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
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 permitted to practice medicine and surgery in this state: (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 examination of applicants, the certificate
of the national board of medical examiners issued within the
previous eight years, or diplomate certificate from an Ameri-
can specialty board: Provided, however, That any certificate
or license to practice which is granted by the board by virtue
of such diplomate certificate shall only be valid so long as the
holder thereof maintains such diplomate certificate in good
standing with the applicable American specialty board and no
longer and such certification shall be limited 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 examina-
tion or licensing board of another state or territory, whose
standard of qualification for the practice of medicine and sur-
gery is equivalent to that of this state, and grant to such ap-
plicant a certificate of license to practice medicine and surgery
in this state: Provided, however, That any physician who has
been certified by the educational council for foreign medical
graduates or who, as of the effective date of this section, holds
a temporary permit to practice in a prescribed area, shall not
when under the supervision of a licensed physician be in-
eligible for a temporary license permit to practice in any mental
health or state-owned facility and, in any hospital, clinic, phy-
sician's office and any other approved health care facility
until July one, one thousand nine hundred eighty-two by virtue
of his failure to pass the medical examination prescribed by
the board, so long as such physician shall take said examina-
tion at least once each year: Provided, That any such physician
granted a temporary permit who fails to pass the medical
examination prescribed by the board before July one, one
thousand nine hundred eighty-two, shall be thereafter dis-
qualified from obtaining any further temporary permits in
this state: Provided, however, That after July one, one thou-
sand nine hundred eighty, no physician may be awarded a
temporary permit unless such physician was a bona fide resident of this state for the six-month period preceding the filing of his application for such temporary permit: Provided further, That no one who does not hold a temporary permit on or before the effective date of this section shall be eligible for a temporary permit who has failed to pass the medical examination or an examination equivalent to that given by the medical licensing board on two or more occasions: Provided further, That nothing herein shall prohibit any former temporary permit holder from being certified as a physician assistant pursuant to article three-a of chapter thirty: And provided further, That the board shall not limit the number of times a physician may take the medical examination, and that the said board is required to establish a program that will assist all temporary license holders in preparing for and passing the medical examination prescribed by it. Whenever in the judgment of the medical licensing board a condition exists in which medical service may be required, the said board is authorized 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 fifty 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 application for temporary permits and a fee of ten dollars shall accompany each application for an extension thereof.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis  
Chairman Senate Committee

Clarence C. Cheatham, Jr.  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. C. O'Dell  
Clerk of the Senate

A. B. Handy  
Clerk of the House of Delegates

W. M. Barbour  
President of the Senate

Clyde M. Van Deen, Jr.  
Speaker House of Delegates

The within _______ approved _______ this the _______ day of _______, 1979.

Robert D. Bentley  
Governor

C-541