WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981

ENROLLED
SENATE BILL NO. 682
(By Mr. Swice & Mr. Smidt)

PASSED April 10, 1981
In Effect July 1, 1981

APPROVED AND SIGNED BY THE GOVERNOR
Date 4-29-81
Time __________________________
No. 682
ENROLLED

Senate Bill No. 682
(By Mr. Wise and Mr. Tomblin)

[Passed April 10, 1981; in effect July 1, 1981.]

AN ACT to amend and reenact section ten, article three, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to extending until the first day of July, one thousand nine hundred eighty-four, certain temporary permits to practice medicine and surgery in the state; extending a certain privilege to take a certain examination; and expanding to three years a certain privilege to practice medicine and surgery in specified geographical areas of the state; establishing a program to assist temporary license holders in preparing for the medical examination.

Be it enacted by the Legislature of West Virginia:

That section ten, 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. WEST VIRGINIA MEDICAL PRACTICE ACT.

§30-3-10. Qualifications for license to practice medicine and surgery and to practice podiatry; examinations; fees; educational training permit; temporary permits; continuance of former licenses and permits.

1. (a) The board shall issue a license to practice medicine and surgery or to practice podiatry to any individual who is qualified to do so in accordance with the provisions of this article.

2. (b) For an individual to be licensed to practice medicine and surgery in this state, he must meet the following requirements:
(1) He shall submit an application to the board on a form provided by the board and remit to the board an examination fee not to exceed two hundred fifty dollars, the amount of such fee to be set by the board. The application must, as a minimum, require a sworn and notarized statement that the applicant is of good moral character and that he is physically and mentally capable of engaging in the practice of medicine and surgery;

(2) He must provide evidence of graduation and receipt of the degree of doctor of medicine or its equivalent from a school of medicine which is approved by the liaison committee on medical education or by the board;

(3) He must submit evidence to the board of having completed a minimum of one year of graduate clinical training in a program approved by the board; and

(4) He must pass an examination approved by the board, which examination can be related to a national standard. The examination shall be in the English language and be designed to ascertain an applicant's fitness to practice medicine and surgery. The board shall before the date of examination determine what will constitute a passing score: 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 American 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. If an applicant fails to pass the examination on two occasions, he shall successfully complete a course of study or training, as approved by the board, designed to improve his ability to engage in the practice of medicine and surgery, before being eligible for reexamination: Provided further, That 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: Provided further, That said board shall maintain the program until the first day of July, one thousand nine hundred eighty-four, and shall make
an annual report of its activities to the Legislature for each
year the program is maintained.
(c) In addition to the requirements of subsection (b)
hereof, any individual who has received the degree of doctor
of medicine or its equivalent from a school of medicine
located outside of the United States, the Commonwealth of
Puerto Rico and Canada, to be licensed to practice medicine
in this state, must also meet the following additional
requirements and limitations:
(1) He must be able to demonstrate to the satisfaction of
the board his ability to communicate in the English language;
and
(2) He must have fulfilled the requirements of the
educational council for foreign medical graduates for
certification before taking a licensure examination, including
the receipt of a passing score on the educational council for
foreign medical graduates examination; and
(3) An individual subject to the provisions of this
subsection shall not be awarded a temporary permit unless
such individual was a bona fide resident of this state for the
six-month period preceding the filing of his application for
such temporary permit: Provided, That an individual subject
to the provisions of this subsection who did not hold a
temporary permit before June eight, one thousand nine
hundred seventy-nine, shall be ineligible for a temporary
permit if he has failed to pass the medical examination
prescribed by the board on two or more occasions.
(d) For an individual to be licensed to practice podiatry in
this state, he must meet the following requirements:
(1) He shall submit an application to the board on a form
provided by the board and remit to the board an examination
fee not to exceed two hundred fifty dollars, the amount of
such fee to be set by the board. The application must, as a
minimum, require a sworn and notarized statement that the
applicant is of good moral character and that he is physically
and mentally capable of engaging in the practice of podiatric
medicine;
(2) He must provide evidence of graduation and receipt of
the degree of doctor of podiatric medicine or its equivalent
from a school of podiatric medicine which is approved by the
council of podiatry education or by the board;
(3) He must pass an examination approved by the board,
which examination can be related to a national standard. The
examination shall be in the English language and be designed
to ascertain an applicant's fitness to practice podiatric
medicine. The board shall before the date of examination
determine what will constitute a passing score. If an applicant
fails to pass the examination on two occasions, he shall
successfully complete a course of study or training, as
approved by the board, designed to improve his ability to
engage in the practice of podiatric medicine, before being
eligible for reexamination.

(e) An individual meeting the requirements set forth in
subdivisions (1) and (2), subsection (b) and subdivisions (1)
and (2), subsection (c), if applicable, of this section, may be
granted an educational training permit to practice medicine
and surgery. Such permits shall authorize the permit holder
to practice medicine and surgery only under the supervision
of a licensed physician in a training program approved by the
liaison committee on graduate medical education or the
board. The board may fix and collect a fee not to exceed fifty
dollars for this class of permit.

(f) If the board determines that the public health in a
specified geographical area of the state requires such action,
the board may grant a temporary permit to an individual who
meets the requirements set forth in subdivisions (1) and (2),
subsection (b) and subdivisions (1) and (2), subsection (c), if
applicable, of this section. Such license shall be limited to the
specified geographical area and shall be valid for a period of
not more than one year. The board may fix and collect a fee
not to exceed fifty dollars for this class of temporary permit.

(g) All licenses or temporary permits granted prior to the
effective date of this article and valid on the effective date of
this article shall continue in full effect for such term and
under such conditions as provided by law at the time of the
granting of the license or temporary permit: Provided, 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 ineligible for a
temporary license permit to practice in any mental health or
state-owned facility and in any hospital, clinic, physician's
office and any other approved health care facility until the
first day of July, one thousand nine hundred eighty-four, by
virtue of his failure to pass the medical examination
prescribed by the board, so long as such physician shall take
said examination at least once each year: Provided, however,
That any such physician granted a temporary permit who
fails to pass the medical examination prescribed by the board
before the first day of July, one thousand nine hundred
eighty-four, shall be thereafter disqualified from obtaining
any further temporary permits in this state: Provided further,
That the provisions of subsection (d) of this section shall not
apply to any person legally entitled to practice chiropody or
podiatry in this state prior to June eleventh, one thousand
nine hundred sixty-five: And provided further, That all
persons licensed to practice chiropody prior to June eleventh,
one thousand nine hundred sixty-five, shall be permitted to
use the term "chiropody-podiatry" and shall have the rights,
privileges and responsibilities of a podiatrist set out in this
article.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

R. P. Bayles
Chairman Senate Committee

Tony E. Whitlow
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1981.

S. C. Willis
Clerk of the Senate

C. W. Blankenship
Clerk of the House of Delegates

Abraham P. Johnson
President of the Senate

J. W. Dell, Jr.
Speaker House of Delegates

The within is approved this the 29

day of April, 1981.

John L. Brydges
Governor