

COMMITTEE SUBSTITUTE

FOR

H. B. 4239

(BY DELEGATES MORGAN AND PERDUE)

(Originating in the Committee on Government Organization)
[January 31, 2012]

A BILL to amend and reenact §30-14-3 of the Code of West Virginia, 1931, as amended, relating to West Virginia Board of Osteopathy; increasing board membership; increasing the term length; adding certain requirements to qualify to serve on the board.

Be it enacted by the Legislature of West Virginia:

That §30-14-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 14. OSTEOPATHIC PHYSICIANS AND SURGEONS.

§30-14-3. Board of Osteopathy.

- 1 (a) The West Virginia Board of Osteopathy is continued.
- 2 The members of the board in office on July 1, 2012, shall,

3 unless sooner removed, continue to serve until their
4 respective terms expire and until their successors have been
5 appointed and qualified.

6 (b) Effective July 1, 2012, the board shall consist of the
7 following seven members, who are appointed to staggered
8 terms by the Governor with the advice and consent of the
9 Senate:

10 (1) 4 licensed osteopathic physicians and surgeons;

11 (2) 1 licensed osteopathic physician assistant; and

12 (3) 2 citizen members, who are not associated with the
13 practice of osteopathy.

14 (c) The West Virginia Osteopathic Medical Association
15 may submit recommendations to the Governor for the
16 appointment of an osteopathic physician board member; and
17 The West Virginia Association of Physician Assistants may
18 submit recommendations to the Governor for the
19 appointment of an osteopathic physician assistant board
20 member.

21 (d) Licensed board members shall have a valid license to
22 practice in West Virginia for at least 5 years.

23 (e) The term shall be for five years.

24 (f) Members of the board must be a U.S. citizen and a
25 resident of this state for at least 5 years immediately
26 preceding, his or her appointment.

27 (g) Members may not have a history of suspended,
28 revoked, or sanctioned license or reprimand by this or any
29 other board.

30 (h) A member may not serve more than two consecutive
31 full terms. A member having served two consecutive full
32 terms may not be appointed for one year after completion of
33 his or her second full term. A member may continue to serve
34 until a successor has been appointed and has qualified.

35 (i) A vacancy on the board shall be filled by appointment
36 by the Governor for the unexpired term of the member whose
37 office shall be vacant and the appointment shall be made
38 within sixty days of the vacancy.

39 (j) The Governor may remove any member from the
40 board for neglect of duty, incompetency or official
41 misconduct.

42 (k) Any member of the board immediately and
43 automatically forfeits his or her membership if his or her
44 license to practice is suspended or revoked by the board, is
45 convicted of a felony under the laws of any jurisdiction, or
46 becomes a nonresident of this state.

47 (l) The board annually shall elect from its membership a
48 president and secretary who shall serve at the will and
49 pleasure of the board.

50 (m) Each member of the board is entitled to
51 compensation and expense reimbursement in accordance
52 with article one of this chapter.

53 (n) A simple majority of the membership serving on the
54 board at a given time is a quorum for the transaction of
55 business.

56 (o) The board shall hold at least two meetings annually.
57 Other meetings may be held at the call of the president or

58 upon the written request of four members, at the time and
59 place as designated in the call or request.

60 (p) Prior to commencing his or her duties as a member of
61 the board, each member shall take and subscribe to the oath
62 required by section five, article four of the Constitution of
63 this state.

64 (q) The members of the board when acting in good faith
65 and without malice shall enjoy immunity from individual
66 civil liability while acting within the scope of their duties as
67 board members.

NOTE: The bill adds 2 members to the West Virginia Board of Osteopathy. The bill increases the membership of the board by adding an additional licensed osteopathic physician and a licensed osteopathic physician assistant. The bill updates the section to the new format, which adds certain requirements be fulfilled to obtain board membership.

This section has been completely re-written, therefore the whole section is underscored.