

WEST VIRGINIA LEGISLATURE
EIGHTY-FIRST LEGISLATURE
REGULAR SESSION, 2013



ENROLLED

Senate Bill No. 214

(By SENATORS STOLLINGS AND SNYDER)

[PASSED APRIL 12, 2013; TO TAKE EFFECT JULY 1, 2013.]

E N R O L L E D

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(BY SENATORS STOLLINGS AND SNYDER)

[Passed April 12, 2013; to take effect July 1, 2013.]

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

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 is
3 qualified to do so in accordance with the provisions of this
4 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 fee, the amount of the reasonable fee to be set by
11 the board. The application must, as a minimum, require a
12 sworn and notarized statement that the applicant is of good
13 moral character and that he or she is physically and mentally
14 capable of engaging in the practice of medicine and surgery;

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

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

23 (4) He or she must pass an examination approved by the
24 board, which examination can be related to a national
25 standard. The examination shall be in the English language
26 and be designed to ascertain an applicant's fitness to practice
27 medicine and surgery. The board shall before the date of
28 examination determine what will constitute a passing score:
29 *Provided*, That the board, or a majority of it, may accept in
30 lieu of an examination of applicants the certificate of the
31 National Board of Medical Examiners: *Provided, however*,
32 That an applicant is required to attain a passing score on all
33 components or steps of the examination within a period of ten
34 consecutive years. The board need not reject a candidate for
35 a nonmaterial technical or administrative error or omission in
36 the application process that is unrelated to the candidate's
37 professional qualifications as long as there is sufficient
38 information available to the board to determine the eligibility
39 of the candidate for licensure.

40 (c) In addition to the requirements of subsection (b) of
41 this section, any individual who has received the degree of
42 doctor of medicine or its equivalent from a school of
43 medicine located outside of the United States, the
44 Commonwealth of Puerto Rico and Canada to be licensed to
45 practice medicine in this state must also meet the following
46 additional requirements and limitations:

47 (1) He or she must be able to demonstrate to the
48 satisfaction of the board his or her ability to communicate in
49 the English language;

50 (2) Before taking a licensure examination, he or she must
51 have fulfilled the requirements of the Educational
52 Commission for Foreign Medical Graduates for certification
53 or he or she must provide evidence of receipt of a passing
54 score on the examination of the Educational Commission for
55 Foreign Medical Graduates: *Provided*, That an applicant
56 who: (i) Is currently fully licensed, excluding any temporary,
57 conditional or restricted license or permit, under the laws of
58 another state, the District of Columbia, Canada or the
59 Commonwealth of Puerto Rico; (ii) has been engaged on a
60 full-time professional basis in the practice of medicine within
61 the state or jurisdiction where the applicant is fully licensed
62 for a period of at least five years; and (iii) is not the subject
63 of any pending disciplinary action by a medical licensing
64 board and has not been the subject of professional discipline
65 by a medical licensing board in any jurisdiction is not
66 required to have a certificate from the Educational
67 Commission for Foreign Medical Graduates;

68 (3) He or she must submit evidence to the board of either:
69 (i) Having successfully completed a minimum of two years
70 of graduate clinical training in a program approved by the
71 Accreditation Council for Graduate Medical Education; or
72 (ii) current certification by a member board of the American
73 Board of Medical Specialties.

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

76 (1) He or she shall submit an application to the board on
77 a form provided by the board and remit to the board a
78 reasonable fee, the amount of the reasonable fee to be set by
79 the board. The application must, as a minimum, require a
80 sworn and notarized statement that the applicant is of good
81 moral character and that he or she is physically and mentally
82 capable of engaging in the practice of podiatric medicine;

83 (2) He or she must provide evidence of graduation and
84 receipt of the degree of doctor of podiatric medicine or its
85 equivalent from a school of podiatric medicine which is
86 approved by the Council of Podiatry Education or by the
87 board;

88 (3) He or she must pass an examination approved by the
89 board, which examination can be related to a national
90 standard. The examination shall be in the English language
91 and be designed to ascertain an applicant's fitness to practice
92 podiatric medicine. The board shall before the date of
93 examination determine what will constitute a passing score:
94 *Provided*, That an applicant is required to attain a passing
95 score on all components or steps of the examination within a
96 period of ten consecutive years; and

97 (4) He or she must submit evidence to the board of
98 having successfully completed a minimum of one year of
99 graduate clinical training in a program approved by the
100 Council on Podiatric Medical Education or the Colleges of
101 Podiatric Medicine. The board may consider a minimum of
102 two years of graduate podiatric clinical training in the U. S.
103 armed forces or three years' private podiatric clinical
104 experience in lieu of this requirement.

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

108 (1) Upon a finding by the board that based on the
109 applicant's exceptional education, training and practice
110 credentials, the applicant's practice in the state would be
111 beneficial to the public welfare;

112 (2) Upon a finding by the board that the applicant's
113 education, training and practice credentials are substantially
114 equivalent to the requirements of licensure established in this
115 article;

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

119 (4) That the restricted license issued under extraordinary
120 circumstances is approved by a vote of three fourths of the
121 members of the board;

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

124 (6) That the board report to the President of the Senate
125 and the Speaker of the House of Delegates all decisions made
126 pursuant to this subsection and the reasons for those
127 decisions.

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

133 (g) Personal interviews by board members of all
134 applicants are not required. An applicant for a license may
135 be required by the board, in its discretion, to appear for a
136 personal interview and may be required to produce original
137 documents for review by the board.

138 (h) All licenses to practice medicine and surgery granted
139 prior to July 1, 2008, and valid on that date shall continue in
140 full effect for the term and under the conditions provided by
141 law at the time of the granting of the license: *Provided*, That
142 the provisions of subsection (d) of this section do not apply
143 to any person legally entitled to practice chiropractic or
144 podiatry in this state prior to June 11, 1965: *Provided*,
145 *however*, That all persons licensed to practice chiropractic prior
146 to June 11, 1965, shall be permitted to use the term
147 "chiropractic-podiatry" and shall have the rights, privileges and
148 responsibilities of a podiatrist set out in this article.

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

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

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Chairman Senate Committee

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Chairman House Committee

Originated in the Senate.

To take effect July 1, 2013.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

The within this the
Day of, 2013.

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Governor