

# **WEST VIRGINIA LEGISLATURE**

**2022 REGULAR SESSION**

**ENROLLED**

**Committee Substitute**

**for**

**Senate Bill 138**

BY SENATOR TAKUBO

[Passed March 12, 2022; in effect 90 days from passage]



1 AN ACT 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 15 members. One member shall be the state health officer ex  
12 officio, with the right to vote as a member of the board. The other 14 members shall be appointed  
13 by the Governor, with the advice and consent of the Senate. Eight of the members shall be  
14 appointed from among individuals holding the degree of doctor of medicine, and one shall hold  
15 the degree of doctor of podiatric medicine. Two members shall be physician assistants licensed  
16 by the board. Each of these members must be duly licensed to practice his or her profession in  
17 this state on the date of appointment and must have been licensed and actively practicing that  
18 profession for at least five years immediately preceding the date of appointment. Three lay  
19 members shall be appointed to represent health care consumers. Neither the lay members nor

20 any person of the lay members' immediate families shall be a provider of or be employed by a  
21 provider of health care services. The state health officer's term shall continue for the period that  
22 he or she holds office as state health officer. Each other member of the board shall be appointed  
23 to serve a term of five years: *Provided*, That the members of the Board of Medicine holding  
24 appointments on the effective date of this section shall continue to serve as members of the Board  
25 of Medicine until the expiration of their term unless sooner removed. Each term shall begin on  
26 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.

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.

In effect 90 days from passage.

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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*

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The within ..... this the.....  
Day of ....., 2022.

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*Governor*