WEST VIRGINIA LEGISLATURE
Regular Session, 2002

ENROLLED
Committee Substitute for
SENATE BILL NO. 555

(By Senator Chaifin )

PASSED March 7, 2002

In Effect ninety days from Passage
ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 555

(SENATOR CHAFIN, original sponsor)

[Passed March 7, 2002; 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 license to practice medicine and surgery or podiatry; requiring applicants to have a passing score on all components of the examination within a specified time frame; and exception.

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.

(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 the 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 board, or a majority of it, may accept in lieu of an examination of applicants the certificate of the national board of medical examiners: Provided, however, That the board is authorized to enter into reciprocity agreements with medical licensing author-
ities in other states, the District of Columbia, Canada or
the Commonwealth of Puerto Rico and, for an applicant
who: (i) Is currently fully licensed, excluding any tempo-
rary, conditional or restricted license or permit, under the
laws of another state or jurisdiction having reciprocity; (ii)
has been engaged on a full-time professional basis in the
practice of medicine within that state or jurisdiction for a
period of at least five years; and (iii) is not the subject of
any pending disciplinary action by a medical licensing
board and has not been the subject of professional disci-
pline by a medical licensing board in any jurisdiction, the
board may permit licensure in this state by reciprocity. If
an applicant fails to pass the examination on two occa-
sions, 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 reexamina-
tion: Provided further, That an applicant is required to
attain a passing score on all components or steps of the
examination within a period of seven consecutive years:
And provided further, That the board may, in its discre-
tion, extend this period of seven consecutive years for up
to three additional years for any medical student enrolled
in a dual MD-PhD program.

(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 Com-
monwealth of Puerto Rico and Canada to be licensed to
practice medicine in this state must also meet the follow-
ing additional requirements and limitations:

(1) He or she must be able to demonstrate to the satisfac-
tion of the board his or her ability to communicate in the
English language;

(2) Before taking a licensure examination, he or she must
have fulfilled the requirements of the educational commis-
sion for foreign medical graduates for certification, or he
or she must provide evidence of receipt of a passing score on the examination of the educational commission for foreign medical graduates: Provided, That an applicant who: (i) Is currently fully licensed, excluding any temporary, conditional or restricted license or permit, under the laws of another state, the District of Columbia, Canada or the Commonwealth of Puerto Rico; (ii) has been engaged on a full-time professional basis in the practice of medicine within the state or jurisdiction where the applicant is fully licensed for a period of at least five years; and (iii) is not the subject of any pending disciplinary action by a medical licensing board and has not been the subject of professional discipline by a medical licensing board in any jurisdiction is not required to have a certificate from the educational commission for foreign medical graduates;

(3) He or she must submit evidence to the board of either:
(i) Having successfully completed a minimum of two years of graduate clinical training in a program approved by the accreditation council for graduate medical education; or
(ii) current certification by a member board of the American board of medical specialties.

(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 the 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: Provided, That an applicant is required to attain a passing score on all components or steps of the examination within a period of seven consecutive years; 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 the first day of July, one thousand nine hundred ninety-one, and valid on that date shall continue in full effect for the term and under the conditions 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.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within is approved this the 21st Day of ... 2002.

[Signature]
Governor