

No. 2778

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

ENROLLED
H. B. 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.

- 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.

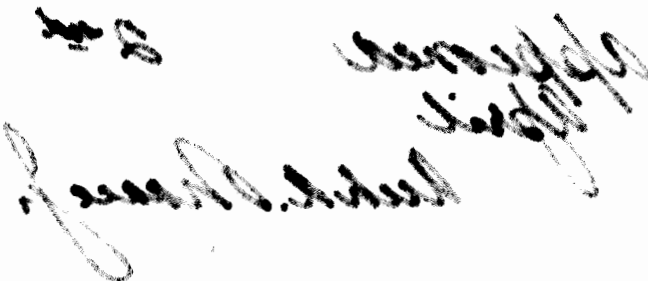
**ARTICLE 14A. ASSISTANTS TO OSTEOPATHIC PHYSICIANS
AND SURGEONS.**

**§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.

The bottom of the page contains several handwritten signatures and initials in dark ink. There are approximately five distinct marks, including what appears to be a large signature on the left and several smaller initials or signatures on the right.

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

W. H. Hall
Speaker of the House of Delegates

The within *appeared* this the *2nd*
day of *April*, 1987.

Richard D. France Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 3/27/87

Time 2:40 p.m.