WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1985

ENROLLED

Com. Sub. for
HOUSE BILL No. 1431

(By Mr. Dan. McConkey)

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 surgery or to practice podiatry to any individual who is qualified to do so in accordance with the provisions of this article.

5 (b) For an individual to be licensed to practice medicine and surgery in this state, he must meet the following requirements:

7 (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 application must, as a minimum, require a sworn and notarized 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 fitness 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 examination of applicants, the certificate of the national board of medical examiners issued within the previous eight years, or diplomate certificate from an American specialty board: Provided, however, That any certificate or license to practice which is granted by the board by virtue of such diplomate certificate shall only be valid so long as the holder thereof maintains such diplomate certificate in good standing with the applicable American specialty board and no longer and such certificate 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 Commonwealth of Puerto Rico and Canada, to be licensed to practice medicine in this state, must also meet the following 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, including 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 subsection 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 application for such temporary permit: Provided, That an individual 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.

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

(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 application must, as a
minimum, require a sworn and notarized statement that the
applicant is of good moral character 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 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 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 responsi-
bilities 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

Originating in the House.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within ........................................... this the ................................... day of .................................., 1985.

Governor