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OFFICE OF THE GOVERNOR

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1984



**ENROLLED**

*Committee Substitute for*  
SENATE BILL NO. 482

(By Mr. *Lucht*)



PASSED *March 10* 1984

In Effect *unity day 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  
2 and surgery or to practice podiatry to any individual who  
3 is qualified to do so in accordance with the provisions of  
4 this article.

5     (b) For an individual to be licensed to practice medi-  
6 cine and surgery in this state, he must meet the follow-  
7 ing requirements:

8     (1) He shall submit an application to the board on a  
9 form provided by the board and remit to the board an  
10 examination fee not to exceed two hundred fifty dollars,

11 the amount of such fee to be set by the board. The ap-  
12 plication must, as a minimum, require a sworn and notar-  
13 ized statement that the applicant is of good moral  
14 character and that he is physically and mentally capable  
15 of engaging in the practice of medicine and surgery;

16 (2) He must provide evidence of graduation and receipt  
17 of the degree of doctor of medicine or its equivalent from  
18 a 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  
24 board, which examination can be related to a national  
25 standard. The examination shall be in the English  
26 language and be designed to ascertain an applicant's fit-  
27 ness to practice medicine and surgery. The board shall  
28 before the date of examination determine what will  
29 constitute a passing score: *Provided*, That the said board,  
30 or a majority of them, may accept in lieu of an examina-  
31 tion of applicants, the certificate of the national board  
32 of medical examiners issued within the previous eight  
33 years, or diplomate certificate from an American special-  
34 ty board: *Provided, however*, That any certificate or  
35 license to practice which is granted by the board by vir-  
36 tue of such diplomate certificate shall only be valid so  
37 long as the holder thereof maintains such diplomate  
38 certificate in good standing with the applicable Ameri-  
39 can specialty board and no longer and such certification  
40 shall be limited to that specific specialty in the practice  
41 of medicine and surgery in this state. If an applicant  
42 fails to pass the examination on two occasions, he shall  
43 successfully complete a course of study or training, as  
44 approved by the board, designed to improve his ability  
45 to engage in the practice of medicine and surgery, before  
46 being eligible for reexamination: *Provided further*, That  
47 said board is required to establish a program that will  
48 assist all temporary license holders in preparing for and  
49 passing the medical examination prescribed by it: *And*  
50 *provided further*, That said board shall maintain the

51 program until the first day of July, one thousand nine  
52 hundred eighty-four, and shall make an annual report of  
53 its activities to the Legislature for each year the program  
54 is maintained.

55 (c) In addition to the requirements of subsection (b)  
56 hereof, any individual who has received the degree of  
57 doctor of medicine or its equivalent from a school of  
58 medicine located outside of the United States, the Com-  
59 monwealth of Puerto Rico and Canada, to be licensed to  
60 practice medicine in this state, must also meet the fol-  
61 lowing additional requirements and limitations:

62 (1) He must be able to demonstrate to the satisfaction  
63 of the board his ability to communicate in the English  
64 language; and

65 (2) He must have fulfilled the requirements of the  
66 educational council for foreign medical graduates for  
67 certification before taking a licensure examination, in-  
68 cluding the receipt of a passing score on the educational  
69 council for foreign medical graduates examination; and

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

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

83 (1) He shall submit an application to the board on a  
84 form provided by the board and remit to the board an  
85 examination fee not to exceed two hundred fifty dollars,  
86 the amount of such fee to be set by the board. The ap-  
87 plication must, as a minimum, require a sworn and notar-  
88 ized statement that the applicant is of good moral char-  
89 acter and that he is physically and mentally capable of  
90 engaging in the practice of podiatric medicine;

91 (2) He must provide evidence of graduation and receipt  
92 of the degree of doctor of podiatric medicine or its  
93 equivalent from a school of podiatric medicine which  
94 is approved by the council of podiatry education or by  
95 the board;

96 (3) He must pass an examination approved by the  
97 board, which examination can be related to a national  
98 standard. The examination shall be in the English  
99 language and be designed to ascertain an applicant's  
100 fitness to practice podiatric medicine. The board shall  
101 before the date of examination determine what will con-  
102 stitute a passing score. If an applicant fails to pass the  
103 examination on two occasions, he shall successfully com-  
104 plete a course of study or training, as approved by the  
105 board, designed to improve his ability to engage in the  
106 practice of podiatric medicine, before being eligible for  
107 reexamination.

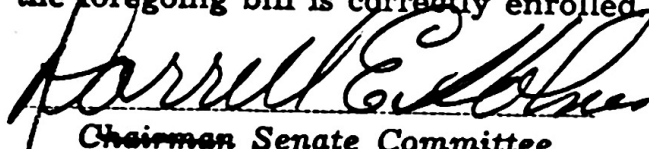
108 (e) An individual meeting the requirements set forth  
109 in subdivisions (1) and (2), subsection (b) and sub-  
110 divisions (1) and (2), subsection (c), if applicable, of  
111 of this section, may be granted an educational training  
112 permit to practice medicine and surgery. Such permits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

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

129 (g) All licenses or temporary permits granted prior  
130 to the effective date of this article and valid on the ef-

131 fective date of this article shall continue in full effect  
132 for such term and under such conditions as provided by  
133 law at the time of the granting of the license or temporary  
134 permit: *Provided*, That any physician who has been  
135 certified by the educational council for foreign medical  
136 graduates or who, as of the effective date of this section,  
137 holds a temporary permit to practice in a prescribed area,  
138 shall not when under the supervision of a licensed physi-  
139 cian be ineligible for a temporary license permit to  
140 practice in any mental health or state-owned facility and  
141 in any hospital, clinic, physician's office and any other  
142 approved health care facility until the first day of July,  
143 one thousand nine hundred eighty-five by virtue of his  
144 failure to pass the medical examination prescribed by  
145 the board, so long as such physician shall take said  
146 examination at least once each year: *Provided, however*,  
147 That, such physician shall be enrolled in an educational  
148 program approved by the board that will assist him in  
149 preparing for the examination and that the program  
150 sponsored by the University of Charleston shall be deemed  
151 to be so approved: *Provided further*, That any such phy-  
152 sician granted a temporary permit who fails to pass the  
153 medical examination prescribed by the board before the  
154 first day of July, one thousand nine hundred eighty-five  
155 shall be thereafter disqualified from obtaining any further  
156 temporary permits in this state: *And provided further*,  
157 That notwithstanding any provision of law to the con-  
158 trary, the name, address, and type of license or permit  
159 held by any physician shall be public information: *And*  
160 *provided further*, That the provisions of subsection (d)  
161 of this section shall not apply to any person legally en-  
162 titled to practice chiropody or podiatry in this state prior  
163 to June eleventh, one thousand nine hundred sixty-five:  
164 *And provided further*, That all persons licensed to prac-  
165 tice chiropody prior to June eleventh, one thousand nine  
166 hundred sixty-five, shall be permitted to use the term  
167 "chiropody-podiatry" and shall have the rights, privileges  
168 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

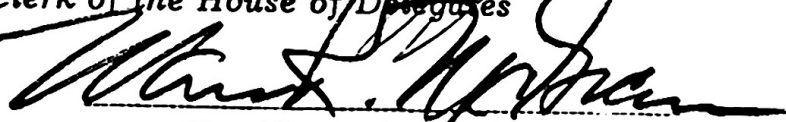
  
Chairman House Committee

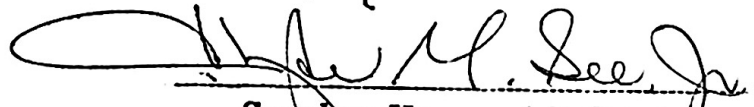
Originated in the Senate.

In effect ninety days from passage.

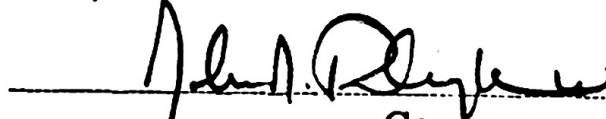
  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker House of Delegates

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

  
Governor

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