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2009 MAY 12 PM 4: 01

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2009



ENROLLED

House Bill No. 2801

(By Delegates Morgan, Stephens, Hatfield,
Staggers, Perry, Perdue and Craig)



Passed April 11, 2009

In Effect July 1, 2009

ENROLLED FILED

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H. B. 2801

OFFICE WEST VIRGINIA
SECRETARY OF STATE

(BY DELEGATES, MORGAN, STEPHENS, HATFIELD,
STAGGERS, PERRY, PERDUE AND CRAIG)

[Passed April 11, 2009; in effect July 1, 2009.]

AN ACT to amend and reenact §30-3-7 of the Code of West Virginia, 1931, as amended; relating to updating language and making technical changes clarifying that the Board of Medicine is an autonomous board which may hire its employees at the board's will and pleasure, and providing for continuation of employment and coverage under the classified service of the Division of Personnel for current employees.

Be it enacted by the Legislature of West Virginia:

That §30-3-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 3. WEST VIRGINIA MEDICAL PRACTICE ACT.

§30-3-7. Powers and duties of West Virginia Board of Medicine.

- 1 (a) The board is autonomous and, in accordance with this
2 article, shall determine qualifications of applicants for

3 licenses to practice medicine and surgery, to practice
4 podiatry, and to practice as a physician assistant for a
5 physician licensed under this article, and shall issue licenses
6 to qualified applicants and shall regulate the professional
7 conduct and discipline of such individuals. In carrying out its
8 functions, the board may:

9 (1) Adopt such rules as are necessary to carry out the
10 purposes of this article;

11 (2) Hold hearings and conduct investigations, subpoena
12 witnesses and documents and administer oaths;

13 (3) Institute proceedings in the courts of this state to
14 enforce its subpoenas for the production of witnesses and
15 documents and its orders and to restrain and enjoin violations
16 of this article and of any rules promulgated under it;

17 (4) Employ investigators, attorneys, hearing examiners,
18 consultants and such other employees as may be necessary,
19 who shall be exempt from the classified service of the
20 Division of Personnel and who shall serve at the will and
21 pleasure of the board. In addition, all personnel employed
22 through the Department of Health and Human Resources on
23 June 30, 2009, to provide services for the board are hereby
24 transferred to the board effective July 1, 2009. However, the
25 employment, salary, benefits or position classification of any
26 person transferred under this section may not be reduced or
27 diminished by reason of this section. All persons transferred
28 shall retain their coverage under the classified service of the
29 Division of Personnel and all matters relating to job
30 classification, job tenure and conditions of employment shall
31 remain in force and effect from and after the date of this
32 section, to the same extent as if this section had not been
33 reenacted. Also, nothing herein shall prohibit the disciplining
34 or dismissal of any employee for cause.

35 (5) Enter into contracts and receive and disburse funds
36 according to law;

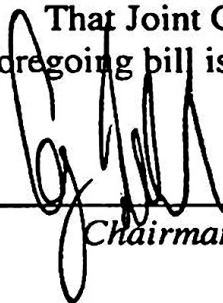
37 (6) Establish and certify standards for the supervision and
38 certification of physician assistants;

39 (7) Authorize medical and podiatry corporations in
40 accordance with the limitations of section fifteen of this
41 article to practice medicine and surgery or podiatry through
42 duly licensed physicians or podiatrists; and

43 (8) Perform such other duties as are set forth in this
44 article or otherwise provided for in this code.

45 (b) The board shall submit an annual report of its
46 activities to the Legislature. The report shall include a
47 statistical analysis of complaints received, charges
48 investigated, charges dismissed after investigation, the
49 grounds for each such dismissal and disciplinary proceedings
50 and disposition.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



Chairman Senate Committee



Chairman House Committee

Originating in the House.

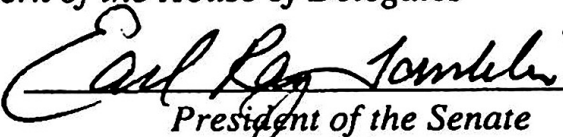
In effect July 1, 2009.



Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within is approved this the 12th
day of May, 2009.



Governor

PRESENTED TO THE
GOVERNOR

MAY 6 2009

Time 3:45 p