

# **WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**Introduced**

**Senate Bill 646**

By Senator Nelson

[Introduced February 15, 2023; referred  
to the Committee on Health and Human Resources]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §30-3-12a, relating to creating an emeritus physician license; and providing  
 3 legislative rulemaking.

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

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

**§30-3-12a. Emeritus physician licenses; rulemaking.**

1 (a) The board may issue an emeritus physician license to a person who is retired from  
 2 practicing medicine. The holder of an emeritus physician license may not practice medicine in this  
 3 state. The board shall deny issuance of an emeritus physician license to a person who is not  
 4 qualified under this section to hold an emeritus license.

5 (b) An application for an emeritus license shall include all of the following:

6 (1) A copy of the applicant’s medical education and postgraduate training documents  
 7 certified as true and accurate by the state licensing authority with whom the physician holds  
 8 current licensure or has most recently held current licensure;

9 (2) A copy of the applicant’s most recent license authorizing the practice of medicine  
 10 issued by a jurisdiction in the United States that licenses persons to practice medicine;

11 (3) Evidence of one of the following, as applicable:

12 (i) That the applicant has maintained for at least 10 years immediately prior to retirement  
 13 full licensure in good standing in any jurisdiction in the United States that licenses persons to  
 14 practice allopathic or osteopathic medicine; or

15 (ii) That the applicant has practiced for at least 10 years immediately prior to retirement in  
 16 good standing as a doctor of allopathic or osteopathic medicine or as a physician assistant in one  
 17 or more of the branches of the United States armed services; and

18 (iii) A notarized statement from the applicant, on a form prescribed by the board, that the  
 19 applicant will provide any other documentation that the board reasonably may require.

20 (c) The board may charge a one-time fee, as determined by the board, for issuing an

21 emeritus physician license.

22 (d) An emeritus physician license shall not require renewal and shall be valid for life, unless  
23 the board revokes such license.

24 (e) The board may revoke an emeritus license upon receiving proof satisfactory to the  
25 board that the holder has engaged in practice in this state outside the scope of the license.

26 (f) The board may promulgate rules for legislative approval in accordance with the  
27 provisions of §29A-3-1 et seq. of this code to effectuate the provisions of this article.

NOTE: The purpose of this bill is to create an emeritus physician license for retired physicians. The bill provides that when granted, a license is valid for life, unless revoked by the West Virginia Board of Medicine.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.