

No. 2778

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1987



# ENROLLED

HOUSE BILL No. 2778..

(By Delegate Bradley )



Passed March 14, 1987

In Effect from Passage

**ENROLLED**  
**H. B. 2778**  
(By DELEGATE BRADLEY)

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[Passed March 14, 1987; in effect from passage.]

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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.**

- 1 There shall be a board of osteopathy, known as the
- 2 "West Virginia Board of Osteopathy" composed of five
- 3 members. Three of the members shall be licensed

4 osteopathic physicians and surgeons. These members  
5 shall be appointed by the governor by and with the  
6 consent of the Senate from a list of six or more names  
7 recommended by the West Virginia Osteopathic Society,  
8 Incorporated. Each such member of the board shall  
9 have been a resident of and engaged in the practice of  
10 his profession in this state for a period of at least five  
11 years immediately preceding his appointment. The lay  
12 members of the board shall be appointed by the  
13 governor by and with the consent of the Senate.

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

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

#### **§30-14-4. Application for examination.**

1 Each applicant for examination by the board, with the  
2 exception of assistants to osteopathic physicians and  
3 surgeons, as hereinafter provided, shall submit an  
4 application therefor on forms prepared and furnished by  
5 the board, accompanied by evidence verified by oath and  
6 satisfactory to the board, establishing that the applicant  
7 has satisfied the following requirements: (a) That the  
8 applicant is eighteen years of age or over; (b) that the

9 applicant is of good moral character; (c) that the  
10 applicant has graduated from an approved osteopathic  
11 college; (d) that the applicant has submitted a letter of  
12 verification from an AOA approved hospital stating that  
13 he has been approved for an AOA approved internship  
14 or that the applicant is currently in an AOA approved  
15 internship, if internship has not already been completed;  
16 and (e) that the applicant has paid to the board a fee  
17 to be determined by the board that is seventy-five  
18 dollars greater than the board's cost of processing the  
19 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.**

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

11 The board shall issue certificates of license to all  
12 applicants who shall successfully pass the said exami-  
13 nation and shall present evidence showing that they  
14 have served an internship in a hospital approved by the  
15 AOA for intern training. The board shall also examine  
16 the application of any one or more osteopathic physi-  
17 cians or surgeons for the formation of an osteopathic  
18 medical corporation, filed pursuant to the provisions of  
19 section nine-a of this article, and issue a certificate of  
20 authorization therefor to any applicant or applicants  
21 legally entitled to receive the same. The board shall also  
22 have authority to authorize osteopathic medical corpo-  
23 rations, in accordance with the provisions of sections  
24 nine-a and nine-b of this article, to practice osteopathic  
25 medicine and surgery through duly licensed osteopathic

26 physicians and surgeons.

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

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

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

1 The board may at its discretion issue a license without  
2 examination to an applicant who has been licensed by  
3 the national board of examiners for osteopathic physi-  
4 cians and surgeons, and to an applicant who has been  
5 licensed by examination in any country, state, territory,  
6 province or the District of Columbia, provided the  
7 requirements for licensure in the country, state,  
8 territory, province or the District of Columbia in which  
9 the applicant is licensed, are deemed by the board to  
10 have been equivalent to requirements for licensure in  
11 this state at the date such license was issued. The board  
12 may also at its discretion issue a license without  
13 examination to an osteopathic physician and surgeon  
14 who is a graduate of an approved osteopathic college and  
15 who has passed the examination for admission into the  
16 medical corps of any of the armed services of the United  
17 States or the United States public health service. But  
18 no license shall be issued under the provisions of this  
19 section until the person applying therefor shall have  
20 paid to the board a fee of one hundred fifty dollars and  
21 any other fees applicable to investigation.

**§30-14-8. Temporary permits.**

1 A temporary permit to practice in areas where  
2 medical services are needed, as determined by the  
3 board, may be granted by the board to a qualified  
4 applicant eligible for licensure who applies for exami-  
5 nation during the period between examinations or  
6 regular meetings of the board. A temporary permit may  
7 also be granted by the board to a qualified applicant  
8 eligible for licensure by national boards or reciprocity  
9 for a period of thirty days, in which time applicant must

10 appear before one of the board members for an inter-  
11 view for permanent licensure. Such temporary permit  
12 shall be effective until its holder has either been granted  
13 or denied a license at the next regular meeting of the  
14 board. Such permit shall be subject to revocation when,  
15 in the opinion of the board, the terms and conditions  
16 prescribed in the permit have been violated.

**§30-14-8a. Resident physicians.**

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

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

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

14 If the board finds that the signer or all of the signers  
15 of such application are duly licensed, the board shall  
16 notify the secretary of state that a certificate of  
17 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

26 previous two years; (b) payment of all fees for the  
 27 previous two years that would have been paid had the  
 28 certificate holder maintained his certificate in good  
 29 standing; and (c) payment to the board of a reinstate-  
 30 ment fee of not to exceed twenty-five dollars as  
 31 determined by the board.

**ARTICLE 14A. ASSISTANTS TO OSTEOPATHIC PHYSICIANS  
 AND SURGEONS.**

**§30-14A-2. Approval and certification by board of  
 osteopathy.**

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

**§30-14A-3. Fees.**

1 Each job description submitted by a permanently  
 2 licensed osteopathic physician and surgeon shall be  
 3 accompanied by a fee of fifty dollars. A fee of twenty-  
 4 five dollars shall be charged for each biennial renewal  
 5 of certification.

Handwritten signatures and initials in black ink, including 'J. M. ...' and 'D. ...'.

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

*Bruce O. Williams*  
.....  
Chairman Senate Committee

*Lyle Satter*  
.....  
Chairman House Committee

Originating in the House.

Takes effect from passage.

*Todd C. Mills*  
.....  
Clerk of the Senate

*Donald L. Kopp*  
.....  
Clerk of the House of Delegates

*Don Toussaint*  
.....  
President of the Senate

*[Signature]*  
.....  
Speaker of the House of Delegates

The within *appeared* ..... this the *2<sup>nd</sup>*  
day of *April* ..... 1987.

*Richard D. France Jr.*  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/27/87

Time 2:40 p.m.