

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-24-79

Time 1:30 p.m.

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1979



ENROLLED

Committee Substitute for
HOUSE BILL No. 1256

(By Mr. Mathis)



Passed March 10, 1979

In Effect Ninety Days From Passage



No. 1256

ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 1256

(By MR. MATHIS)

[Passed March 10, 1979; in effect ninety days from passage.]

AN ACT to amend and reenact section four, 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; licensing of practitioners from other states; temporary permits to practice.

Be it enacted by the Legislature of West Virginia:

That section four, 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 or 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: (a)
- 3 All such persons as shall be legally entitled to practice
- 4 medicine and surgery in this state including those persons
- 5 holding temporary permits to practice in prescribed areas
- 6 as of the effective date of this section; (b) all such persons
- 7 as shall be graduates of medical schools, as approved by

8 the medical licensing board of West Virginia, and who provide
9 their original diplomas or evidence thereof for authentication
10 by the medical licensing board, and who shall pass an
11 examination before the medical licensing board and shall
12 receive a certificate therefrom as hereinafter provided:
13 *Provided*, That the said board, or a majority of them, may
14 accept in lieu of an examination of applicants, the certificate
15 of the national board of medical examiners issued within the
16 previous eight years, or diplomate certificate from an Ameri-
17 can specialty board: *Provided, however*, That any certificate
18 or license to practice which is granted by the board by virtue
19 of such diplomate certificate shall only be valid so long as the
20 holder thereof maintains such diplomate certificate in good
21 standing with the applicable American specialty board and no
22 longer and such certification shall be limited to that specific
23 specialty in the practice of medicine and surgery in this state,
24 or the certificate of license to practice medicine and surgery
25 legally granted by the state board of registration or examina-
26 tion or licensing board of another state or territory, whose
27 standard of qualification for the practice of medicine and sur-
28 gery is equivalent to that of this state, and grant to such ap-
29 plicant a certificate of license to practice medicine and surgery
30 in this state: *Provided, however*, That any physician who has
31 been certified by the educational council for foreign medical
32 graduates or who, as of the effective date of this section, holds
33 a temporary permit to practice in a prescribed area, shall not
34 when under the supervision of a licensed physician be in-
35 eligible for a temporary license permit to practice in any mental
36 health or state-owned facility and, in any hospital, clinic, phy-
37 sician's office and any other approved health care facility
38 until July one, one thousand nine hundred eighty-two by virtue
39 of his failure to pass the medical examination prescribed by
40 the board, so long as such physician shall take said examina-
41 tion at least once each year: *Provided*, That any such physician
42 granted a temporary permit who fails to pass the medical
43 examination prescribed by the board before July one, one
44 thousand nine hundred eighty-two, shall be thereafter dis-
45 qualified from obtaining any further temporary permits in
46 this state: *Provided, however*, That after July one, one thou-
47 sand nine hundred eighty, no physician may be awarded a

48 temporary permit unless such physician was a bona fide
49 resident of this state for the six-month period preceding the
50 filing of his application for such temporary permit: *Provided*
51 *further*, That no one who does not hold a temporary permit
52 on or before the effective date of this section shall be eligible
53 for a temporary permit who has failed to pass the medical
54 examination or an examination equivalent to that given by the
55 medical licensing board on two or more occasions: *Provided*
56 *further*, That nothing herein shall prohibit any former tem-
57 porary permit holder from being certified as a physician as-
58 sistant pursuant to article three-a of chapter thirty: *And pro-*
59 *vided further*, That the board shall not limit the number of
60 times a physician may take the medical examination, and that
61 the said board is required to establish a program that will assist
62 all temporary license holders in preparing for and passing
63 the medical examination prescribed by it. Whenever in the
64 judgment of the medical licensing board a condition exists
65 in which medical service may be required, the said board is
66 authorized to grant permits for the practice of medicine to
67 qualified physicians in prescribed areas, and such permits
68 shall be subject to revocation when the agreement, under
69 which they were issued, has been violated.

70 A fee of one hundred fifty dollars shall accompany each
71 application for licensure by examination, reexamination or
72 reciprocity, twenty-five dollars of which shall be retained by the
73 board in the event an application is withdrawn or rejected.
74 A fee of twenty-five dollars shall accompany each application
75 for temporary permits and a fee of ten dollars shall accom-
76 pany each application for an extension thereof.

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


Chairman Senate Committee

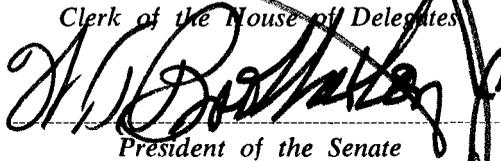

Chairman House Committee

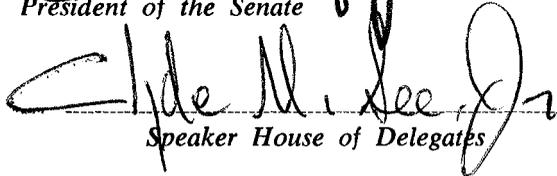
Originated in the House.

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 is approved this the 24
day of March, 1979.


Governor

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OFFICE OF THE GOVERNOR

EDMUND STATE

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