

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1974

ENROLLED

SENATE BILL NO. 236

(By Mr. Hubbard & Mr. Sharpe)

PASSED March 9 1974

In Effect ninety days from Passage



FILED IN THE OFFICE
EDGAR F. HEISKELL III
SECRETARY OF STATE
THIS DATE 3-20-74

236

ENROLLED

Senate Bill No 236

(By MR. HUBBARD AND MR. SHARPE)

[Passed March 9, 1974; in effect ninety days from passage.]

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
- 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 per-
- 5 sons holding temporary permits to practice in prescribed
- 6 areas as of the effective date of this section; (b) all such
- 7 persons as shall be graduates of medical schools, as ap-
- 8 proved by the medical licensing board of West Virginia,

9 and who provide their original diplomas or evidence
10 thereof for authentication by the medical licensing board,
11 and who shall pass an examination before the medical
12 licensing board and shall receive a certificate therefrom
13 as hereinafter provided: *Provided*, That the said board,
14 or a majority of them, may accept in lieu of an examina-
15 tion of applicants, the certificate of the national board of
16 medical examiners, or diplomate certificate from an
17 American specialty board, such certification shall be lim-
18 ited to that specific specialty in the practice of medicine
19 and surgery in this state, or the certificate of license to
20 practice medicine and surgery legally granted by the state
21 board of registration or examination or licensing board of
22 another state or territory, whose standard of qualification
23 for the practice of medicine and surgery is equivalent to
24 that of this state, and grant to such applicant a certificate
25 of license to practice medicine and surgery in this state:
26 *Provided, however*, That whenever in the judgment of
27 the medical licensing board a condition exists in which
28 medical service may be required, the said board is autho-
29 rized to grant permits for the practice of medicine to
30 qualified physicians in prescribed areas, and such permits
31 shall be subject to revocation when the agreement, under
32 which they were issued, has been violated. A fee of one
33 hundred dollars shall accompany each application for
34 licensure by examination, reexamination, or reciprocity,
35 twenty-five dollars of which shall be retained by the board
36 in the event an application is withdrawn or rejected. A
37 fee of twenty-five dollars shall accompany each applica-
38 tion for temporary permits and a fee of ten dollars shall
39 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 of
2 August, one thousand nine hundred forty-nine, is licensed
3 as a physician or surgeon to practice medicine and surgery
4 in this state, shall, on or before the said thirty-first day of
5 August, one thousand nine hundred forty-nine, make ap-
6 plication to the medical licensing board for registration,
7 and shall be registered by the said board, as the holder of
8 such license, which registration shall be for the period

9 ending on the thirtieth day of June, one thousand nine
10 hundred fifty-one. On or before the said thirtieth day of
11 June, one thousand nine hundred fifty-one, and biennially
12 thereafter, on or before the thirtieth day of June of each
13 biennial period, every person licensed as a physician or
14 surgeon in this state shall apply to the said board for
15 registration, or a renewal of registration, as such license
16 holder: *Provided*, That no registration shall be required of
17 any holder of a certificate of licensure for the biennial
18 period, or any portion thereof, during which such certi-
19 ficate is issued.

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

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

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

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

1 The medical licensing board may refuse to grant a cer-
2 tificate of license to a person who has been found guilty
3 of a felony as decreed by a court of law, or to a person
4 known to indulge in gross immorality, or to a person who
5 is addicted to drunkenness or the habitual use of narcotic

6 drugs, or to a person known to engage in malpractice, or
7 to a person who resorts to fraud in procuring the certifi-
8 cate and may suspend or revoke a certificate for like cause.
9 No such refusal, suspension or revocation shall be ordered
10 by reason of the individual belonging to or practicing in
11 any particular school or system of medicine.

§30-3-7. Fees for reciprocal endorsement.

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 article three of this chapter: The
4 sum of twenty-five dollars for a reciprocal endorsement.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

H. Daniel Darby
Chairman Senate Committee

Clarence Sebastian J.
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Howard W. Garrison
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

H. P. Brotherton, Jr.
President of the Senate

Lewis T. McNamee
Speaker House of Delegates

The within approved this the 19th
day of March, 1974.

Arch A. Shreve, Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 3/14/74

Time 2:15 p.m.