

Senate Bill No. 214

(By Senators Stollings and Snyder)

[Introduced February 19, 2013; referred to the Committee on
Government Organization.]

A BILL 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 need for personal interview with the Board of Medicine in certain circumstances; and clarifying that a personal interview by the Board of Medicine of all applicants is not required.

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 and
2 surgery or to practice podiatry to any individual who is qualified
3 to do so in accordance with the provisions of this article.

4 (b) For an individual to be licensed to practice medicine
5 and surgery in this state, he or she must meet the following
6 requirements:

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

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

18 (3) He or she must submit evidence to the board of
19 having successfully completed a minimum of one year of

20 graduate clinical training in a program approved by the
21 Accreditation Council for Graduate Medical Education; and

22 (4) He or she must pass an examination approved by the
23 board, which examination can be related to a national
24 standard. The examination shall be in the English language
25 and be designed to ascertain an applicant's fitness to practice
26 medicine and surgery. The board shall before the date of
27 examination determine what will constitute a passing score:

28 *Provided*, That the board, or a majority of it, may accept in
29 lieu of an examination of applicants the certificate of the
30 National Board of Medical Examiners: *Provided, however*,

31 That an applicant is required to attain a passing score on all
32 components or steps of the examination within a period of ten

33 consecutive years. ~~*Provided further*, That an applicant who
34 has failed to successfully complete and pass any one of the~~

35 three steps of the United States medical licensing examination
36 (USMLE) in three attempts is required to appear before the

37 board for a determination by the board, in its discretion, as to

38 what, if any, further education, evaluation and training is

39 ~~required for further consideration of licensure.~~ The board
40 need not reject a candidate for a nonmaterial technical or
41 administrative error or omission in the application process that
42 is unrelated to the candidate's professional qualifications as
43 long as there is sufficient information available to the board to
44 determine the eligibility of the candidate for licensure.

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

52 (1) He or she must be able to demonstrate to the
53 satisfaction of the board his or her ability to communicate in
54 the English language;

55 (2) Before taking a licensure examination, he or she must
56 have fulfilled the requirements of the Educational Commission
57 for Foreign Medical Graduates for certification or he or she

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

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

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

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

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

92 (3) He or she must pass an examination approved by the
93 board, which examination can be related to a national
94 standard. The examination shall be in the English language
95 and be designed to ascertain an applicant's fitness to practice
96 podiatric medicine. The board shall before the date of

97 examination determine what will constitute a passing score:
98 *Provided*, That an applicant is required to attain a passing
99 score on all components or steps of the examination within a
100 period of ten consecutive years; ~~*Provided, however*, That an~~
101 ~~applicant who has failed to successfully complete and pass any~~
102 ~~one of the three steps of the National Board of Podiatric~~
103 ~~Medical Examiners examination in three attempts shall be~~
104 ~~required to appear before the board for a determination by the~~
105 ~~board, in its discretion, as to what, if any, further education,~~
106 ~~evaluation and/or training is required for further consideration~~
107 ~~of licensure and~~

108 (4) He or she must submit evidence to the board of
109 having successfully completed a minimum of one year of
110 graduate clinical training in a program approved by the
111 Council on Podiatric Medical Education or the Colleges of
112 Podiatric Medicine. The board may consider a minimum of
113 two years of graduate podiatric clinical training in the U. S.
114 armed forces or three years' private podiatric clinical
115 experience in lieu of this requirement.

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

119 (1) Upon a finding by the board that based on the
120 applicant's exceptional education, training and practice
121 credentials, the applicant's practice in the state would be
122 beneficial to the public welfare;

123 (2) Upon a finding by the board that the applicant's
124 education, training and practice credentials are substantially
125 equivalent to the requirements of licensure established in this
126 article;

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

130 (4) That the restricted license issued under extraordinary
131 circumstances is approved by a vote of three fourths of the
132 members of the board;

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

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

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

143 (g) Personal interviews by board members of all
144 applicants are not required. An applicant for a license may be
145 required by the board, in its discretion, to appear for a personal
146 interview and may be required to produce original documents
147 for review by the board.

148 ~~(g)~~ (h) All licenses to practice medicine and surgery
149 granted prior to July 1, 2008, and valid on that date shall
150 continue in full effect for the term and under the conditions
151 provided by law at the time of the granting of the license:
152 *Provided*, That the provisions of subsection (d) of this section
153 do not apply to any person legally entitled to practice

154 chiropody or podiatry in this state prior to June 11, 1965:
155 *Provided, however,* That all persons licensed to practice
156 chiropody prior to June 11, 1965, shall be permitted to use the
157 term "chiropody-podiatry" and shall have the rights, privileges
158 and responsibilities of a podiatrist set out in this article.

159 ~~(h)~~ (i) The board may not issue a license to a person not
160 previously licensed in West Virginia whose license has been
161 revoked or suspended in another state until reinstatement of
162 his or her license in that state.

(NOTE: The purpose of this bill is to clarify the requirements for obtaining a license to practice medicine and surgery or podiatry by making personal interviews of applicants optional at the discretion of the Board of Medicine.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.)