

# **WEST VIRGINIA LEGISLATURE**

**2022 REGULAR SESSION**

**Engrossed**

**Senate Bill 603**

BY SENATOR TAKUBO

[Introduced February 09, 2022; referred  
to the Committee on Health and Human Resources]



1 A BILL to amend and reenact §30-3-10 of the Code of West Virginia, 1931, as amended, relating  
2 to prohibiting licensure or renewal of licensure when the applicant or licensee has certain  
3 unresolved disciplinary proceedings pending in another jurisdiction.

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

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

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

1 (a) A person seeking licensure as an allopathic physician shall apply to the board.

2 (b) A license may be granted to an applicant who has graduated and received the degree  
3 of doctor of medicine or its equivalent from a school of medicine located within the United States,  
4 the Commonwealth of Puerto Rico, or Canada, and is approved by the Liaison Committee on  
5 Medical Education or by the board, and who:

6 (1) Submits a complete application;

7 (2) Pays the applicable fees;

8 (3) Demonstrates to the board's satisfaction that the applicant:

9 (A) Is of good moral character;

10 (B) Is physically and mentally capable of engaging in the practice of medicine and surgery;

11 (C) Has, within 10 consecutive years, passed all component parts of the United States  
12 Medical Licensing Examination or any prior examination or examination series approved by the  
13 board which relates to a national standard, is administered in the English language, and is  
14 designed to ascertain an applicant's fitness to practice medicine and surgery;

15 (D) Has successfully completed:

16 (i) A minimum of one year of graduate clinical training in a program is approved by the  
17 Accreditation Council for Graduate Medical Education; or

18 (ii) A graduate medical education residency program outside of the United States and a  
19 minimum of one year of fellowship training in the United States in a clinical field related to the  
20 applicant's residency training which was completed:

21 (I) At an institution that sponsors or operates a residency program in the same clinical field  
22 or a related clinical field approved by the Accreditation Council for Graduate Medical Education;  
23 or

24 (II) At a time when accreditation was not available for the fellowship's clinical field and the  
25 board has determined that the training was similar to accredited training due to objective  
26 standards, including, but not limited to, the presence of other accredited programs at the  
27 sponsoring institution during the applicant's clinical training at the fellowship location; and

28 (E) Meets any other criteria for licensure set forth in this article or in rules promulgated by  
29 the board pursuant to §30-3-7 of this code and in accordance with §29A-3-1 *et seq.* of this code.

30 (c) A license may be granted to an applicant who has received the degree of doctor of  
31 medicine or its equivalent from a school of medicine located outside of the United States, the  
32 Commonwealth of Puerto Rico, and Canada, who:

33 (1) Submits a complete application;

34 (2) Pays the applicable fees;

35 (3) Demonstrates to the board's satisfaction that the applicant:

36 (A) Is of good moral character;

37 (B) Is physically and mentally capable of engaging in the practice of medicine and surgery;

38 (C) Has, within 10 consecutive years, passed all component parts of the United States  
39 Medical Licensing Examination or any prior examination or examination series approved by the  
40 board which relates to a national standard, is administered in the English language, and is  
41 designed to ascertain an applicant's fitness to practice medicine and surgery;

42 (D) Has successfully completed:

43 (i) A minimum of two years of graduate clinical training approved by the Accreditation  
44 Council for Graduate Medical Education;

45 (ii) A minimum of one year of graduate clinical training approved by the Accreditation  
46 Council for Graduate Medical Education or one year of fellowship training which comports with

47 the requirements of subparagraph (iii) of this paragraph and the applicant holds a current  
48 certification by a member board of the American Board of Medical Specialties; or

49 (iii) A graduate medical education residency program outside of the United States and a  
50 minimum of two years of fellowship training in the United States in a clinical field related to the  
51 applicant's residency training which was completed:

52 (I) At an institution that sponsors or operates a residency program in the same clinical field  
53 or a related clinical field approved by the Accreditation Council for Graduate Medical Education;  
54 or

55 (II) At a time when accreditation was not available for the fellowship's clinical field and the  
56 board has determined that the training was similar to accredited training due to objective  
57 standards, including, but not limited to, the presence of other accredited programs at the  
58 sponsoring institution during the applicant's clinical training at the fellowship location;

59 (E) Holds a valid ECFMG certificate issued by the Educational Commission for Foreign  
60 Medical Graduates or:

61 (i) Holds a full, unrestricted, and unconditional license to practice medicine and surgery  
62 under the laws of another state, the District of Columbia, Canada, or the Commonwealth of Puerto  
63 Rico;

64 (ii) Has been engaged in the practice of medicine on a full-time professional basis within  
65 the state or jurisdiction where the applicant is fully licensed for a period of at least five years; and

66 (iii) Is not the subject of any pending disciplinary action by a medical licensing board and  
67 has not been the subject of professional discipline reportable to the National Practitioner Data  
68 Bank by a medical licensing board in any jurisdiction;

69 (F) Can communicate in the English language; and

70 (G) Meets any other criteria for licensure set forth in this article or in rules promulgated by  
71 the board pursuant to §30-3-7 of this code and in accordance with §29A-3-1 *et seq.* of this code.

72 (d) A person seeking licensure as a podiatrist shall apply to the board. A license may be  
73 granted to an applicant who:

74 (1) Submits a complete application;

75 (2) Pays the applicable fees;

76 (3) Demonstrates to the board's satisfaction that the applicant:

77 (A) Is of good moral character;

78 (B) Is physically and mentally capable of engaging in the practice of podiatric medicine  
79 and surgery;

80 (C) Has graduated and received the degree of doctor of podiatric medicine or its equivalent  
81 from a school of podiatric medicine approved by the Council of Podiatric Medical Education or by  
82 the board;

83 (D) Has, within 10 consecutive years, passed all component parts of the American  
84 Podiatric Medical Licensing Examination, or any prior examination or examination series  
85 approved by the board which relates to a national standard, is administered in the English  
86 language, and is designed to ascertain an applicant's fitness to practice podiatric medicine;

87 (E) Has successfully completed a minimum of one year of graduate clinical training in a  
88 program approved by the Council on Podiatric Medical Education or the Colleges of Podiatric  
89 Medicine. The board may consider a minimum of two years of graduate podiatric clinical training  
90 in the United States armed forces or three years' private podiatric clinical experience in lieu of this  
91 requirement; and

92 (F) Meets any other reasonable criteria for licensure set forth in this article or in legislative  
93 rules promulgated by the board.

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

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

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

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

103 (4) That the restricted license issued under extraordinary circumstances is approved by a  
104 vote of three fourths of the members of the board; and

105 (5) That orders denying applications for a restricted license under this subsection are not  
106 appealable.

107 (f) The board may propose rules for legislative approval in accordance with the provisions  
108 of §29A-3-1 *et seq.* of this code that establish and regulate the restricted license issued to an  
109 applicant in extraordinary circumstances pursuant to the provisions of this section.

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

113 (h) All licenses to practice medicine and surgery granted prior to July 1, 2008, and valid  
114 on that date shall continue in full effect for the term and under the conditions provided by law at  
115 the time of the granting of the license: *Provided*, That the provisions of subsection (d) of this  
116 section do not apply to any person legally entitled to practice chiropody or podiatry in this state  
117 prior to June 11, 1965: *Provided, however*, That all persons licensed to practice chiropody prior  
118 to June 11, 1965, are permitted to use the term "chiropody-podiatry" and shall have the rights,  
119 privileges, and responsibilities of a podiatrist set out in this article.

120 (i) The board ~~may~~ shall not issue a license to a person not previously licensed in West  
121 Virginia whose license has been revoked or suspended in another state until reinstatement of his  
122 or her license in that state.

123 (j) The board shall not issue an initial license, reinstate, or reactivate a license, to any  
124 individual whose license has been revoked, suspended, surrendered, or deactivated in another  
125 state based upon conduct which is substantially equivalent to an act of unprofessional conduct  
126 prohibited by §30-3-14(c) of this code or the board's legislative rules, until reinstatement of his or  
127 her license in that state.

128 (k) The board need not reject a candidate for a nonmaterial technical or administrative  
129 error or omission in the application process that is unrelated to the candidate's professional  
130 qualifications as long as there is sufficient information available to the board to determine the  
131 eligibility and qualifications of the candidate for licensure.