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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
Regular Session, 2002



ENROLLED

Committee Substitute for

SENATE BILL NO. *555*

(By Senator *Chafin*)



PASSED *March 7, 2002*

In Effect *ninety days from* **Passage**

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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.

1 (a) The board shall issue a license to practice medicine
2 and surgery or to practice podiatry to any individual who
3 is qualified to do so in accordance with the provisions of
4 this article.

5 (b) For an individual to be licensed to practice medicine
6 and surgery in this state, he or she must meet the following
7 requirements:

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

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

24 (4) He or she must pass an examination approved by the
25 board, which examination can be related to a national
26 standard. The examination shall be in the English lan-
27 guage and be designed to ascertain an applicant's fitness
28 to practice medicine and surgery. The board shall before
29 the date of examination determine what will constitute a
30 passing score: *Provided*, That the board, or a majority of
31 it, may accept in lieu of an examination of applicants the
32 certificate of the national board of medical examiners:
33 *Provided, however*, That the board is authorized to enter
34 into reciprocity agreements with medical licensing author-

35 ities in other states, the District of Columbia, Canada or
36 the Commonwealth of Puerto Rico and, for an applicant
37 who: (i) Is currently fully licensed, excluding any tempo-
38 rary, conditional or restricted license or permit, under the
39 laws of another state or jurisdiction having reciprocity; (ii)
40 has been engaged on a full-time professional basis in the
41 practice of medicine within that state or jurisdiction for a
42 period of at least five years; and (iii) is not the subject of
43 any pending disciplinary action by a medical licensing
44 board and has not been the subject of professional disci-
45 pline by a medical licensing board in any jurisdiction, the
46 board may permit licensure in this state by reciprocity. If
47 an applicant fails to pass the examination on two occa-
48 sions, he or she shall successfully complete a course of
49 study or training, as approved by the board, designed to
50 improve his or her ability to engage in the practice of
51 medicine and surgery, before being eligible for reexamina-
52 tion: *Provided further*, That an applicant is required to
53 attain a passing score on all components or steps of the
54 examination within a period of seven consecutive years:
55 *And provided further*, That the board may, in its discre-
56 tion, extend this period of seven consecutive years for up
57 to three additional years for any medical student enrolled
58 in a dual MD-PhD program.

59 (c) In addition to the requirements of subsection (b)
60 hereof, any individual who has received the degree of
61 doctor of medicine or its equivalent from a school of
62 medicine located outside of the United States, the Com-
63 monwealth of Puerto Rico and Canada to be licensed to
64 practice medicine in this state must also meet the follow-
65 ing additional requirements and limitations:

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

69 (2) Before taking a licensure examination, he or she must
70 have fulfilled the requirements of the educational commis-
71 sion for foreign medical graduates for certification, or he

72 or she must provide evidence of receipt of a passing score
73 on the examination of the educational commission for
74 foreign medical graduates: *Provided*, That an applicant
75 who: (i) Is currently fully licensed, excluding any tempo-
76 rary, conditional or restricted license or permit, under the
77 laws of another state, the District of Columbia, Canada or
78 the Commonwealth of Puerto Rico; (ii) has been engaged
79 on a full-time professional basis in the practice of medi-
80 cine within the state or jurisdiction where the applicant is
81 fully licensed for a period of at least five years; and (iii) is
82 not the subject of any pending disciplinary action by a
83 medical licensing board and has not been the subject of
84 professional discipline by a medical licensing board in any
85 jurisdiction is not required to have a certificate from the
86 educational commission for foreign medical graduates;

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

93 (d) For an individual to be licensed to practice podiatry
94 in this state, he or she must meet the following require-
95 ments:

96 (1) He or she shall submit an application to the board on
97 a form provided by the board and remit to the board a
98 reasonable examination fee, the amount of the reasonable
99 fee to be set by the board. The application must, as a
100 minimum, require a sworn and notarized statement that
101 the applicant is of good moral character and that he or she
102 is physically and mentally capable of engaging in the
103 practice of podiatric medicine;

104 (2) He or she must provide evidence of graduation and
105 receipt of the degree of doctor of podiatric medicine and
106 its equivalent from a school of podiatric medicine which is

107 approved by the council of podiatry education or by the
108 board;

109 (3) He or she must pass an examination approved by the
110 board, which examination can be related to a national
111 standard. The examination shall be in the English lan-
112 guage and be designed to ascertain an applicant's fitness
113 to practice podiatric medicine. The board shall before the
114 date of examination determine what will constitute a
115 passing score. If an applicant fails to pass the examination
116 on two occasions, he or she shall successfully complete a
117 course of study or training, as approved by the board,
118 designed to improve his or her ability to engage in the
119 practice of podiatric medicine, before being eligible for
120 reexamination: *Provided*, That an applicant is required to
121 attain a passing score on all components or steps of the
122 examination within a period of seven consecutive years;
123 and

124 (4) He or she must submit evidence to the board of
125 having successfully completed a minimum of one year of
126 graduate clinical training in a program approved by the
127 council on podiatric medical education, or the colleges of
128 podiatric medicine. The board may consider a minimum
129 of two years of graduate podiatric clinical training in the
130 U. S. armed forces or three years private podiatric clinical
131 experience in lieu of this requirement.

132 (e) All licenses to practice medicine and surgery granted
133 prior to the first day of July, one thousand nine hundred
134 ninety-one, and valid on that date shall continue in full
135 effect for the term and under the conditions provided by
136 law at the time of the granting of the license: *Provided*,
137 That the provisions of subsection (d) of this section shall
138 not apply to any person legally entitled to practice chirop-
139 ody or podiatry in this state prior to the eleventh day of
140 June, one thousand nine hundred sixty-five: *Provided*,
141 *however*, That all persons licensed to practice chiropody
142 prior to the eleventh day of June, one thousand nine
143 hundred sixty-five, shall be permitted to use the term

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144 "chiroprody-podiatry" and shall have the rights, privileges
145 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.

Carly White
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Darrell Holman
.....
Clerk of the Senate

Bryce W. Low
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *is approved* this the *2/8*
Day of *March*, 2002.

Bob Wise
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/5/02

Time 10:40am