WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1987

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ENROLLED

Committee Substitute for
SENATE BILL NO. 166

(By Senator, Frederick F. Rockett, Jr.)

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PASSED March 10, 1987

In Effect from Passage
AN ACT to amend and reenact sections ten, eleven and twelve, article three, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to licenses to practice medicine and surgery or podiatry; examination and licensure fees; elimination of educational training permits, temporary permits and licensure by diplomate certificate from an American specialty board; additional requirements for graduate clinical training for physicians.

Be it enacted by the Legislature of West Virginia:

That sections ten, eleven and twelve, 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.

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

1. He or she shall submit an application to the board on a form provided by the board and remit to the board a reasonable examination fee, the amount of such reasonable 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 or she is physically and mentally capable of engaging in the practice of medicine and surgery;

2. He or she 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 or she must submit evidence to the board of having completed a minimum of one year of graduate clinical training in a program approved by the accreditation council for graduate medical education; and

4. He or she 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. If an applicant fails to pass the examination on two occasions, he or she shall successfully complete a course of study or training, as approved by the board, designed to improve his or her ability to engage in the practice of medicine and surgery, before being eligible for reexamination.

(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 or she must be able to demonstrate to the satisfaction of the board his or her ability to communicate in the English language;

(2) Before taking a licensure examination, he or she must have fulfilled the requirements of the educational commission for foreign medical graduates for certification, or he or she must provide evidence of receipt of a passing score on the examination of the educational commission for foreign medical graduates; and

(3) He or she must submit evidence to the board of having completed a minimum of two years of graduate clinical training in a program approved by the accreditation council for graduate medical education.

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

(1) He or she shall submit an application to the board on a form provided by the board and remit to the board a reasonable examination fee, the amount of such reasonable 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 or she is physically and mentally capable of engaging in the practice of podiatric medicine;

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

(3) He or she 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 or she shall successfully complete a course of study or training, as approved by the board, designed to improve his or her ability to engage in the practice of podiatric medicine, before being eligible for reexamination.

(e) All licenses to practice medicine and surgery granted
prior to July first, one thousand nine hundred eighty-seven, and valid on that date, 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: Provided, 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 the eleventh day of June, one thousand nine hundred sixty-five: Provided, however, That all persons licensed to practice chiropody prior to the eleventh day of June, one thousand nine hundred sixty-five, shall be permitted to use the term "chiropody-podiatry" and shall have the rights, privileges and responsibilities of a podiatrist set out in this article.

§30-3-11. Endorsement of licenses to practice medicine and surgery and podiatry; fees; temporary license.

1 (a) Any person seeking to be licensed to practice medicine and surgery in this state who holds a valid license to practice medicine and surgery attained under requirements substantially similar to the requirement of section ten of this article from another state, the District of Columbia, the Commonwealth of Puerto Rico or Canada, and any person seeking to be licensed to practice podiatry in this state who holds a valid license to practice podiatry attained under requirements substantially similar to the requirements in section ten of this article from another state, territory or foreign country or the District of Columbia shall be issued a license to practice medicine and surgery or podiatry, as appropriate, in this state if he or she meets the following requirements:

1 (1) He or she must submit an application to the board on forms provided by the board and remit a reasonable licensure fee, the amount of such reasonable fee to be set by the board. The application must, as a minimum, require a statement that the applicant is a licensed physician or podiatrist in good standing and indicate whether any medical disciplinary action has been taken against him or her in the past; and

1 (2) He or she must demonstrate to the satisfaction of the board that he or she has the requisite qualifications to provide the same standard of care as a physician or podiatrist initially licensed in this state.
27 (b) The board may investigate the applicant and may
28 request a personal interview to review the applicant's
29 qualifications and professional credentials.
30 (c) The board may, at its discretion, grant a temporary
31 license to an individual applying for licensure under this
32 section if the individual meets the requirements of
33 subdivision (1), subsection (a) of this section. Such
34 temporary license shall only be valid until the board is able
35 to meet and consider the endorsement request. The board
36 may fix and collect a reasonable fee for a temporary license,
37 the amount of such reasonable fee to be set by the board.

§30-3-12. Biennial renewal of license to practice medicine and
surgery and podiatry; fee; inactive license.

1 (a) A license to practice medicine and surgery or
2 podiatry in this state is valid for a term of two years and
3 shall be renewed upon a receipt of a reasonable fee, as set by
4 the board, and submission of an application on forms
5 provided by the board.
6 (b) The board may renew, on an inactive basis, the
7 license of a physician or podiatrist who is currently licensed
8 to practice medicine and surgery or podiatry in, but is not
9 actually practicing, medicine and surgery or podiatry in
10 this state. A physician or podiatrist holding an inactive
11 license shall not practice medicine and surgery or podiatry
12 in this state, but he or she may convert his or her inactive
13 license to an active one upon a request to the board that
14 accounts for his or her period of inactivity to the
15 satisfaction of the board. An inactive license may be
16 obtained upon receipt of a reasonable fee, as set by the
17 board, and submission of an application on forms provided
18 by the board on a biennial basis.
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 from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within ..............this the ..............
day of ..............1987.

Governor