

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

ENGROSSED

Committee Substitute

for

Senate Bill 138

BY SENATOR TAKUBO

[Originating in the Committee on Health and Human

Resources; reported on January 28, 2022]

1 A BILL 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 ~~sixteen~~ 15 members. One member shall be the state health
12 officer ex officio, with the right to vote as a member of the board. The other 14 members shall be
13 appointed by the Governor, with the advice and consent of the Senate. Eight of the members
14 shall be appointed from among individuals holding the degree of doctor of medicine, and ~~two~~ one
15 shall hold the degree of doctor of podiatric medicine. Two members shall be physician assistants
16 licensed by the board. Each of these members must be duly licensed to practice his or her
17 profession in this state on the date of appointment and must have been licensed and actively
18 practicing that profession for at least five years immediately preceding the date of appointment.
19 Three lay members shall be appointed to represent health care consumers. Neither the lay

20 members nor any person of the lay members' immediate families shall be a provider of or be
21 employed by a provider of health care services. The state health officer's term shall continue for
22 the period that he or she holds office as state health officer. Each other member of the board shall
23 be appointed to serve a term of five years: *Provided*, That the members of the Board of Medicine
24 holding appointments on the effective date of this section shall continue to serve as members of
25 the Board of Medicine until the expiration of their term unless sooner removed. Each term shall
26 begin on 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.