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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1991

— ● —

# ENROLLED

HOUSE BILL No. 2359

(By ~~MR.~~ Del. Stemple & P. White)

— ● —

Passed March 1, 1991

In Effect 90 Days From Passage

**ENROLLED**  
**H. B. 2359**

(By DELEGATES STEMPLE AND P. WHITE)

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

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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 medi-  
2       cine and surgery or to practice podiatry to any individ-  
3       ual who is qualified to do so in accordance with the  
4       provisions of this article.
  
- 5       (b) For an individual to be licensed to practice  
6       medicine and surgery in this state, he or she must meet  
7       the following requirements:

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

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

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

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

48 limitations:

49 (1) He or she must be able to demonstrate to the  
50 satisfaction of the board his or her ability to commun-  
51 icate in the English language;

52 (2) Before taking a licensure examination, he or she  
53 must have fulfilled the requirements of the educational  
54 commission for foreign medical graduates for certifica-  
55 tion, or he or she must provide evidence of receipt of a  
56 passing score on the examination of the educational  
57 commission for foreign medical graduates; and

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

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

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

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

79 (3) He or she must pass an examination approved by  
80 the board, which examination can be related to a  
81 national standard. The examination shall be in the  
82 English language and be designed to ascertain an  
83 applicant's fitness to practice podiatric medicine. The  
84 board shall before the date of examination determine  
85 what will constitute a passing score. If an applicant fails  
86 to pass the examination on two occasions, he or she shall

87 successfully complete a course of study or training, as  
88 approved by the board, designed to improve his or her  
89 ability to engage in the practice of podiatric medicine,  
90 before being eligible for reexamination; and

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

100 (e) All licenses to practice medicine and surgery  
101 granted prior to July first, one thousand nine hundred  
102 ninety-one, and valid on that date, shall continue in full  
103 effect for such term and under such conditions as  
104 provided by law at the time of the granting of the  
105 license: *Provided*, That the provisions of subsection (d)  
106 of this section shall not apply to any person legally  
107 entitled to practice chiropody or podiatry in this state  
108 prior to the eleventh day of June, one thousand nine  
109 hundred sixty-five: *Provided, however*, That all persons  
110 licensed to practice chiropody prior to the eleventh day  
111 of June, one thousand nine hundred sixty-five, shall be  
112 permitted to use the term "chiropody-podiatry" and  
113 shall have the rights, privileges and responsibilities of  
114 a podiatrist set out in this article.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Glenn Leck*  
.....  
Chairman Senate Committee

*Ernest C. Moore*  
.....  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Darrell K. Walby*  
.....  
Clerk of the Senate

*Donald L. Kopf*  
.....  
Clerk of the House of Delegates

*Walter Burdette*  
.....  
President of the Senate

*Bob C. Cole*  
.....  
Speaker of the House of Delegates

The within *is approved* ..... this the *24<sup>th</sup>*  
day of *March* ..... 1991.

*Yaston Caperton*  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/11/91

Time 10:15 am