WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1974

ENROLLED
SENATE BILL NO. 236
(By Mr. Hubbard)

PASSED March 9 1974
In Effect ninety days from Passage

FILLED IN THE OFFICE
EDGAR F. HEISKELL III
SECRETARY OF STATE
THIS DATE 3-20-74
AN ACT to amend and reenact sections four, four-a, six and seven, article three, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to persons permitted to practice medicine and surgery in this state, biennial registration, refusal to issue, suspend, or revoke licenses and fixing of fee for reciprocal endorsement.

Be it enacted by the Legislature of West Virginia:

That sections four, four-a, six 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; permits to practice in prescribed areas.

1 The following persons and no others shall hereafter be permitted to practice medicine and surgery in this state:
2 (a) All such persons as shall be legally entitled to practice medicine and surgery in this state including those persons holding temporary permits to practice in prescribed areas as of the effective date of this section; (b) all such persons as shall be graduates of medical schools, as approved by the medical licensing board of West Virginia,
and who provide their original diplomas or evidence
thereof for authentication by the medical licensing board,
and who shall pass an examination before the medical
licensing board and shall receive a certificate therefrom
as hereinafter provided: Provided, That the said board,
or a majority of them, may accept in lieu of an examina-
tion of applicants, the certificate of the national board of
medical examiners, or diplomate certificate from an
American specialty board, such certification shall be lim-
ited to that specific specialty in the practice of medicine
and surgery in this state, or the certificate of license to
practice medicine and surgery legally granted by the state
board of registration or examination or licensing board of
another state or territory, whose standard of qualification
for the practice of medicine and surgery is equivalent to
that of this state, and grant to such applicant a certificate
of license to practice medicine and surgery in this state:
Provided, however, That whenever in the judgment of
the medical licensing board a condition exists in which
medical service may be required, the said board is autho-
rized to grant permits for the practice of medicine to
qualified physicians in prescribed areas, and such permits
shall be subject to revocation when the agreement, under
which they were issued, has been violated. A fee of one
hundred dollars shall accompany each application for
licensure by examination, reexamination, or reciprocity,
twenty-five dollars of which shall be retained by the board
in the event an application is withdrawn or rejected. A
fee of twenty-five dollars shall accompany each applica-
tion for temporary permits and a fee of ten dollars shall
accompany each application for an extension thereof.

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

Every person who, on or before the thirty-first day of
August, one thousand nine hundred forty-nine, is licensed
as a physician or surgeon to practice medicine and surgery
in this state, shall, on or before the said thirty-first day of
August, one thousand nine hundred forty-nine, make ap-
plication to the medical licensing board for registration,
and shall be registered by the said board, as the holder of
such license, which registration shall be for the period
ending on the thirtieth day of June, one thousand nine
hundred fifty-one. On or before the said thirtieth day of
June, one thousand nine hundred fifty-one, and biennially
thereafter, on or before the thirtieth day of June of each
biennial period, every person licensed as a physician or
surgeon in this state shall apply to the said board for
registration, or a renewal of registration, as such license
holder: Provided, That no registration shall be required of
any holder of a certificate of licensure for the biennial
period, or any portion thereof, during which such certi-
ficate is issued.

Each applicant for registration or renewal thereof shall
remit to the board, with his application, a fee of ten dol-
lars. In addition, any request for renewal of a license
which has lapsed for a period of more than one biennial
registration period shall be accompanied by a sworn afﬁ-
davit from the physician indicating his location and activ-
ities for the period of time he was not licensed in this
state.

The failure of any person to comply with the provisions
of this section shall operate automatically, and without
further proceedings, to cancel the certificate of such per-
son, and the license issued thereunder. Continued practice
by any such person after such cancellation of his certifi-
cate and license shall constitute practicing without a
license, and any person so practicing shall be subject to
all of the penalties provided by law for practicing with-
out a license.

Any certificate and license cancelled pursuant to the
provisions of this section, and not for any other reason,
shall be reinstated by the said board upon submission to it
of an application for registration by the person whose
certificate has been cancelled, together with current and
delinquent fees, and ten dollars reinstatement fee.

§30-3-6. Refusal to issue, suspension or revocation of license.

The medical licensing board may refuse to grant a cer-
tificate of license to a person who has been found guilty
of a felony as decreed by a court of law, or to a person
known to indulge in gross immorality, or to a person who
is addicted to drunkenness or the habitual use of narcotic
... drugs, or to a person known to engage in malpractice, or
to a person who resorts to fraud in procuring the certifi-
cate and may suspend or revoke a certificate for like cause.
No such refusal, suspension or revocation shall be ordered
by reason of the individual belonging to or practicing in
any particular school or system of medicine.

§30-3-7. Fees for reciprocal endorsement.
The medical licensing board shall be entitled to charge
and collect the following fee, in addition to those pro-
vided in article one and article three of this chapter: The
sum of twenty-five dollars for a reciprocal endorsement.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In 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 19th day of March, 1974.

Governor