sur-
geons duly licensed to practice medicine or surgery in the
state of West Virginia, but such physicians and surgeons
may be employees rather than shareholders of such corpo-
ration, and nothing herein contained shall be construed
to require a license for or other legal authorization of
any individual employed by such corporation to perform
services for which no license or other legal authorization
is otherwise required. Nothing contained in this article
is meant or intended to change in any way the rights,
duties, privileges, responsibilities and liabilities incident
to the physician-patient relationship nor is it meant or
intended to change in any way the personal character
of the physician-patient relationship. A corporation hold-
ing such certificate of authorization shall register bien-
nially, on or before the thirtieth day of June, on a form
prescribed by the medical licensing board, and shall pay
an annual registration fee of fifty dollars.

(2) A medical corporation holding a certificate of
authorization shall cease to engage in the practice of
medicine and surgery; upon being notified by the medical
licensing board that any of its shareholders is no longer a
duly licensed physician or surgeon; or, when any shares
of such corporation have been sold or disposed of to a
person who is not a duly licensed physician or surgeon:
Provided, That the personal representative of a deceased
shareholder shall have a period, not to exceed twelve
months from the date of such shareholder's death, to dis-
pose of such shares; but nothing contained herein shall
be construed as affecting the existence of such corpora-
tion or its right to continue to operate for all lawful pur-
poses other than the practice of medicine and surgery.
(3) No corporation shall practice medicine or sur-
gery, or any of its branches, or hold itself out as being
capable of doing so, without a certificate from the medical
licensing board; nor shall any corporation practice medi-
cine or surgery or any of its branches, or hold itself out
as being capable of doing so, after its certificate has been
revoked, or if suspended, during the term of such sus-
pension. A certificate signed by the secretary of the
medical licensing board to which is affixed the official
seal of the board to the effect that it appears from the
records of the board that no such certificate to practice
medicine or surgery or any of its branches in the state
has been issued to any such corporation specified therein
or that such certificate has been revoked or suspended
shall be admissible in evidence in all courts of this state
and shall be prima facie evidence of the facts stated
therein.

(4) Any officer, shareholder or employee of such cor-
poration who participates in a violation of any provision
of this section shall be guilty of a misdemeanor and, upon
conviction, shall be fined not exceeding one thousand dol-
lars.

(5) If any provision of sections four-b or four-c of
this article is held to be invalid, such invalidity shall not
affect the other provisions of said sections which can be
given effect without such invalid provision, and to this
end the provisions of said sections are severable.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.

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 approve this the 19th day of March, 1965.

Governor