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SB 463

FILED

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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE  
Regular Session, 2006

ENROLLED

SENATE BILL NO. 463

(By Senator Jenkins)

PASSED March 8, 2006

In Effect from Passage

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

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## Senate Bill No. 463

(BY SENATOR JENKINS)

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

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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.**

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 or participating in an accred-  
59 ited fellowship training. The board need not reject a  
60 candidate for a nonmaterial technical or administrative  
61 error or omission in the application process that is unre-  
62 lated to the candidate's professional qualifications as long  
63 as there is sufficient information available to the board to  
64 determine the eligibility of the candidate for licensure.

65 (c) In addition to the requirements of subsection (b) of  
66 this section, any individual who has received the degree of  
67 doctor of medicine or its equivalent from a school of  
68 medicine located outside of the United States, the Com-  
69 monwealth of Puerto Rico and Canada to be licensed to  
70 practice medicine in this state must also meet the follow-  
71 ing additional requirements and limitations:

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

75 (2) Before taking a licensure examination, he or she must  
76 have fulfilled the requirements of the educational commis-  
77 sion for foreign medical graduates for certification, or he  
78 or she must provide evidence of receipt of a passing score  
79 on the examination of the educational commission for  
80 foreign medical graduates: *Provided*, That an applicant  
81 who: (i) Is currently fully licensed, excluding any tempo-

82 rary, conditional or restricted license or permit, under the  
83 laws of another state, the District of Columbia, Canada or  
84 the Commonwealth of Puerto Rico; (ii) has been engaged  
85 on a full-time professional basis in the practice of medi-  
86 cine within the state or jurisdiction where the applicant is  
87 fully licensed for a period of at least five years; and (iii) is  
88 not the subject of any pending disciplinary action by a  
89 medical licensing board and has not been the subject of  
90 professional discipline by a medical licensing board in any  
91 jurisdiction is not required to have a certificate from the  
92 educational commission for foreign medical graduates;

93 (3) He or she must submit evidence to the board of either:  
94 (i) Having successfully completed a minimum of two years  
95 of graduate clinical training in a program approved by the  
96 accreditation council for graduate medical education; or  
97 (ii) current certification by a member board of the Amer-  
98 ican Board of Medical Specialties.

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

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

110 (2) He or she must provide evidence of graduation and  
111 receipt of the degree of doctor of podiatric medicine and  
112 its equivalent from a school of podiatric medicine which is  
113 approved by the council of podiatry education or by the  
114 board;

115 (3) He or she must pass an examination approved by the  
116 board, which examination can be related to a national

117 standard. The examination shall be in the English lan-  
118 guage and be designed to ascertain an applicant's fitness  
119 to practice podiatric medicine. The board shall before the  
120 date of examination determine what will constitute a  
121 passing score. If an applicant fails to pass the examination  
122 on two occasions, he or she shall successfully complete a  
123 course of study or training, as approved by the board,  
124 designed to improve his or her ability to engage in the  
125 practice of podiatric medicine, before being eligible for  
126 reexamination: *Provided*, That an applicant is required to  
127 attain a passing score on all components or steps of the  
128 examination within a period of seven consecutive years;  
129 and

130 (4) He or she must submit evidence to the board of  
131 having successfully completed a minimum of one year of  
132 graduate clinical training in a program approved by the  
133 council on podiatric medical education or the colleges of  
134 podiatric medicine. The board may consider a minimum  
135 of two years of graduate podiatric clinical training in the  
136 U. S. armed forces or three years' private podiatric  
137 clinical experience in lieu of this requirement.

138 (e) Notwithstanding any of the foregoing, the board may  
139 grant licenses to an applicant in extraordinary circum-  
140 stances under the following conditions:

141 (1) Upon a finding by the board that based on the appli-  
142 cant's exceptional education, training and practice creden-  
143 tials, the applicant's practice in the state would be benefi-  
144 cial to the public welfare;

145 (2) Upon a finding by the board that the applicant's  
146 education, training and practice credentials are substan-  
147 tially equivalent to the requirements of licensure estab-  
148 lished in this article;

149 (3) That a license granted under these extraordinary  
150 circumstances is approved by a vote of three fourths of the  
151 members of the board;

152 (4) That orders denying applications for a license under  
153 this subsection are not appealable;

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

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

162 (f) All licenses to practice medicine and surgery granted  
163 prior to the first day of July, one thousand nine hundred  
164 ninety-one, and valid on that date shall continue in full  
165 effect for the term and under the conditions provided by  
166 law at the time of the granting of the license: *Provided,*  
167 That the provisions of subsection (d) of this section do not  
168 apply to any person legally entitled to practice chiropody  
169 or podiatry in this state prior to the eleventh day of June,  
170 one thousand nine hundred sixty-five: *Provided, however,*  
171 That all persons licensed to practice chiropody prior to the  
172 eleventh day of June, one thousand nine hundred  
173 sixty-five, shall be permitted to use the term "chirop-  
174 ody-podiatry" and shall have the rights, privileges and  
175 responsibilities of a podiatrist set out in this article.

176 (g) The board may not issue a license to a person whose  
177 license has been revoked or suspended in another state  
178 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.

*Randy White*  
.....  
Chairman Senate Committee

*H. Burr*  
.....  
Chairman House Committee

Originated in the Senate.

In effect from passage.

*Carroll Holmes*  
.....  
Clerk of the Senate

*Bugsy M. Boy*  
.....  
Clerk of the House of Delegates

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

*Robert J. ...*  
.....  
Speaker House of Delegates

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

*Paul Hancock*  
.....  
Governor



PRESENTED TO THE  
GOVERNOR

MAR 17 2006

Time 11:05 am