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WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1998



ENROLLED

House Bill No. 4605

(By Delegates Compton and Campbell)



Passed March 12, 1998

In Effect Ninety Days from Passage

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H. B. 4605

(BY DELEGATES COMPTON AND CAMPBELL)

[Passed March 12, 1998; in effect ninety days from passage.]

AN ACT to amend and reenact sections four, six, seven, nine-a, nine-b, ten and twelve, article fourteen, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to board of osteopathy; permitting license, registration, examination and other such fees to be set by board rules; and penalty increase for misdemeanor violation.

Be it enacted by the Legislature of West Virginia:

That sections four, six, seven, nine-a, nine-b, ten and twelve, article fourteen, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

ARTICLE 14. OSTEOPATHIC PHYSICIANS AND SURGEONS.

§30-14-4. Application for examination.

1 Each applicant for examination by the board, with the
2 exception of assistants to osteopathic physicians and
3 surgeons, as hereinafter provided, shall submit an
4 application therefor on forms prepared and furnished by
5 the board, accompanied by evidence verified by oath and
6 satisfactory to the board, establishing that the applicant has
7 satisfied the following requirements: (a) That the
8 applicant is eighteen years of age or over; (b) that the
9 applicant is of good moral character; (c) that the applicant

10 has graduated from an approved osteopathic college; (d)
11 that the applicant has submitted a letter of verification
12 from an AOA approved hospital stating that he has been
13 approved for an AOA approved internship or that the
14 applicant is currently in an AOA approved internship, if
15 internship has not already been completed; and (e) that
16 the applicant has paid to the board a reasonable fee, the
17 amount of such reasonable fee to be set by the board
18 rules.

§30-14-6. Issuance of license without examination; fee.

1 The board may at its discretion issue a license without
2 examination to an applicant who has been licensed by the
3 national board of examiners for osteopathic physicians
4 and surgeons, and to an applicant who has been licensed
5 by examination in any country, state, territory, province or
6 the District of Columbia, provided the requirements for
7 licensure in the country, state, territory, province or the
8 District of Columbia in which the applicant is licensed, are
9 deemed by the board to have been equivalent to
10 requirements for licensure in this state at the date such
11 license was issued. The board may also at its discretion
12 issue a license without examination to an osteopathic
13 physician and surgeon who is a graduate of an approved
14 osteopathic college and who has passed the examination
15 for admission into the medical corps of any of the armed
16 services of the United States or the United States public
17 health service. But no license shall be issued under the
18 provisions of this section until the person applying
19 therefor shall have paid to the board a reasonable fee, the
20 amount of such reasonable fee to be set by the board
21 rules, and any other fees applicable to investigation.

§30-14-7. Reciprocal endorsement fee.

1 For the issuance of any reciprocal endorsement, the
2 board shall collect a reasonable fee, the amount of such
3 reasonable fee to be set by the board rules.

**§30-14-9a. Osteopathic medical corporations — Application
for registration; fee; notice to secretary of state
of issuance of certificate; action by secretary of
state.**

1 When one or more osteopathic physicians or surgeons
2 duly licensed to practice osteopathic medicine in the state
3 of West Virginia wish to form an osteopathic medical
4 corporation, such osteopathic physician or surgeon, or
5 osteopathic physicians or surgeons, shall file a written
6 application with the board on a form prescribed by the
7 board, and shall furnish proof satisfactory to the board
8 that the signer or all of the signers of such application is
9 or are a duly licensed osteopathic physician or surgeon or
10 osteopathic physicians or surgeons. A reasonable fee, the
11 amount of such reasonable fee to be set by the board
12 rules, shall accompany each such application, no part of
13 which shall be returnable.

14 If the board finds that the signer or all of the signers
15 of such application are duly licensed, the board shall
16 notify the secretary of state that a certificate of
17 authorization has been issued to the individual or
18 individuals signing such application.

19 When the secretary of state receives notification from
20 the board that a certain individual or individuals has or
21 have been issued a certificate of authorization, he or she
22 shall attach such authorization to the corporation
23 application and upon compliance by the corporation with
24 chapter thirty-one of this code shall notify the
25 incorporators that such corporation, through a duly
26 licensed osteopathic physician or surgeon or duly licensed
27 osteopathic physicians and surgeons, may engage in the
28 practice of osteopathic medicine and surgery.

**§30-14-9b. Same — Rights and limitations generally; biennial
registration; fee; when practice to cease;
admissibility and effect of certificate signed by
board; penalty.**

1 (a) An osteopathic medical corporation may practice
2 osteopathic medicine and surgery only through individual
3 osteopathic physicians and surgeons duly licensed to
4 practice osteopathic medicine or surgery in the state of
5 West Virginia, but such osteopathic physicians and
6 surgeons may be employees rather than shareholders of
7 such corporation, and nothing herein contained shall be
8 construed to require a license for or other legal

9 authorization of any individual employed by such
10 corporation to perform services for which no license or
11 other legal authorization is otherwise required. Nothing
12 contained in sections five and nine-a and this section of
13 this article is meant or intended to change in any way the
14 rights, duties, privileges, responsibilities and liabilities
15 incident to the osteopathic physician-patient relationship
16 nor is it meant or intended to change in any way the
17 personal character of the osteopathic physician-patient
18 relationship. A corporation holding such certificate of
19 authorization shall register biennially, on or before the
20 thirtieth day of June, on a form prescribed by the board,
21 and shall pay an annual reasonable registration fee, the
22 amount of such reasonable fee to be set by the board
23 rules.

24 (b) An osteopathic medical corporation holding a
25 certificate of authorization shall cease to engage in the
26 practice of osteopathic medicine and surgery upon being
27 notified by the board that any of its shareholders is no
28 longer a duly licensed osteopathic physician or surgeon,
29 or when any shares of such corporation have been sold or
30 disposed of to a person who is not a duly licensed
31 osteopathic physician or surgeon: *Provided*, That the
32 personal representative of a deceased shareholder shall
33 have a period, not to exceed twelve months from the date
34 of such shareholder's death, to dispose of such shares; but
35 nothing contained herein shall be construed as affecting
36 the existence of such corporation or its right to continue
37 to operate for all lawful purposes other than the practice
38 of osteopathic medicine and surgery.

39 (c) No corporation shall practice osteopathic medicine
40 or surgery, or any of its branches, or hold itself out as
41 being capable of doing so, without a certificate from the
42 board; nor shall any corporation practice osteopathic
43 medicine or surgery or any of its branches, or hold itself
44 out as being capable of doing so, after its certificate has
45 been revoked, or if suspended, during the term of such
46 suspension. A certificate signed by the secretary of the
47 board to which is affixed the official seal of the board to
48 the effect that it appears from the records of the board that
49 no such certificate to practice osteopathic medicine or

50 surgery or any of its branches in the state has been issued
51 to any such corporation specified therein or that such
52 certificate has been revoked or suspended shall be
53 admissible in evidence in all courts of this state and shall
54 be prima facie evidence of the facts stated therein.

55 (d) Any officer, shareholder or employee of such
56 corporation who participates in a violation of any
57 provision of this section shall be guilty of a misdemeanor
58 and, upon conviction, shall be fined not exceeding one
59 thousand dollars.

**§30-14-10. Annual renewal of license; fee; refresher training
a prerequisite; effect of failure to renew;
reinstatement.**

1 All holders of certificates of license to practice as
2 osteopathic physicians and surgeons in this state shall
3 renew them biennially on or before the first day of July,
4 by the payment of a reasonable renewal fee, the amount of
5 such reasonable fee to be set by the board rules to the
6 secretary of the board. The secretary of the board shall
7 notify each certificate holder by mail of the necessity of
8 renewing his or her certificate at least thirty days prior to
9 the first day of July of each year.

10 As a prerequisite to renewal of a certificate of license
11 issued by the board, each holder of such a certificate shall
12 furnish biennially to the secretary of the board satisfactory
13 evidence of having completed thirty-two hours of
14 educational refresher course training, of which the total
15 amount of hours must be AOA approved, and fifty
16 percent of the required thirty-two hours shall be category
17 (1).

18 The failure to renew a certificate of license shall
19 operate as an automatic suspension of the rights and
20 privileges granted by its issuance.

21 A certificate of license suspended by a failure to make
22 a biennial renewal thereof may be reinstated by the board
23 upon compliance of the certificate holder with the
24 following requirements: (a) Presentation to the board of
25 satisfactory evidence of educational refresher training of

26 quantity and standard approved by the board for the
27 previous two years; (b) payment of all fees for the
28 previous two years that would have been paid had the
29 certificate holder maintained his or her certificate in good
30 standing; and (c) payment to the board of a reasonable
31 reinstatement fee, the amount of such reasonable fee to be
32 set by the board rules.

§30-14-12. Offenses; penalties.

1 Each of the following acts shall constitute a
2 misdemeanor, punishable upon conviction by a fine of not
3 less than one thousand nor more than ten thousand
4 dollars:

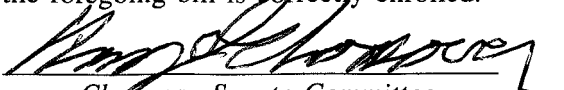
5 (a) The practice or attempting to practice as an
6 osteopathic physician and surgeon without a license or
7 permit;

8 (b) The obtaining of or an attempt to obtain a license
9 or permit to practice in the profession for money or any
10 other thing of value, by fraudulent misrepresentation;

11 (c) The making of any willfully false oath or
12 affirmation whenever an oath or affirmation is required by
13 this article;

14 (d) Advertising, practicing or attempting to practice
15 under a name other than one's own.

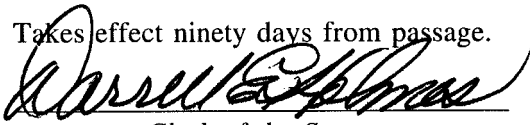
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

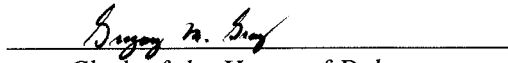

Chairman Senate Committee

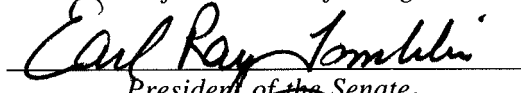

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

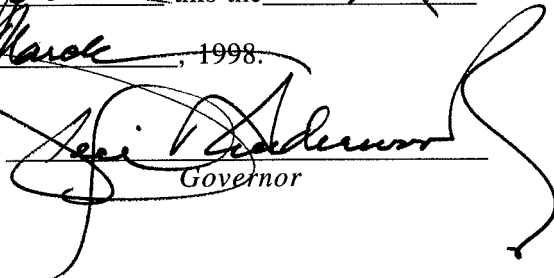

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within approval this the 24th
day of March, 1998.


Governor

PRESENTED TO THE

GOVERNOR

Date 3/20/98

Time 4:25 pm