

# **WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 646**

BY SENATOR NELSON

[Originating in the Committee on Health and Human  
Resources; reported on February 22, 2023]



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) In acknowledgement of the important service physicians, podiatric physicians, and  
2 physician assistants provide to the citizens of West Virginia, the board is authorized to issue,  
3 without a fee, an emeritus license to a provider who was previously licensed by the board and  
4 who has fully retired from clinical professional practice if the provider was actively practicing in  
5 good standing in this state for a minimum of 10 consecutive years immediately preceding the  
6 provider's retirement.

7 (b) An emeritus license is an honorific license and does not authorize the holder to practice  
8 any profession in this state or engage in any clinical practice whatsoever.

9 (c) An emeritus license may not be converted to a license to practice the holder's  
10 profession. Emeritus licensees who seek to return to active clinical practice must apply to  
11 reactivate licensure and meet all the requirements for reactivation, including any continuing  
12 education requirements.

13 (d) An emeritus license shall be valid for the life of the holder, without periodic renewal,  
14 unless the holder returns to active clinical practice, or the board revokes the license.

15 (e) The board shall promulgate rules for legislative approval in accordance with the  
16 provisions of §29A-3-1 et seq. of this code to effectuate the provisions of this section. Such rules  
17 shall establish:

18 (1) The application process for an emeritus license, which shall, at a minimum, require the  
19 applicant to demonstrate eligibility in compliance with this section;

20 (2) Grounds for denial or revocation of an emeritus license, including, but not limited to:

- 21           (i) Evidence of active clinical practice in any jurisdiction;  
22           (ii) Evidence that the provider retired while under or to avoid a pending board complaint  
23 or investigation process; or  
24           (iii) Evidence that the provider's West Virginia license was on probation, suspended,  
25 revoked, or subject to disciplinary surrender prior to retirement; and  
26           (3) A process for voluntary relinquishment an emeritus license.