

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-31-82

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1982



# ENROLLED

*Committee Substitute for*  
HOUSE BILL No. 1340

(By Mr. Schifano & Mrs. Theiling)



Passed March 12, 1982

In Effect ninety days from Passage



**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR

**H. B. 1340**

(MR. SCHIFANO and MRS. THEILING)

[Passed March 12, 1982; in effect ninety days from passage.]

AN ACT to amend and reenact section five, article three, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the West Virginia Medical Practice Act; appointment of members to the West Virginia board of medicine; providing for appointment of one Type A physician assistant member and one additional lay member to the board of medicine.

*Be it enacted by the Legislature of West Virginia:*

That section five, 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.**

**§30-3-5. West Virginia board of medicine created; transfer of powers and duties from medical licensing board; appointment and terms of members; vacancies; removal.**

1     There is hereby created a medical licensing board to be  
2     known as the "West Virginia Board of Medicine." The West  
3     Virginia board of medicine shall assume, carry on and succeed  
4     to all the duties, rights, powers, obligations and liabilities  
5     heretofore belonging to or exercised by the medical licensing

6 board of West Virginia. All the rules and regulations, orders,  
7 rulings, licenses, certificates, permits and other acts and under-  
8 takings of the medical licensing board of West Virginia as  
9 heretofore constituted shall continue as those of the West Vir-  
10 ginia board of medicine until they expire or are amended, al-  
11 tered or revoked. The board shall be the sole authority for the  
12 issuance of licenses to practice medicine and surgery and to  
13 practice podiatry and certificates for physician assistants in  
14 this state and shall be a regulatory and disciplinary body for  
15 the practice of medicine and surgery and the practice of podi-  
16 atry and for physician assistants in this state.

17 The board shall consist of fifteen members. One member  
18 shall be the state director of health ex officio, with the right  
19 to vote as a member of the board. The other fourteen members  
20 shall be appointed by the governor, with the advice and con-  
21 sent of the Senate. Eight of the members shall be appointed  
22 from among individuals holding the degree of doctor of medi-  
23 cine and two shall hold the degree of doctor of podiatric medi-  
24 cine. One member shall be an individual certified by the board  
25 as a Type A physician assistant. Each of these members must  
26 be duly licensed or certified to practice his or her profession  
27 in this state on the date of appointment and must have been  
28 licensed or certified and actively practicing that profession  
29 for at least five years immediately preceding the date of ap-  
30 pointment. Three lay members shall be appointed to repre-  
31 sent health care consumers. Neither the lay members nor any  
32 person of the lay members' immediate families shall be a pro-  
33 vider of or be employed by a provider of health care services.  
34 The state director of health's term shall continue for the per-  
35 iod that he or she holds office as state director of health. Each  
36 other member of the board shall be appointed to serve a term  
37 of five years: *Provided*, That the members of the medical  
38 licensing board or board of medicine holding appointments on  
39 the effective date of this section shall continue to serve as  
40 members of the board of medicine until the expiration of their  
41 term unless sooner removed. Each term shall begin on the  
42 first day of October of the applicable year, and a member may  
43 not be appointed to more than two consecutive full terms on  
44 the board.

45 Not more than four physicians, one podiatrist and two lay  
46 members appointed by the governor as members of the board  
47 shall belong to the same political party. The Type A physician  
48 assistant member may not belong to the same political party to  
49 which a majority of the lay members belong. A person is not  
50 eligible for membership on the board who is a member of any  
51 political party executive committee or, with the exception of  
52 the state director of health, who holds any public office or pub-  
53 lic employment under the federal government or under the  
54 government of this state or any political subdivision thereof or  
55 who is an appointee or employee of the state board of health.

56 In making appointments to the board, the governor shall, so  
57 far as practicable, select the members from different geograph-  
58 ical sections of the state. When a vacancy on the board occurs  
59 and less than one year remains in the unexpired term, the ap-  
60 pointee shall be eligible to serve the remainder of the unex-  
61 pired term and two consecutive full terms on the board.

62 No member may be removed from office except for official  
63 misconduct, incompetence, neglect of duty or gross immorality:  
64 *Provided*, That the expiration or revocation of the profes-  
65 sional license or certification of a member of the board shall  
66 be cause for removal.

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

*R. P. Bayla*  
-----  
Chairman Senate Committee

*Jonny E. Whetlow*  
-----  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Jedd C. Willis*  
-----  
Clerk of the Senate

*VA Blankenship*  
-----  
Clerk of the House of Delegates

*Walter R. McSwain*  
-----  
President of the Senate

*Alfred M. Lee, Jr.*  
-----  
Speaker House of Delegates

The within is approved this the 31  
day of March, 1982.

*Paul R. Byrne*  
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Governor

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OFFICE  
SECY. OF STATE