

SB 526

FILED

2009 APR 20 PM 4: 07

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**

**SEVENTY-NINTH LEGISLATURE**

**REGULAR SESSION, 2009**

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**ENROLLED**

**COMMITTEE SUBSTITUTE**

**FOR**

**Senate Bill No. 526**

(SENATORS FOSTER, STOLLINGS  
AND LAIRD, *original sponsors*)

[Passed April 7, 2009; in effect from passage.]

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AN ACT to amend and reenact §30-14-1, §30-14-2, §30-14-4, §30-14-5, §30-14-6 and §30-14-10 of the Code of West Virginia, 1931, as amended, all relating to the regulation of osteopathy; defining terms; revising requirements for post-doctoral training as a requirement for licensure; providing for educational permits for post-doctoral clinical training; authorizing the promulgation of an emergency legislative rule; eliminating redundant language regarding licenses, internships, formation of medical corporations and fees; and defining the scope and duration of educational permits.

*Be it enacted by the Legislature of West Virginia:*

That §30-14-1, §30-14-2, §30-14-4, §30-14-5, §30-14-6 and §30-14-10 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

**ARTICLE 14. OSTEOPATHIC PHYSICIANS AND SURGEONS.**

**§30-14-1. License required.**

1 It is unlawful for any person to practice or offer to  
2 practice medicine and surgery as an osteopathic physician  
3 and surgeon in this state without a license or permit issued  
4 by the West Virginia Board of Osteopathy: *Provided*, That  
5 any license heretofore issued under the laws of this state,  
6 authorizing its holder to practice osteopathy and surgery,  
7 shall in no way be affected by the enactment of this  
8 article; except that the holder of every such license shall  
9 be subject to all of the provisions of this article respecting  
10 the requirements and obligations herein prescribed for the  
11 continuance in force of such license.

**§30-14-2. Definitions.**

1 For the purposes of this article:

2 (a) "Accredited osteopathic college" means a college of  
3 osteopathy and surgery which requires as a minimum  
4 prerequisite for admission preprofessional training of at  
5 least two years of academic work in specified scientific  
6 subjects, as prescribed by the board or by the college  
7 accrediting agency of the American Osteopathic Associa-  
8 tion, in an accredited college of arts and sciences and  
9 which requires for graduation a course of study approved  
10 by the board in accordance with the minimum standards  
11 established by the American Osteopathic Association;

12 (b) "Approved program of post-graduate clinical  
13 training" means a program of clinical training approved  
14 by, or subject of approval by, the American Osteopathic  
15 Association or approved by the Accreditation Council for  
16 Graduate Medical Education for the purposes of intern or  
17 resident training;

18 (c) "Board" means the West Virginia Board of Osteopa-  
19 thy;

20 (d) "License" means legal authorization issued by the  
21 board to a fully qualified osteopathic physician to engage  
22 in the regular practice of osteopathic medicine and  
23 surgery;

24 (e) "Osteopathy" means that system of the healing art  
25 which places the chief emphasis on the structural integrity  
26 of the body mechanism as being the most important single  
27 factor in maintaining the well-being of the organism in  
28 health and disease;

29 (f) "Permit" means a limited, legal authorization issued  
30 by the board to an osteopathic physician to practice  
31 osteopathic medicine and surgery in this state while  
32 serving under special circumstances of public need or  
33 while undergoing post-graduate clinical training as a  
34 prerequisite to licensure;

35 (g) "Reciprocal endorsement" means a duly authenti-  
36 cated verification of the board, addressed to a board or  
37 agency of another country, state, territory, province or the  
38 District of Columbia, vouching that a license issued to an  
39 osteopathic physician and surgeon pursuant to the laws of  
40 this state is currently valid and not suspended or revoked  
41 for any cause or causes specified in this article.

**§30-14-4. Application for license or educational permit.**

1 (a) Each applicant for examination by the board, with  
2 the exception of assistants to osteopathic physicians and  
3 surgeons, as hereinafter provided, shall submit an applica-  
4 tion therefor on forms prepared and furnished by the  
5 board.

6 (b) Each applicant for a license shall furnish evidence,  
7 verified by oath and satisfactory to the board, establishing  
8 that the applicant has satisfied the following require-  
9 ments:

10 (1) The applicant is eighteen years of age or over;

11 (2) The applicant is of good moral character;

12 (3) The applicant has graduated from an accredited  
13 osteopathic college;

14 (4) The applicant has successfully completed either of  
15 the following:

16 (A) A minimum of one year of post-doctoral, clinical  
17 training in a program approved by the American Osteo-  
18 pathic Association; or

19 (B) A minimum of one year of post-doctoral, clinical  
20 training in a program approved by the Accreditation  
21 Council for Graduate Medical Education and forty hours  
22 of continuing medical education in osteopathic manipula-  
23 tive medicine and osteopathic manipulative treatment in  
24 courses approved, and classified as Category 1A, by the  
25 American Osteopathic Association.

26 (c) Each applicant for an educational permit shall  
27 furnish evidence, verified by oath and satisfactory to the  
28 board, establishing that the applicant has satisfied the  
29 following requirements:

30 (1) The applicant is eighteen years of age or over;

31 (2) The applicant is of good moral character;

32 (3) The applicant has graduated from an accredited  
33 osteopathic college; and

34 (4) The applicant is under contract as an intern or  
35 resident in an approved program of post-graduate clinical  
36 training.

37 (d) The board may not issue a license or permit to any  
38 person until the applicant has paid the application fee  
39 established by legislative rule of the board.

40 (e) In order to give timely effect to the amendments to  
41 this section and section ten of this article, the board is  
42 authorized to propose a legislative rule consistent with  
43 these amendments as an emergency rule under the provi-  
44 sions of section fifteen, article three, chapter  
45 twenty-nine-a of this code.

**§30-14-5. Examination.**

1 In order to receive a license to practice osteopathic  
2 medicine and surgery, an applicant must satisfactorily  
3 complete a standard, national examination, specified  
4 through legislative rule of the board or an examination  
5 administered by the licensing authority of another state  
6 and approved by the board as equivalent to the national  
7 examination or to the former West Virginia state examina-  
8 tion.

9 The examination for a license to practice medicine and  
10 surgery as an osteopathic physician and surgeon shall  
11 cover substantive and clinical knowledge in all the essen-  
12 tial branches of medicine and surgery including anatomy,  
13 physiology, chemistry, pharmacology, pathology, public  
14 health-preventive medicine, surgery, obstetrics and  
15 gynecology, osteopathic medicine, materia medica princi-  
16 ples and practice of osteopathy. The list of subjects may  
17 be expanded or regrouped at the discretion of the board.

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

1 The board may at its discretion issue a license without  
2 examination to an applicant who has been licensed by the  
3 national board of examiners for osteopathic physicians  
4 and surgeons, and to an applicant who has been licensed  
5 by examination in any country, state, territory, province  
6 or the District of Columbia, provided the requirements for  
7 licensure in the country, state, territory, province or the  
8 District of Columbia in which the applicant is licensed are  
9 deemed by the board to have been equivalent to require-

10 ments for licensure in this state at the date such license  
11 was issued. The board may also at its discretion issue a  
12 license without examination to an osteopathic physician  
13 and surgeon who is a graduate of an accredited osteo-  
14 pathic college and who has passed the examination for  
15 admission into the medical corps of any of the armed  
16 services of the United States or the United States public  
17 health service. But no license shall be issued under the  
18 provisions of this section until the person applying there-  
19 for shall have paid to the board a reasonable fee, the  
20 amount of such reasonable fee to be set by the board rules,  
21 and any other fees applicable to investigation.

**§30-14-10. Renewal of license; fee; refresher training a prereq-  
uisite; effect of failure to renew; reinstatement;  
educational permit.**

1 (a) All holders of licenses to practice as osteopathic  
2 physicians and surgeons in this state shall renew the  
3 licenses biennially on or before July 1, by the payment of  
4 a renewal fee, to the board. The board shall notify each  
5 licensee of the necessity of renewing his or her license at  
6 least thirty days prior to the expiration of the license.

7 (b) As a prerequisite to renewal of a license issued by  
8 the board, each licensee shall furnish biennially to the  
9 board satisfactory evidence of having completed  
10 thirty-two hours of educational refresher course training,  
11 of which the total amount of hours must be approved by  
12 the American Osteopathic Association, and fifty percent of  
13 the required thirty-two hours shall be classified as cate-  
14 gory (1).

15 (c) The failure to renew a license shall operate as an  
16 automatic suspension of the rights and privileges granted  
17 by its issuance. The board may propose rules for legisla-  
18 tive approval, pursuant to the provisions of article three,  
19 chapter twenty-nine-a of this code, providing that an

20 osteopathic physician may renew a license on an inactive  
21 basis.

22 (d) A license suspended by a failure to make a biennial  
23 renewal thereof may be reinstated by the board upon  
24 compliance of the licensee with the following require-  
25 ments:

26 (1) Presentation to the board of satisfactory evidence of  
27 educational refresher training of quantity and standard  
28 approved by the board for the previous two years;

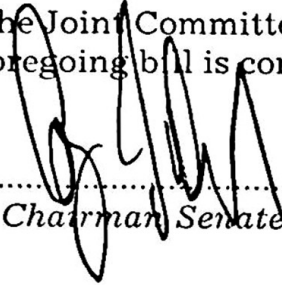
29 (2) Payment of all fees for the previous two years that  
30 would have been paid had the suspended licensee main-  
31 tained his or her license in good standing; and

32 (3) Payment to the board of a reinstatement fee speci-  
33 fied by legislative rule of the board.

34 (e) An educational permit authorizes the holder to  
35 practice osteopathic medicine and surgery only for work  
36 performed within an approved program of post-graduate  
37 clinical training under the supervision of a duly licensed  
38 osteopathic or allopathic physician. The first educational  
39 permit issued to a graduate of an accredited osteopathic  
40 college may be valid for a period of fifteen months and  
41 subsequent educational permits issued to the same person  
42 may be valid for not more than twelve months. An  
43 educational permit shall expire upon the termination of  
44 the permit holder from an approved program of post-  
45 graduate clinical training and may also be suspended or  
46 revoked by the board at any time upon grounds defined by  
47 the board by legislative rule.



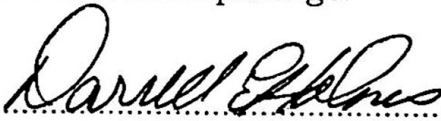
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
.....  
Chairman Senate Committee

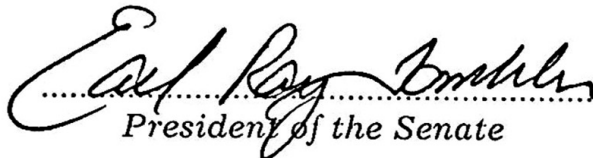
  
.....  
Chairman House Committee

Originated in the Senate.

In effect from passage.

  
.....  
Clerk of the Senate

  
.....  
Clerk of the House of Delegates

  
.....  
President of the Senate

  
.....  
Speaker House of Delegates

The within is appended ..... this the 20<sup>th</sup> .....  
Day of April ....., 2009.

  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

APR 16 2009

Time 10:10am