

APPROVED AND SIGNED BY THE GOVERNOR

Date 4-29-81

Time _____

No. 682

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981

ENROLLED

SENATE BILL NO. 682

(By Mr. Shise & Mr. Tomblin)

PASSED April 10, 1981

In Effect July 1, 1981 ~~Passage~~

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
2 surgery or to practice podiatry to any individual who is
3 qualified to do so in accordance with the provisions of this
4 article.
- 5 (b) For an individual to be licensed to practice medicine
6 and surgery in this state, he must meet the following
7 requirements:

8 (1) He shall submit an application to the board on a form
9 provided by the board and remit to the board an examination
10 fee not to exceed two hundred fifty dollars, the amount of
11 such fee to be set by the board. The application must, as a
12 minimum, require a sworn and notarized statement that the
13 applicant is of good moral character and that he is physically
14 and mentally capable of engaging in the practice of medicine
15 and surgery;

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

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

23 (4) He must pass an examination approved by the board,
24 which examination can be related to a national standard. The
25 examination shall be in the English language and be designed
26 to ascertain an applicant's fitness to practice medicine and
27 surgery. The board shall before the date of examination
28 determine what will constitute a passing score: *Provided*,
29 That the said board, or a majority of them, may accept in lieu
30 of an examination of applicants, the certificate of the national
31 board of medical examiners issued within the previous eight
32 years, or diplomate certificate from an American specialty
33 board: *Provided, however*, That any certificate or license to
34 practice which is granted by the board by virtue of such
35 diplomate certificate shall only be valid so long as the holder
36 thereof maintains such diplomate certificate in good standing
37 with the applicable American specialty board and no longer
38 and such certification shall be limited to that specific
39 specialty in the practice of medicine and surgery in this state.
40 If an applicant fails to pass the examination on two occasions,
41 he shall successfully complete a course of study or training,
42 as approved by the board, designed to improve his ability to
43 engage in the practice of medicine and surgery, before being
44 eligible for reexamination: *Provided further*, That said board
45 is required to establish a program that will assist all
46 temporary license holders in preparing for and passing the
47 medical examination prescribed by it: *Provided further*, That
48 said board shall maintain the program until the first day of
49 July, one thousand nine hundred eighty-four, and shall make

50 an annual report of its activities to the Legislature for each
51 year the program is maintained.

52 (c) In addition to the requirements of subsection (b)
53 hereof, any individual who has received the degree of doctor
54 of medicine or its equivalent from a school of medicine
55 located outside of the United States, the Commonwealth of
56 Puerto Rico and Canada, to be licensed to practice medicine
57 in this state, must also meet the following additional
58 requirements and limitations:

59 (1) He must be able to demonstrate to the satisfaction of
60 the board his ability to communicate in the English language;
61 and

62 (2) He must have fulfilled the requirements of the
63 educational council for foreign medical graduates for
64 certification before taking a licensure examination, including
65 the receipt of a passing score on the educational council for
66 foreign medical graduates examination; and

67 (3) An individual subject to the provisions of this
68 subsection shall not be awarded a temporary permit unless
69 such individual was a bona fide resident of this state for the
70 six-month period preceding the filing of his application for
71 such temporary permit: *Provided*, That an individual subject
72 to the provisions of this subsection who did not hold a
73 temporary permit before June eight, one thousand nine
74 hundred seventy-nine, shall be ineligible for a temporary
75 permit if he has failed to pass the medical examination
76 prescribed by the board on two or more occasions.

77 (d) For an individual to be licensed to practice podiatry in
78 this state, he must meet the following requirements:

79 (1) He shall submit an application to the board on a form
80 provided by the board and remit to the board an examination
81 fee not to exceed two hundred fifty dollars, the amount of
82 such fee to be set by the board. The application must, as a
83 minimum, require a sworn and notarized statement that the
84 applicant is of good moral character and that he is physically
85 and mentally capable of engaging in the practice of podiatric
86 medicine;

87 (2) He must provide evidence of graduation and receipt of
88 the degree of doctor of podiatric medicine or its equivalent
89 from a school of podiatric medicine which is approved by the
90 council of podiatry education or by the board;

91 (3) He must pass an examination approved by the board,
92 which examination can be related to a national standard. The

93 examination shall be in the English language and be designed
94 to ascertain an applicant's fitness to practice podiatric
95 medicine. The board shall before the date of examination
96 determine what will constitute a passing score. If an applicant
97 fails to pass the examination on two occasions, he shall
98 successfully complete a course of study or training, as
99 approved by the board, designed to improve his ability to
100 engage in the practice of podiatric medicine, before being
101 eligible for reexamination.

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

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

121 (g) All licenses or temporary permits granted prior to the
122 effective date of this article and valid on the effective date of
123 this article shall continue in full effect for such term and
124 under such conditions as provided by law at the time of the
125 granting of the license or temporary permit: *Provided*, That
126 any physician who has been certified by the educational
127 council for foreign medical graduates or who, as of the
128 effective date of this section, holds a temporary permit to
129 practice in a prescribed area, shall not when under the
130 supervision of a licensed physician be ineligible for a
131 temporary license permit to practice in any mental health or
132 state-owned facility and in any hospital, clinic, physician's
133 office and any other approved health care facility until the
134 first day of July, one thousand nine hundred eighty-four, by
135 virtue of his failure to pass the medical examination

136 prescribed by the board, so long as such physician shall take
137 said examination at least once each year: *Provided, however,*
138 That any such physician granted a temporary permit who
139 fails to pass the medical examination prescribed by the board
140 before the first day of July, one thousand nine hundred
141 eighty-four, shall be thereafter disqualified from obtaining
142 any further temporary permits in this state: *Provided further,*
143 That the provisions of subsection (d) of this section shall not
144 apply to any person legally entitled to practice chiropractic or
145 podiatry in this state prior to June eleventh, one thousand
146 nine hundred sixty-five: *And provided further,* That all
147 persons licensed to practice chiropractic prior to June eleventh,
148 one thousand nine hundred sixty-five, shall be permitted to
149 use the term "chiropractic-podiatry" and shall have the rights,
150 privileges and responsibilities of a podiatrist set out in this
151 article.

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

R. P. Beyer
Chairman Senate Committee

Tommy E. Whitlow
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1981.

Todd C. Willis
Clerk of the Senate

V. Blankenship
Clerk of the House of Delegates

Robert R. Brown
President of the Senate

John H. Seely, Jr.
Speaker House of Delegates

The within *is approved* this the *29*

day of *April*, 1981.

John H. Seely, Jr.
Governor

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