WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 1991

ENROLLED
HOUSE BILL No. 2359
(By Mr. Dal. Stemple & P. White)

Passed March 1, 1991
In Effect 90 Days From Passage
ENROLLED

H. B. 2359

(By Delegates Stemple and P. White)

[Passed March 1, 1991; in effect ninety days from passage.]

AN ACT to amend and reenact section ten, 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; additional requirements for graduate clinical training for all applicants for podiatric licensure; clarifying that applicants for licenses must have successfully completed all required graduate clinical training; and establishing that licenses granted prior to July 1, 1991, shall continue in full effect as provided by the law.

Be it enacted by the Legislature of West Virginia:

That section ten, 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 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 successfully 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 commun-
icate 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 certifica-
tion, 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 successfully 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;
(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; and

(4) He or she must submit evidence to the board of having successfully completed a minimum of one year of graduate clinical training in a program approved by the council on podiatric medical education or the colleges of podiatric medicine. The board may consider a minimum of two years of graduate podiatric clinical training in the U. S. Armed Forces or three years private podiatric clinical experience in lieu of this requirement.

(e) All licenses to practice medicine and surgery granted prior to July first, one thousand nine hundred ninety-one, 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.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 20th day of June, 1991.

Governor
PRESENTED TO THE GOVERNOR
Date 3/11/91
Time 10:15AM