

1 **ENROLLED**

2 **Senate Bill No. 214**

3 (BY SENATORS STOLLINGS AND SNYDER)

4 _____
5 [Passed April 12, 2013; to take effect July 1, 2013.]
6 _____

7
8
9
10 AN ACT to amend and reenact §30-3-10 of the Code of West Virginia,
11 1931, as amended, relating generally to requirements of
12 applicants for a license to practice medicine and surgery or
13 podiatry; eliminating the requirement for all licensure
14 applicants to appear for a personal interview with the Board
15 of Medicine in certain circumstances; and authorizing the
16 board to require applicants, on a case-by-case basis, to
17 appear for a personal interview or to produce original
18 documents for review by the board.

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

20 That §30-3-10 of the Code of West Virginia, 1931, as amended,
21 be amended and reenacted to read as follows:

22 **ARTICLE 3. WEST VIRGINIA MEDICAL PRACTICE ACT.**

1 **§30-3-10. Licenses to practice medicine and surgery or podiatry.**

2 (a) The board shall issue a license to practice medicine and
3 surgery or to practice podiatry to any individual who is qualified
4 to do so in accordance with the provisions of this article.

5 (b) For an individual to be licensed to practice medicine and
6 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 a
9 form provided by the board and remit to the board a reasonable fee,
10 the amount of the reasonable fee to be set by the board. The
11 application must, as a minimum, require a sworn and notarized
12 statement that the applicant is of good moral character and that he
13 or she is physically and mentally capable of engaging in the
14 practice of medicine and surgery;

15 (2) He or she must provide evidence of graduation and receipt
16 of the degree of doctor of medicine or its equivalent from a school
17 of medicine, which is approved by the liaison committee on medical
18 education or by the board;

19 (3) He or she must submit evidence to the board of having
20 successfully completed a minimum of one year of graduate clinical
21 training in a program approved by the Accreditation Council for
22 Graduate Medical Education; and

23 (4) He or she must pass an examination approved by the board,

1 which examination can be related to a national standard. The
2 examination shall be in the English language and be designed to
3 ascertain an applicant's fitness to practice medicine and surgery.
4 The board shall before the date of examination determine what will
5 constitute a passing score: *Provided*, That the board, or a majority
6 of it, may accept in lieu of an examination of applicants the
7 certificate of the National Board of Medical Examiners: *Provided*,
8 *however*, That an applicant is required to attain a passing score on
9 all components or steps of the examination within a period of ten
10 consecutive years. The board need not reject a candidate for a
11 nonmaterial technical or administrative error or omission in the
12 application process that is unrelated to the candidate's
13 professional qualifications as long as there is sufficient
14 information available to the board to determine the eligibility of
15 the candidate for licensure.

16 (c) In addition to the requirements of subsection (b) of this
17 section, any individual who has received the degree of doctor of
18 medicine or its equivalent from a school of medicine located
19 outside of the United States, the Commonwealth of Puerto Rico and
20 Canada to be licensed to practice medicine in this state must also
21 meet the following additional requirements and limitations:

22 (1) He or she must be able to demonstrate to the satisfaction
23 of the board his or her ability to communicate in the English

1 language;

2 (2) Before taking a licensure examination, he or she must have
3 fulfilled the requirements of the Educational Commission for
4 Foreign Medical Graduates for certification or he or she must
5 provide evidence of receipt of a passing score on the examination
6 of the Educational Commission for Foreign Medical Graduates:
7 *Provided*, That an applicant who: (i) Is currently fully licensed,
8 excluding any temporary, conditional or restricted license or
9 permit, under the laws of another state, the District of Columbia,
10 Canada or the Commonwealth of Puerto Rico; (ii) has been engaged on
11 a full-time professional basis in the practice of medicine within
12 the state or jurisdiction where the applicant is fully licensed for
13 a period of at least five years; and (iii) is not the subject of
14 any pending disciplinary action by a medical licensing board and
15 has not been the subject of professional discipline by a medical
16 licensing board in any jurisdiction is not required to have a
17 certificate from the Educational Commission for Foreign Medical
18 Graduates;

19 (3) He or she must submit evidence to the board of either: (i)
20 Having successfully completed a minimum of two years of graduate
21 clinical training in a program approved by the Accreditation
22 Council for Graduate Medical Education; or (ii) current
23 certification by a member board of the American Board of Medical

1 Specialties.

2 (d) For an individual to be licensed to practice podiatry in
3 this state, he or she must meet the following requirements:

4 (1) He or she shall submit an application to the board on a
5 form provided by the board and remit to the board a reasonable fee,
6 the amount of the reasonable fee to be set by the board. The
7 application must, as a minimum, require a sworn and notarized
8 statement that the applicant is of good moral character and that he
9 or she is physically and mentally capable of engaging in the
10 practice of podiatric medicine;

11 (2) He or she must provide evidence of graduation and receipt
12 of the degree of doctor of podiatric medicine or its equivalent
13 from a school of podiatric medicine which is approved by the
14 Council of Podiatry Education or by the board;

15 (3) He or she must pass an examination approved by the board,
16 which examination can be related to a national standard. The
17 examination shall be in the English language and be designed to
18 ascertain an applicant's fitness to practice podiatric medicine.
19 The board shall before the date of examination determine what will
20 constitute a passing score: *Provided*, That an applicant is required
21 to attain a passing score on all components or steps of the
22 examination within a period of ten consecutive years; and

23 (4) He or she must submit evidence to the board of having

1 successfully completed a minimum of one year of graduate clinical
2 training in a program approved by the Council on Podiatric Medical
3 Education or the Colleges of Podiatric Medicine. The board may
4 consider a minimum of two years of graduate podiatric clinical
5 training in the U. S. armed forces or three years' private
6 podiatric clinical experience in lieu of this requirement.

7 (e) Notwithstanding any of the provisions of this article, the
8 board may issue a restricted license to an applicant in
9 extraordinary circumstances under the following conditions:

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

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

18 (3) Upon a finding by the board that the applicant received
19 his or her post-graduate medical training outside of the United
20 States and its territories;

21 (4) That the restricted license issued under extraordinary
22 circumstances is approved by a vote of three fourths of the members
23 of the board;

1 (5) That orders denying applications for a restricted license
2 under this subsection are not appealable; and

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

6 (f) The board shall propose rules for legislative approval in
7 accordance with the provisions of article three, chapter
8 twenty-nine-a of this code, that establish and regulate the
9 restricted license issued to an applicant in extraordinary
10 circumstances pursuant to the provisions of this section.

11 (g) Personal interviews by board members of all applicants are
12 not required. An applicant for a license may be required by the
13 board, in its discretion, to appear for a personal interview and
14 may be required to produce original documents for review by the
15 board.

16 (h) All licenses to practice medicine and surgery granted
17 prior to July 1, 2008, and valid on that date shall continue in
18 full effect for the term and under the conditions provided by law
19 at the time of the granting of the license: *Provided*, That the
20 provisions of subsection (d) of this section do not apply to any
21 person legally entitled to practice chiropody or podiatry in this
22 state prior to June 11, 1965: *Provided, however*, That all persons
23 licensed to practice chiropody prior to June 11, 1965, shall be

1 permitted to use the term "chiropody-podiatry" and shall have the
2 rights, privileges and responsibilities of a podiatrist set out in
3 this article.

4 (i) The board may not issue a license to a person not
5 previously licensed in West Virginia whose license has been revoked
6 or suspended in another state until reinstatement of his or her
7 license in that state.