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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1985



ENROLLED

Com. Sub. for
HOUSE BILL No. 1431

(By Mr. Del. McCormick)



Passed April 13, 1985

In Effect From Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 1431
(By DELEGATE MCCORMICK)

[Passed April 13, 1985; in effect 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 the licensing of physicians to practice medicine in this state; permitting certain temporary permittees points on the licensure 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. 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
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 and
6 surgery in this state, he must meet the following requirements:

7 (1) He shall submit an application to the board on a form

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

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

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

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

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

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

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

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

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

75 (4) An individual subject to the provisions of this subsection
76 and holding a temporary permit who shall have taken the
77 examination after the first day of June, one thousand nine
78 hundred eighty-two, and no later than the thirtieth day of
79 June, one thousand nine hundred eighty-five, shall be allowed
80 one point toward his score on the licensure examination for
81 every year he has held a temporary permit in this state, up
82 to a maximum of five points for five years of practice.

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

85 (1) He shall submit an application to the board on a form
86 provided by the board and remit to the board an examination
87 fee not to exceed two hundred fifty dollars, the amount of such

88 fee to be set by the board. The application must, as a
89 minimum, require a sworn and notarized statement that the
90 applicant is of good moral character and that he is physically
91 and mentally capable of engaging in the practice of podiatric
92 medicine;

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

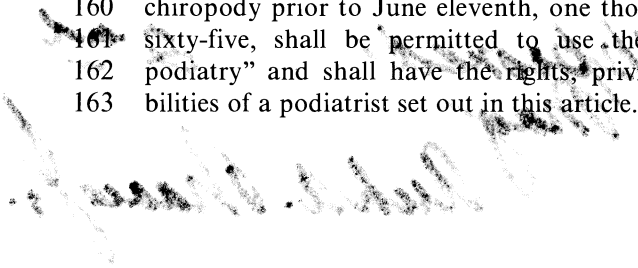
97 (3) He must pass an examination approved by the board,
98 which examination can be related to a national standard. The
99 examination shall be in the English language and be designed
100 to ascertain an applicant's fitness to practice podiatric
101 medicine. The board shall before the date of examination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

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

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

127 (g) All licenses or temporary permits granted prior to the

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



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

Harold E. Eklund
Chairman Senate Committee

Floyd Fuller
Chairman House Committee

Originating in the House.

Takes effect from passage.

Todd C. Hulten
Clerk of the Senate

Donald L. Kopp
Clerk of the House of Delegates

Sam Tenenbaum
President of the Senate

Joseph P. Allright
Speaker of the House of Delegates

The within *approved* this the *2nd*
May
day of _____, 1985.
Richard. Phares Jr.
Governor

PRESENTED TO THE

GOVERNOR

Date 4/19/85

Time 7:27 p.m.