WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1984

ENROLLED
Committee Substitute for
SENATE BILL NO. 482

(By Mr. Leicht)

PASSED March 10, 1984
In Effect 60 days from Passage
ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 482
(Ms. Lucht, original sponsor)

[Passed March 10, 1984; in effect ninety days from passage.]

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 licenses to practice medicine, surgery and podiatry; educational training permits; temporary licenses and permits; extension of time in which temporary permittees must become licensed.

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. Licenses to practice medicine and surgery or podiatry; educational training permits; temporary 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.

(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 applic-
application must, as a minimum, require a sworn and notar-
ized 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 fit-
ness 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 examina-
tion of applicants, the certificate of the national board
of medical examiners issued within the previous eight
years, or diplomate certificate from an American special-
ty board: Provided, however, That any certificate or
license to practice which is granted by the board by vir-
tue of such diplomate certificate shall only be valid so
long as the holder thereof maintains such diplomate
certificate in good standing with the applicable Ameri-
can 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: And
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 Com-
monwealth of Puerto Rico and Canada, to be licensed to
practice medicine in this state, must also meet the fol-
lowing 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, in-
cluding 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 sub-
section 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 applica-
tion for such temporary permit: Provided, That an indi-
vidual 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 ap-
lication must, as a minimum, require a sworn and notar-
ized statement that the applicant is of good moral char-
acter 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 ef-
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-five 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 such physician shall be enrolled in an educational program approved by the board that will assist him in preparing for the examination and that the program sponsored by the University of Charleston shall be deemed to be so approved: Provided further, 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-five shall be thereafter disqualified from obtaining any further temporary permits in this state: And provided further, That notwithstanding any provision of law to the contrary, the name, address, and type of license or permit held by any physician shall be public information: And 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.

Chairman Senate Committee

Donald Anello
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 30 day of March, 1984.

Governor