

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1969

ENROLLED

SENATE BILL NO. 188

(By Mr. Jackson, Mr. President,
and Mr. Garner)

PASSED Feb. 22, 1969

In Effect from Passage

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE

THIS DATE 3-7-69

188
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ENROLLED
Senate Bill No. 188

(By MR. JACKSON, MR. PRESIDENT, and MR. GAINER)

[Passed February 22, 1969; in effect from passage.]

AN ACT to amend and reenact sections four, four-a, five and seven, article three, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the practice of medicine and surgery in the state of West Virginia, the licensing of licensed practitioners of other states, examinations by the medical licensing board, the licensing of foreign medical school graduates, and to the increasing of fees to cover the expenses of the medical licensing board.

Be it enacted by the Legislature of West Virginia:

That sections four, four-a, five and seven, 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. PHYSICIANS AND SURGEONS.

§30-3-4. Who permitted to practice medicine and surgery in this state; licensing of licensed practitioners from other states; permit to practice in prescribed areas.

1 The following persons and no others shall hereafter be
2 permitted to practice medicine and surgery in this state:
3 (a) All such persons as shall be legally entitled to prac-
4 tice medicine and surgery in this state including those
5 persons holding temporary permits to practice in pre-
6 scribed areas as of the effective date of this act; (b) all
7 such persons as shall be graduates of Class A medi-
8 cal schools, as classified by the council on medical
9 education and hospitals of the American Medical Asso-
10 ciation, and then only from such schools, when so classi-
11 fied, as require, as a condition to entrance upon the
12 study of medicine, at least two years of academic work
13 of collegiate grade in a standard college of arts and
14 sciences of equal rank with the college of arts and sciences
15 of West Virginia University, and who shall pass an
16 examination before the medical licensing board and shall
17 receive a certificate therefrom as hereinafter provided;
18 and (c) all such persons as shall be graduates of foreign

19 medical schools whose diplomas have been authenticated
20 by the medical licensing board, and whose premedical
21 education shall meet the requirements of subdivision
22 (b) above, and who have become citizens of the United
23 States or who have presented evidence of their declara-
24 tion of intention and show progress toward becoming
25 citizens of the United States, and who shall pass an
26 examination before the medical licensing board and
27 shall receive a certificate therefrom as hereinafter pro-
28 vided: *Provided, however,* That the said board, or a
29 majority of them, may accept in lieu of an examination
30 of applicants under subdivision (b) above, the certificate
31 of the national board of medical examiners, or the cer-
32 tificate of license to practice medicine and surgery legally
33 granted by the state board of registration or examination
34 or licensing board of another state or territory, whose
35 standard of qualification for the practice of medicine and
36 surgery is equivalent to that of this state, and grant to
37 such applicant a certificate of license to practice medi-
38 cine and surgery in this state, provided such state or
39 territory accords like privileges to licentiates of this

40 state: *Provided further*, That whenever in the judgment
41 of the medical licensing board a condition exists in which
42 medical service may be required, the said board is au-
43 thorized to grant permits for the practice of medicine
44 to qualified physicians in prescribed areas, and such per-
45 mits shall be subject to revocation when the agreement,
46 under which they were issued, has been violated. A
47 fee of one hundred dollars shall accompany each appli-
48 cation for licensure by examination or reciprocity, twenty-
49 five dollars of which shall be retained by the board in
50 the event an application is withdrawn or rejected. A
51 fee of twenty-five dollars shall accompany each appli-
52 cation for temporary licensure and a fee of ten dollars
53 shall accompany each application for an extension thereof.

§30-3-4a. Biennial registration of physicians and surgeons.

1 Every person who, on or before the thirty-first day
2 of August, one thousand nine hundred forty-nine, is
3 licensed as a physician or surgeon to practice medicine
4 and surgery in this state, shall, on or before the said
5 thirty-first day of August, one thousand nine hundred
6 forty-nine, make application to the medical licensing
7 board for registration, and shall be registered by the said

8 board, as the holder of such license, which registration
9 shall be for the period ending on the thirtieth day of
10 June, one thousand nine hundred fifty-one. On or before
11 the said thirtieth day of June, one thousand nine hun-
12 dred fifty-one, and biennially thereafter, on or before
13 the thirtieth day of June of each biennial period, every
14 person licensed as a physician or surgeon in this state
15 shall apply to the said board for registration, or a re-
16 newal of registration, as such license holder: *Provided,*
17 That no registration shall be required of any holder of a
18 certificate of licensure for the biennial period, or any
19 portion thereof, during which such certificate is issued.
20 Each applicant for registration or renewal thereof shall
21 remit to the board, with his application, a fee of ten
22 dollars.

23 The failure of any person to comply with the pro-
24 visions of this section shall operate automatically, and
25 without further proceedings, to cancel the certificate of
26 such person, and the license issued thereunder. Con-
27 tinued practice by any such person after such cancella-
28 tion of his certificate and license shall constitute prac-

29 ticing without a license, and any person so practicing shall
30 be subject to all of the penalties provided by law for prac-
31 ticing without a license.

32 Any certificate and license cancelled pursuant to the
33 provisions of this section, and not for any other reason,
34 shall be reinstated by the said board upon submission
35 to it of an application for registration by the person
36 whose certificate has been cancelled, together with cur-
37 rent and delinquent fees, and ten dollars reinstatement
38 fee.

**§30-3-5. Examinations; certificates; adherents of particular
schools or theories of medicine.**

1 The medical licensing board shall, at such times as
2 a majority of them deem proper, hold examinations for
3 the licensing of applicants for license to practice medi-
4 cine and surgery in this state. No fewer than two exami-
5 nations shall be held during the year, at such place in
6 the state as may be determined by the medical licensing
7 board. At such examination written questions shall be
8 submitted to the applicants, covering all the essential
9 branches of the sciences of medicine and surgery, and

10 the examination shall be a thorough and decisive test
11 of the knowledge and ability of the applicant. The
12 chairman and secretary of the board shall issue cer-
13 tificates to all who successfully pass the said examina-
14 tion and to all whose certificates said board, or a majority
15 of them, shall accept in lieu of an examination, as here-
16 inbefore provided. Such certificates shall be deemed
17 licenses to practice medicine and surgery in all their
18 branches in this state. The medical licensing board shall
19 give reasonable notice of the time and place of holding
20 such examinations, and all such persons wishing to present
21 themselves for examination shall notify the secretary and
22 comply with the rules of the board. No applicant for
23 license to practice medicine and surgery in this state
24 shall be rejected because of his adherence to any par-
25 ticular school or theory of medicine.

§30-3-7. Fees.

- 1 The medical licensing board shall be entitled to charge
 - 2 and collect the following fee, in addition to those pro-
 - 3 vided in article one and this article three of this chapter:
 - 4 The sum of ten dollars for a reciprocal endorsement.
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The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William T. Tompkins
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the Senate.

To take effect from passage.

Howard Kees
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Lloyd Garrison
President of the Senate

Sam F. Baumer
Speaker House of Delegates

The within is approved this the 4th
day of March, 1969.

Arch. A. Shaare, Jr.
Governor



PRESENTED TO THE
GOVERNOR

RECEIVED

Date 2/28/69

Time 10:00 A.M.

MAR 7 10 53 AM '69

OFFICE OF
SECRETARY OF STATE
STATE OF VIRGINIA