WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1987

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ENROLLED

HOUSE BILL No. 2778

(By Delegate Bradley)

Passed March 14, 1987

In Effect from Passage
AN ACT to amend and reenact sections three, four, five, six, eight, nine-a and ten, article fourteen, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to further amend said article by adding thereto a new section, designated section eight-a; and to amend and reenact sections two and three, article fourteen-a of said chapter, all relating to the state board of osteopathy, its members, applicants for examination, training of interns, license fees, temporary permits; resident physicians, fees for osteopathic medical corporations, biennial renewal of osteopathic assistant certification, and fee.

Be it enacted by the Legislature of West Virginia:

That sections three, four, five, six, eight, nine-a and ten, article fourteen, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that said article be further amended by adding thereto a new section, designated section eight-a; and that sections two and three, article fourteen-a of said chapter be amended and reenacted, all to read as follows:

ARTICLE 14. OSTEOPATHIC PHYSICIANS AND SURGEONS.

§30-14-3. Board of osteopathy.

There shall be a board of osteopathy, known as the “West Virginia Board of Osteopathy” composed of five members. Three of the members shall be licensed
osteopathic physicians and surgeons. These members shall be appointed by the governor by and with the consent of the Senate from a list of six or more names recommended by the West Virginia Osteopathic Society, Incorporated. Each such member of the board shall have been a resident of and engaged in the practice of his profession in this state for a period of at least five years immediately preceding his appointment. The lay members of the board shall be appointed by the governor by and with the consent of the Senate.

The members of the board shall be appointed for a term of office of three years. The members of the board in office on the date this article takes effect shall, unless sooner removed, continue to serve until their respective terms expire and until their successors have been appointed and have qualified. On or before the first day of July of each year, the governor shall appoint one member to serve for a term of three years commencing on said first day of July; and any member shall be eligible for reappointment. When a vacancy in the membership of the board occurs for any cause other than the expiration of a term, the governor shall appoint a successor as a member of the board to fill the unexpired portion of the term of office of the member whose office has been vacated.

Each member of the board, excluding lay members, shall take, in addition to the oath of office provided for in article IV, section 5 of the constitution of this state, an oath that he has been engaged in the practice of his profession in this state for at least five years immediately preceding his appointment.

§30-14-4. Application for examination.

Each applicant for examination by the board, with the exception of assistants to osteopathic physicians and surgeons, as hereinafter provided, shall submit an application therefor on forms prepared and furnished by the board, accompanied by evidence verified by oath and satisfactory to the board, establishing that the applicant has satisfied the following requirements: (a) That the applicant is eighteen years of age or over; (b) that the
applicants are of good moral character; (c) that the applicant has graduated from an approved osteopathic college; (d) that the applicant has submitted a letter of verification from an AOA approved hospital stating that he has been approved for an AOA approved internship or that the applicant is currently in an AOA approved internship, if internship has not already been completed; and (e) that the applicant has paid to the board a fee to be determined by the board that is seventy-five dollars greater than the board’s cost of processing the application.

§30-14-5. Examination; certificate of license; certificate of authorization for osteopathic medical corporation; certification and establishment of standards for employment of assistants; fee.

The examination for a license to practice medicine and surgery as an osteopathic physician and surgeon shall be written and oral and shall cover all the essential branches of medicine and surgery including anatomy, physiology, chemistry, pharmacology, pathology, public health—preventive medicine, surgery, obstetrics and gynecology, osteopathic medicine, materia medica principles and practice of osteopathy; and this list of subjects may be expanded or regrouped at the discretion of the board.

The board shall issue certificates of license to all applicants who shall successfully pass the said examination and shall present evidence showing that they have served an internship in a hospital approved by the AOA for intern training. The board shall also examine the application of any one or more osteopathic physicians or surgeons for the formation of an osteopathic medical corporation, filed pursuant to the provisions of section nine-a of this article, and issue a certificate of authorization therefor to any applicant or applicants legally entitled to receive the same. The board shall also have authority to authorize osteopathic medical corporations, in accordance with the provisions of sections nine-a and nine-b of this article, to practice osteopathic medicine and surgery through duly licensed osteopathic
physicians and surgeons.

The board shall have the power to certify and establish standards for employment of assistants to osteopathic physicians and surgeons.

No license shall be issued under the provisions of this section until the person applying therefor shall have paid to the board a fee of five dollars.

§30-14-6. Issuance of license without examination; fee.

The board may at its discretion issue a license without examination to an applicant who has been licensed by the national board of examiners for osteopathic physicians and surgeons, and to an applicant who has been licensed by examination in any country, state, territory, province or the District of Columbia, provided the requirements for licensure in the country, state, territory, province or the District of Columbia in which the applicant is licensed, are deemed by the board to have been equivalent to requirements for licensure in this state at the date such license was issued. The board may also at its discretion issue a license without examination to an osteopathic physician and surgeon who is a graduate of an approved osteopathic college and who has passed the examination for admission into the medical corps of any of the armed services of the United States or the United States public health service. But no license shall be issued under the provisions of this section until the person applying therefor shall have paid to the board a fee of one hundred fifty dollars and any other fees applicable to investigation.

§30-14-8. Temporary permits.

A temporary permit to practice in areas where medical services are needed, as determined by the board, may be granted by the board to a qualified applicant eligible for licensure who applies for examination during the period between examinations or regular meetings of the board. A temporary permit may also be granted by the board to a qualified applicant eligible for licensure by national boards or reciprocity for a period of thirty days, in which time applicant must
appear before one of the board members for an inter-
view for permanent licensure. Such temporary permit
shall be effective until its holder has either been granted
or denied a license at the next regular meeting of the
board. Such permit shall be subject to revocation when,
in the opinion of the board, the terms and conditions
prescribed in the permit have been violated.

§30-14-8a. Resident physicians.

Any resident physician who has held a temporary
certificate in the state of West Virginia prior to the first
day of January, one thousand nine hundred eighty-
seven, is entitled to apply for and obtain a permanent
license. In lieu of any other requirement of law,
including the provisions of article three of this chapter,
the physician is entitled to apply for and obtain a
permanent license by virtue of the fact that he or she
has held a temporary certificate and has practiced in the
state of West Virginia during the period of temporary
certification.

§30-14-9a. Osteopathic medical corporations — Application
for registration; fee; notice to secretary
of state of issuance of certificate; action by
secretary of state.

When one or more osteopathic physicians or surgeons
duly licensed to practice osteopathic medicine in the
state of West Virginia wish to form an osteopathic
medical corporation, such osteopathic physician or
surgeon, or osteopathic physicians or surgeons, shall file
a written application with the board on a form pres-
cribed by the board, and shall furnish proof satisfactory
to the board that the signer or all of the signers of such
application is or are a duly licensed osteopathic
physician or surgeon or osteopathic physicians or
surgeons. A fee of one hundred dollars shall accompany
each such application, no part of which shall be
returnable.

If the board finds that the signer or all of the signers
of such application are duly licensed, the board shall
notify the secretary of state that a certificate of
authorization has been issued to the individual or
18 individuals signing such application.
19 When the secretary of state receives notification from
20 the board that a certain individual or individuals has or
21 have been issued a certificate of authorization, he shall
22 attach such authorization to the corporation application
23 and upon compliance by the corporation with chapter
24 thirty-one of this code shall notify the incorporators that
25 such corporation, through a duly licensed osteopathic
26 physician or surgeon or duly licensed osteopathic
27 physicians and surgeons, may engage in the practice of
28 osteopathic medicine and surgery.

§30-14-10. Annual renewal of license; fee; refresher
training a prerequisite; effect of failure to
renew; reinstatement.

1 All holders of certificates of license to practice as
2 osteopathic physicians and surgeons in this state shall
3 renew them biennially on or before July first, by the
4 payment of a renewal fee of fifty-five dollars to the
5 secretary of the board. The secretary of the board shall
6 notify each certificate holder by mail of the necessity of
7 renewing his certificate at least thirty days prior to July
8 first of each year.

9 As a prerequisite to renewal of a certificate of license
10 issued by the board, each holder of such a certificate
11 shall furnish biennially to the secretary of the board
12 satisfactory evidence of having completed thirty-two
13 hours of educational refresher course training, of which
14 the total amount of hours must be AOA approved, and
15 fifty percent of the required thirty-two hours shall be
16 category (1).

17 The failure to renew a certificate of license shall
18 operate as an automatic suspension of the rights and
19 privileges granted by its issuance.

20 A certificate of license suspended by a failure to make
21 a biennial renewal thereof may be reinstated by the
22 board upon compliance of the certificate holder with the
23 following requirements: (a) Presentation to the board of
24 satisfactory evidence of educational refresher training of
25 quantity and standard approved by the board for the
previous two years; (b) payment of all fees for the
previous two years that would have been paid had the
certificate holder maintained his certificate in good
standing; and (c) payment to the board of a reinstatement fee of not to exceed twenty-five dollars as
determined by the board.

ARTICLE 14A. ASSISTANTS TO OSTEOPATHIC PHYSICIANS AND SURGEONS.


Approval of a job description and establishment of qualifications for employment as an assistant to an osteopathic physician and surgeon must be obtained from the board of osteopathy. The board of osteopathy shall certify each qualified applicant for employment as an assistant to an osteopathic physician and surgeon upon submission of a job description, and shall provide for biennial renewal of certification. The board shall have the power to revoke or suspend any certification of an assistant to an osteopathic physician and surgeon, for cause, after having given the person an opportunity to be heard in the manner provided by sections eight and nine, article one of this chapter.

§30-14A-3. Fees.

Each job description submitted by a permanently licensed osteopathic physician and surgeon shall be accompanied by a fee of fifty dollars. A fee of twenty-five dollars shall be charged for each biennial renewal of certification.
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
APPROVED this the 24th
day of April, 1987.

Governor