

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

ENROLLED

Committee Substitute

for

Senate Bill 138

BY SENATOR TAKUBO

[Passed March 12, 2022; in effect 90 days from passage]

FILED

2022 MAR 28 P 12:52

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SB138

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

ENROLLED

Committee Substitute

for

Senate Bill 138

BY SENATOR TAKUBO

[Passed March 12, 2022; in effect 90 days from passage]

2022 MAR 28 P 12:52
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

FILED

1 AN ACT to amend and reenact §30-3-5 of the Code of West Virginia, 1931, as amended, relating
2 to West Virginia Board of Medicine composition; decreasing the number of board
3 members; and removing a podiatric position from the board.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. WEST VIRGINIA MEDICAL PRACTICE ACT.

§30-3-5. West Virginia Board of Medicine powers and duties continued; appointment and terms of members; vacancies; removal.

1 The West Virginia Board of Medicine has assumed, carried on, and succeeded to all the
2 duties, rights, powers, obligations, and liabilities heretofore belonging to or exercised by the
3 Medical Licensing Board of West Virginia. All the rules, orders, rulings, licenses, certificates,
4 permits, and other acts and undertakings of the Medical Licensing Board of West Virginia as
5 heretofore constituted have continued as those of the West Virginia Board of Medicine until they
6 expired or were amended, altered, or revoked. The board remains the sole authority for the
7 issuance of licenses to practice medicine and surgery, to practice podiatry, and to practice as
8 physician assistants in this state under the supervision of physicians licensed under this article.
9 The board shall continue to be a regulatory and disciplinary body for the practice of medicine and
10 surgery, the practice of podiatry, and for physician assistants in this state.

11 The board shall consist of 15 members. One member shall be the state health officer ex
12 officio, with the right to vote as a member of the board. The other 14 members shall be appointed
13 by the Governor, with the advice and consent of the Senate. Eight of the members shall be
14 appointed from among individuals holding the degree of doctor of medicine, and one shall hold
15 the degree of doctor of podiatric medicine. Two members shall be physician assistants licensed
16 by the board. Each of these members must be duly licensed to practice his or her profession in
17 this state on the date of appointment and must have been licensed and actively practicing that
18 profession for at least five years immediately preceding the date of appointment. Three lay
19 members shall be appointed to represent health care consumers. Neither the lay members nor

20 any person of the lay members' immediate families shall be a provider of or be employed by a
21 provider of health care services. The state health officer's term shall continue for the period that
22 he or she holds office as state health officer. Each other member of the board shall be appointed
23 to serve a term of five years: *Provided*, That the members of the Board of Medicine holding
24 appointments on the effective date of this section shall continue to serve as members of the Board
25 of Medicine until the expiration of their term unless sooner removed. Each term shall begin on
26 October 1 of the applicable year and a member may not be appointed to more than two
27 consecutive full terms on the board.

28 A person is not eligible for membership on the board who is a member of any political
29 party executive committee or, with the exception of the state health officer, who holds any public
30 office or public employment under the federal government or under the government of this state
31 or any political subdivision thereof.

32 In making appointments to the board, the Governor shall, so far as practicable, select the
33 members from different geographical sections of the state. When a vacancy on the board occurs
34 and less than one year remains in the unexpired term, the appointee shall be eligible to serve the
35 remainder of the unexpired term and two consecutive full terms on the board.

36 No member may be removed from office by the Governor except for official misconduct,
37 incompetence, neglect of duty, or gross immorality: *Provided*, That the expiration, surrender, or
38 revocation of the professional license by the board of a member of the board shall cause the
39 membership to immediately and automatically terminate.

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 90 days from passage.


.....
Clerk of the Senate


.....
Clerk of the House of Delegates


.....
President of the Senate

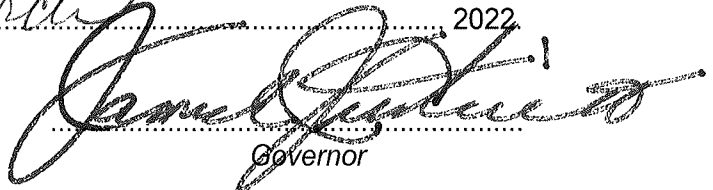

.....
Speaker of the House of Delegates

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

2022 MAR 28 P 12: 53

FILED

The within is approved this the 28th
Day of March 2022


.....
Governor

PRESENTED TO THE GOVERNOR

MAR 17 2022

Time 1:50 pm