WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 1991

ENROLLED
Committee Substitute
for
HOUSE BILL No. 2478

(By Delegates P. White and Flanigan)

Passed February 28, 1991
In Effect ninety days from Passage
AN ACT to amend and reenact section twelve, article three, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to requiring physicians and podiatrists to successfully complete fifty hours of continuing education every two years as a condition of renewal of licensure; automatic suspension of license for failure to timely notify the board of such completion; rules; requiring physicians and podiatrists provide supporting documentation of continuing education when requested to do so by board; and requiring written representation of continuing education in order to renew inactive licenses.

Be it enacted by the Legislature of West Virginia:

That section 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.

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

1 (a) A license to practice medicine and surgery or
podiatry in this state is valid for a term of two years and shall be renewed upon a receipt of a reasonable fee, as set by the board, submission of an application on forms provided by the board and, beginning with the biennial renewal application forms completed by licensees and submitted to the board in one thousand nine hundred ninety-three, a certification in accordance with rules and regulations promulgated by the board in accordance with chapter twenty-nine-a of this code of participation in and successful completion of a minimum of fifty hours of continuing medical or podiatric education satisfactory to the board, as appropriate to the particular license, during the preceding two-year period. Continuing medical education satisfactory to the board is continuing medical education designated as Category I by the american medical association or the academy of family physicians and continuing podiatric education satisfactory to the board is continuing podiatric education approved by the council on podiatric education.

In addition, the Legislature hereby finds and declares that it is in the public interest to encourage alternate categories of continuing education satisfactory to the board for physicians and podiatrists. In order to provide adequate notice of the same to physicians and podiatrists, no later than the first day of June, one thousand nine hundred ninety-one, the board shall file rules under the provisions of section fifteen, article three, chapter twenty-nine-a of this code, delineating any alternate categories of continuing medical or podiatric education which may be considered satisfactory to the board and any procedures for board approval of such continuing education.

Notwithstanding any provision of this chapter to the contrary, failure to timely submit to the board a certification in accordance with rules and regulations promulgated by the board in accordance with chapter twenty-nine-a of this code of successful completion of a minimum of fifty hours of continuing medical or podiatric education satisfactory to the board, as appropriate to the particular license, shall, beginning the first
day of July, one thousand nine hundred ninety-three,
result in the automatic suspension of any license to
practice medicine and surgery or podiatry until such
time as the certification in accordance with rules and
regulations promulgated by the board in accordance
with chapter twenty-nine-a of this code, with all
supporting written documentation, is submitted to and
approved by the board.

Any individual who accepts the privilege of practicing
medicine and surgery or podiatry in this state is
required to provide supporting written documentation
of the continuing education represented as received
within thirty days of receipt of a written request to do
so by the board. If a licensee fails or refuses to provide
supporting written documentation of the continuing
education represented as received as required in this
section, such failure or refusal to provide supporting
written documentation is prima facie evidence of
renewing a license to practice medicine and surgery or
podiatry by fraudulent misrepresentation.

(b) The board may renew, on an inactive basis, the
license of a physician or podiatrist who is currently
licensed to practice medicine and surgery or podiatry in,
but is not actually practicing, medicine and surgery or
podiatry in this state. A physician or podiatrist holding
an inactive license shall not practice medicine and
surgery or podiatry in this state. His or her inactive
license may be converted by the board to an active one
upon a written request to the board that accounts for
his or her period of inactivity to the satisfaction of the
board: Provided, That beginning on the first day of July,
one thousand nine hundred ninety-three, such licensee
submits written documentation of participation in and
successful completion of a minimum of fifty hours of
continuing medical or podiatric education satisfactory to
the board, as appropriate to the particular license,
during each preceding two-year period. An inactive
license may be obtained upon receipt of a reasonable fee,
as set by the board, and submission of an application on
forms provided 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

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 do... approved... this the 15th day of... 1991.

Governor
PRESENTED TO THE GOVERNOR

Date 12/30/76

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