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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*)

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[Passed March 10, 1987; in effect from passage.]

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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.