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SENATE WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1987



ENROLLED

Committee Substitute for
SENATE BILL NO. 166

(By Senator *Tom Cowick, Mr. President, et al*)



PASSED March 10 1987

In Effect from Passage



ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 166

(SENATORS TONKOVICH, MR. PRESIDENT (BY REQUEST), AND HARMAN,
original sponsors)

[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.

- 1 (a) The board shall issue a license to practice medicine
- 2 and surgery or to practice podiatry to any individual who is
- 3 qualified to do so in accordance with the provisions of this
- 4 article.

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

8 (1) He or she shall submit an application to the board on
9 a form provided by the board and remit to the board a
10 reasonable examination fee, the amount of such reasonable
11 fee to be set by the board. The application must, as a
12 minimum, require a sworn and notarized statement that the
13 applicant is of good moral character and that he or she is
14 physically and mentally capable of engaging in the practice
15 of medicine and surgery;

16 (2) He or she must provide evidence of graduation and
17 receipt of the degree of doctor of medicine or its equivalent
18 from a school of medicine, which is approved by the liaison
19 committee on medical education or by the board;

20 (3) He or she must submit evidence to the board of
21 having completed a minimum of one year of graduate
22 clinical training in a program approved by the
23 accreditation council for graduate medical education; and

24 (4) He or she must pass an examination approved by the
25 board, which examination can be related to a national
26 standard. The examination shall be in the English language
27 and be designed to ascertain an applicant's fitness to
28 practice medicine and surgery. The board shall before the
29 date of examination determine what will constitute a
30 passing score: *Provided*, That the said board, or a majority
31 of them, may accept in lieu of an examination of applicants,
32 the certificate of the national board of medical examiners.
33 If an applicant fails to pass the examination on two
34 occasions, he or she shall successfully complete a course of
35 study or training, as approved by the board, designed to
36 improve his or her ability to engage in the practice of
37 medicine and surgery, before being eligible for
38 reexamination.

39 (c) In addition to the requirements of subsection (b)
40 hereof, any individual who has received the degree of doctor
41 of medicine or its equivalent from a school of medicine
42 located outside of the United States, the Commonwealth of
43 Puerto Rico and Canada, to be licensed to practice medicine
44 in this state, must also meet the following additional
45 requirements and limitations:

46 (1) He or she must be able to demonstrate to the
47 satisfaction of the board his or her ability to communicate
48 in the English language;

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

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

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

62 (1) He or she shall submit an application to the board on
63 a form provided by the board and remit to the board a
64 reasonable examination fee, the amount of such reasonable
65 fee to be set by the board. The application must, as a
66 minimum, require a sworn and notarized statement that the
67 applicant is of good moral character and that he or she is
68 physically and mentally capable of engaging in the practice
69 of podiatric medicine;

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

75 (3) He or she must pass an examination approved by the
76 board, which examination can be related to a national
77 standard. The examination shall be in the English language
78 and be designed to ascertain an applicant's fitness to
79 practice podiatric medicine. The board shall before the date
80 of examination determine what will constitute a passing
81 score. If an applicant fails to pass the examination on two
82 occasions, he or she shall successfully complete a course of
83 study or training, as approved by the board, designed to
84 improve his or her ability to engage in the practice of
85 podiatric medicine, before being eligible for reexamination.

86 (e) All licenses to practice medicine and surgery granted

87 prior to July first, one thousand nine hundred eighty-seven,
88 and valid on that date, shall continue in full effect for such
89 term and under such conditions as provided by law at the
90 time of the granting of the license: *Provided*, That the
91 provisions of subsection (d) of this section shall not apply to
92 any person legally entitled to practice chiropody or
93 podiatry in this state prior to the eleventh day of June, one
94 thousand nine hundred sixty-five: *Provided, however*, That
95 all persons licensed to practice chiropody prior to the
96 eleventh day of June, one thousand nine hundred sixty-five,
97 shall be permitted to use the term “chiropody-podiatry”
98 and shall have the rights, privileges and responsibilities of a
99 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
2 medicine and surgery in this state who holds a valid license
3 to practice medicine and surgery attained under
4 requirements substantially similar to the requirement of
5 section ten of this article from another state, the District of
6 Columbia, the Commonwealth of Puerto Rico or Canada,
7 and any person seeking to be licensed to practice podiatry in
8 this state who holds a valid license to practice podiatry
9 attained under requirements substantially similar to the
10 requirements in section ten of this article from another
11 state, territory or foreign country or the District of
12 Columbia shall be issued a license to practice medicine and
13 surgery or podiatry, as appropriate, in this state if he or she
14 meets the following requirements:

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

23 (2) He or she must demonstrate to the satisfaction of the
24 board that he or she has the requisite qualifications to
25 provide the same standard of care as a physician or
26 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.

[Handwritten Signature]

Chairman Senate Committee

[Handwritten Signature]

Chairman House Committee

Originated in the Senate.

In effect from passage.

[Handwritten Signature]

Clerk of the Senate

[Handwritten Signature]

Clerk of the House of Delegates

[Handwritten Signature]

President of the Senate

[Handwritten Signature]

Speaker House of Delegates

The within *approved* this the *17th*
March day of 1987.

[Handwritten Signature]
Governor



PRESENTED TO THE

GOVERNOR

Date 3/14/87

Time 11:21 A.M.