ENROLLED

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 exception of assistants to osteopathic physicians and surgeons, as hereinafter provided, shall submit an application therefor on forms prepared and furnished by the board, accompanied by evidence verified by oath and satisfactory to the board, establishing that the applicant has satisfied the following requirements: (a) That the applicant is eighteen years of age or over; (b) that the applicant is of good moral character; (c) that the applicant
has graduated from an approved osteopathic college; (d) that the applicant has submitted a letter of verification from an AOA approved hospital stating that he has been approved for an AOA approved internship or that the applicant is currently in an AOA approved internship, if internship has not already been completed; and (e) that the applicant has paid to the board a reasonable fee, the amount of such reasonable fee to be set by the board rules.

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

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

§30-14-7. Reciprocal endorsement fee.

For the issuance of any reciprocal endorsement, the board shall collect a reasonable fee, the amount of such 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.
When one or more osteopathic physicians or surgeons duly licensed to practice osteopathic medicine in the state of West Virginia wish to form an osteopathic medical corporation, such osteopathic physician or surgeon, or osteopathic physicians or surgeons, shall file a written application with the board on a form prescribed by the board, and shall furnish proof satisfactory to the board that the signer or all of the signers of such application is or are a duly licensed osteopathic physician or surgeon or osteopathic physicians or surgeons. A reasonable fee, the amount of such reasonable fee to be set by the board rules, shall accompany each such application, no part of which shall be returnable.

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

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

(a) An osteopathic medical corporation may practice osteopathic medicine and surgery only through individual osteopathic physicians and surgeons duly licensed to practice osteopathic medicine or surgery in the state of West Virginia, but such osteopathic physicians and surgeons may be employees rather than shareholders of such corporation, and nothing herein contained shall be construed to require a license for or other legal
9 authorization of any individual employed by such
corporation to perform services for which no license or
other legal authorization is otherwise required. Nothing
contained in sections five and nine-a and this section of
this article is meant or intended to change in any way the
rights, duties, privileges, responsibilities and liabilities
incident to the osteopathic physician-patient relationship
nor is it meant or intended to change in any way the
personal character of the osteopathic physician-patient
relationship. A corporation holding such certificate of
authorization shall register biennially, on or before the
thirtieth day of June, on a form prescribed by the board,
and shall pay an annual reasonable registration fee, the
amount of such reasonable fee to be set by the board
rules.

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

(c) No corporation shall practice osteopathic medicine
or surgery, or any of its branches, or hold itself out as
being capable of doing so, without a certificate from the
board; nor shall any corporation practice osteopathic
medicine or surgery or any of its branches, or hold itself
out as being capable of doing so, after its certificate has
been revoked, or if suspended, during the term of such
suspension. A certificate signed by the secretary of the
board to which is affixed the official seal of the board to
the effect that it appears from the records of the board that
no such certificate to practice osteopathic medicine or
surgery or any of its branches in the state has been issued to any such corporation specified therein or that such certificate has been revoked or suspended shall be admissible in evidence in all courts of this state and shall be prima facie evidence of the facts stated therein.

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

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

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

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

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

A certificate of license suspended by a failure to make a biennial renewal thereof may be reinstated by the board upon compliance of the certificate holder with the following requirements: (a) Presentation to the board of satisfactory evidence of educational refresher training of
quantity and standard approved by the board for the
previous two years; (b) payment of all fees for the
previous two years that would have been paid had the
certificate holder maintained his or her certificate in good
standing; and (c) payment to the board of a reasonable
reinstatement fee, the amount of such reasonable fee to be
set by the board rules.

§30-14-12. Offenses; penalties.

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

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

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

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

(d) Advertising, practicing or attempting to practice
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 _______ approved this the _______ day of _______, 1998.

Governor