WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1982

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ENROLLED
Committee Substitute for
HOUSE BILL No. 1340

(By Mr. Schifano & Mrs. Thelting)

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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 known as the “West Virginia Board of Medicine.” The West Virginia board of medicine shall assume, carry on and succeed to all the duties, rights, powers, obligations and liabilities heretofore belonging to or exercised by the medical licensing
board of West Virginia. All the rules and regulations, orders, 
rulings, licenses, certificates, permits and other acts and under-
takings of the medical licensing board of West Virginia as 
eretofore constituted shall continue as those of the West Vir-
ginia board of medicine until they expire or are amended, al-
tered or revoked. The board shall be the sole authority for the 
issuance of licenses to practice medicine and surgery and to 
practice podiatry and certificates for physician assistants in 
this state and shall be a regulatory and disciplinary body for 
the practice of medicine and surgery and the practice of podi-
atriy and for physician assistants in this state.

The board shall consist of fifteen members. One member 
shall be the state director of health ex officio, with the right 
to vote as a member of the board. The other fourteen members 
shall be appointed by the governor, with the advice and con-
sent of the Senate. Eight of the members shall be appointed 
from among individuals holding the degree of doctor of medi-
cine and two shall hold the degree of doctor of podiatric medi-
cine. One member shall be an individual certified by the board 
as a Type A physician assistant. Each of these members must 
be duly licensed or certified to practice his or her profession 
in this state on the date of appointment and must have been 
licensed or certified and actively practicing that profession 
for at least five years immediately preceding the date of ap-
pointment. Three lay members shall be appointed to repre-
sent health care consumers. Neither the lay members nor any 
person of the lay members’ immediate families shall be a pro-
vider of or be employed by a provider of health care services. 
The state director of health’s term shall continue for the per-
iod that he or she holds office as state director of health. Each 
other member of the board shall be appointed to serve a term 
of five years: Provided, That the members of the medical 
licensing board or board of medicine holding appointments on 
the effective date of this section shall continue to serve as 
members of the board of medicine until the expiration of their 
term unless sooner removed. Each term shall begin on the 
first day of October of the applicable year, and a member may 
not be appointed to more than two consecutive full terms on 
the board.
Not more than four physicians, one podiatrist and two lay members appointed by the governor as members of the board shall belong to the same political party. The Type A physician assistant member may not belong to the same political party to which a majority of the lay members belong. A person is not eligible for membership on the board who is a member of any political party executive committee or, with the exception of the state director of health, who holds any public office or public employment under the federal government or under the government of this state or any political subdivision thereof or who is an appointee or employee of the state board of health.

In making appointments to the board, the governor shall, so far as practicable, select the members from different geographical sections of the state. When a vacancy on the board occurs and less than one year remains in the unexpired term, the appointee shall be eligible to serve the remainder of the unexpired term and two consecutive full terms on the board.

No member may be removed from office except for official misconduct, incompetence, neglect of duty or gross immorality: Provided, That the expiration or revocation of the professional license or certification of a member of the board shall be cause for removal.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Tony E. Whitlow

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Judd C. Wills

Clerk of the House of Delegates

Warren R. McDonald

President of the Senate

Speaker House of Delegates

The within ___________________ this the __ day of __________________, 1982.

Governor

[Signature]