

**H. B. 4239**

(By Delegates Morgan and Perdue)  
[Introduced January 20, 2012; referred to the  
Committee on Government Organization.]

**FISCAL  
NOTE**

A BILL to amend and reenact §30-14-3 of the Code of West Virginia, 1931, as amended, relating to increasing the membership of the West Virginia Board of Osteopathy by adding an additional licensed osteopathic physician and a licensed osteopathic physician assistant.

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

That §30-14-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 14. OSTEOPATHIC PHYSICIANS AND SURGEONS.**

**§30-14-3. Board of osteopathy.**

There ~~shall be~~ is a board of osteopathy, known as the "West Virginia Board of Osteopathy" composed of ~~five~~ seven members. ~~Three~~ Four of the members shall be licensed osteopathic physicians and surgeons. These members shall be appointed by the Governor by and with the advice and consent of the Senate from a list of ~~six~~ two or more names per member position as recommended by the West Virginia Osteopathic ~~Society, Incorporated~~ Medical Association.

1 One of the members shall be a licensed osteopathic physician  
2 assistant. This member shall be appointed by the Governor by and  
3 with the advice and consent of the Senate from list of two or more  
4 names recommended by the West Virginia Association of Physician  
5 Assistants. Each ~~such member of the board shall~~ of these members  
6 must have been a resident of and engaged in the practice of his or  
7 her profession in this state for a period of at least five years  
8 immediately preceding his or her appointment. ~~The lay~~ Two citizen  
9 members of the board shall be appointed by the Governor by and with  
10 the advice and consent of the Senate.

11 The members of the board shall be appointed for a term of  
12 office of three years. The members of the board in office on the  
13 effective date ~~this article takes effect~~ of the amendment made to  
14 this section during the 2012 regular session of the Legislature  
15 shall, unless sooner removed, continue to serve until their  
16 respective terms expire and until their successors have been  
17 appointed and have qualified. Within sixty days of the effective  
18 date of the amendment made to this section during the 2012 regular  
19 session of the Legislature the Governor shall appoint the two  
20 additional members provided by the amendment. On or before July 1,  
21 of each year, the Governor shall appoint one member to serve for a  
22 term of three years commencing on ~~said first day of~~ July 1; and any  
23 member ~~shall be~~ is eligible for reappointment. When a vacancy in  
24 the membership of the board occurs for any cause other than the  
25 expiration of a term, the Governor shall appoint a successor as a  
26 member of the board to fill the unexpired portion of the term of

1 office of the member whose office has been vacated.

2       Each member of the board, excluding ~~lay~~ citizen members, shall  
3 take, in addition to the oath of office provided ~~for~~ in article IV,  
4 section 5 of the Constitution of this state, an oath that he or she  
5 has been engaged in the practice of his or her profession in this  
6 state for at least five years immediately preceding his or her  
7 appointment.

NOTE: The purpose of this bill is to enhance the licensure and regulatory ability of the West Virginia Board of Osteopathy to appropriately fulfill its statutory responsibility. The bill increases the membership of the board by adding an additional licensed osteopathic physician and a licensed osteopathic physician assistant,

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