WEST VIRGINIA LEGISLATURE
Regular Session, 2006

ENROLLED

SENATE BILL NO. 463

(By Senator ____Jenkins______)

PASSED _____March 8, 2006____

In Effect _____from_____Passage
ENROLLED

Senate Bill No. 463
(BY SENATOR JENKINS)

[Passed March 8, 2006; in effect from passage.]

AN ACT to amend and reenact §30-3-10 of the Code of West Virginia, 1931, as amended, relating to the modification of qualifications to obtain a license to practice medicine and surgery in the state.

Be it enacted by the Legislature of West Virginia:

That §30-3-10 of the Code of West Virginia, 1931, 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 authorities 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 temporary, 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 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 medicine and surgery before being eligible for reexamination: 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 discretion, extend this period of seven consecutive years for up to three additional years for any medical student enrolled in a dual MD-PhD program or participating in an accredited fellowship training. The board need not reject a candidate for a nonmaterial technical or administrative error or omission in the application process that is unrelated to the candidate's professional qualifications as long as there is sufficient information available to the board to determine the eligibility of the candidate for licensure.

(c) In addition to the requirements of subsection (b) of this section, 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 Commonwealth of Puerto Rico and Canada to be licensed to practice medicine in this state must also meet the following additional requirements and limitations:

(1) He or she must be able to demonstrate to the satisfaction 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 commission 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 tempo-
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(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 Amer-
       ican Board of Medical Specialties.

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

(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) Notwithstanding any of the foregoing, the board may grant licenses to an applicant in extraordinary circumstances under the following conditions:

(1) Upon a finding by the board that based on the applicant's exceptional education, training and practice credentials, the applicant's practice in the state would be beneficial to the public welfare;

(2) Upon a finding by the board that the applicant's education, training and practice credentials are substantially equivalent to the requirements of licensure established in this article;

(3) That a license granted under these extraordinary circumstances is approved by a vote of three fourths of the members of the board;
(4) That orders denying applications for a license under this subsection are not appealable;

(5) That the board report to the President of the Senate and the Speaker of the House of Delegates all decisions made pursuant to this subsection and the reasons for those decisions; and

(6) That the provisions of this subsection exist until the first day of July, two thousand seven, unless sooner terminated, continued or reestablished by an act of the Legislature.

(f) 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 do 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.

(g) The board may not issue a license to a person whose license has been revoked or suspended in another state until reinstatement of his or her license in that state.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

\[\text{Chairman Senate Committee}\]

\[\text{Chairman House Committee}\]

Originated in the Senate.

In effect from passage.

\[\text{Clerk of the Senate}\]

\[\text{Clerk of the House of Delegates}\]

\[\text{President of the Senate}\]

\[\text{Speaker House of Delegates}\]

The within is approved this the 22nd Day of March, 2006.

\[\text{Governor}\]
PRESENTED TO THE GOVERNOR

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