



1 to do so in accordance with the provisions of this article.

2 (b) For an individual to be licensed to practice medicine and  
3 surgery in this state, he or she must meet the following  
4 requirements:

5 (1) He or she shall submit an application to the board on a  
6 form provided by the board and remit to the board a reasonable fee,  
7 the amount of the reasonable fee to be set by the board. The  
8 application must, as a minimum, require a sworn and notarized  
9 statement that the applicant is of good moral character and that he  
10 or she is physically and mentally capable of engaging in the  
11 practice of medicine and surgery;

12 (2) He or she must provide evidence of graduation and receipt  
13 of the degree of doctor of medicine or its equivalent from a school  
14 of medicine, which is approved by the liaison committee on medical  
15 education or by the board;

16 (3) He or she must submit evidence to the board of having  
17 successfully completed a minimum of one year of graduate clinical  
18 training in a program approved by the Accreditation Council for  
19 Graduate Medical Education; and

20 (4) He or she must pass an examination approved by the board,  
21 which examination can be related to a national standard. The  
22 examination shall be in the English language and be designed to  
23 ascertain an applicant's fitness to practice medicine and surgery.

1 The board shall before the date of examination determine what will  
2 constitute a passing score: *Provided*, That the board, or a  
3 majority of it, may accept in lieu of an examination of applicants  
4 the certificate of the National Board of Medical Examiners:  
5 *Provided, however*, That an applicant is required to attain a  
6 passing score on all components or steps of the examination within  
7 a period of ten consecutive years. ~~*Provided further*, That an~~  
8 ~~applicant who has failed to successfully complete and pass any one~~  
9 ~~of the three steps of the United States medical licensing~~  
10 ~~examination (USMLE) in three attempts is required to appear before~~  
11 ~~the board for a determination by the board, in its discretion, as~~  
12 ~~to what, if any, further education, evaluation and training is~~  
13 ~~required for further consideration of licensure.~~ The board need  
14 not reject a candidate for a nonmaterial technical or  
15 administrative error or omission in the application process that is  
16 unrelated to the candidate's professional qualifications as long as  
17 there is sufficient information available to the board to determine  
18 the eligibility of the candidate for licensure.

19 (c) In addition to the requirements of subsection (b) of this  
20 section, any individual who has received the degree of doctor of  
21 medicine or its equivalent from a school of medicine located  
22 outside of the United States, the Commonwealth of Puerto Rico and  
23 Canada to be licensed to practice medicine in this state must also

1 meet the following additional requirements and limitations:

2 (1) He or she must be able to demonstrate to the satisfaction  
3 of the board his or her ability to communicate in the English  
4 language;

5 (2) Before taking a licensure examination, he or she must have  
6 fulfilled the requirements of the Educational Commission for  
7 Foreign Medical Graduates for certification or he or she must  
8 provide evidence of receipt of a passing score on the examination  
9 of the Educational Commission for Foreign Medical Graduates:  
10 *Provided*, That an applicant who: (i) Is currently fully licensed,  
11 excluding any temporary, conditional or restricted license or  
12 permit, under the laws of another state, the District of Columbia,  
13 Canada or the Commonwealth of Puerto Rico; (ii) has been engaged on  
14 a full-time professional basis in the practice of medicine within  
15 the state or jurisdiction where the applicant is fully licensed for  
16 a period of at least five years; and (iii) is not the subject of  
17 any pending disciplinary action by a medical licensing board and  
18 has not been the subject of professional discipline by a medical  
19 licensing board in any jurisdiction is not required to have a  
20 certificate from the Educational Commission for Foreign Medical  
21 Graduates;

22 (3) He or she must submit evidence to the board of either:  
23 (i) Having successfully completed a minimum of two years of

1 graduate clinical training in a program approved by the  
2 Accreditation Council for Graduate Medical Education; or (ii)  
3 current certification by a member board of the American Board of  
4 Medical Specialties.

5 (d) For an individual to be licensed to practice podiatry in  
6 this state, he or she must meet the following requirements:

7 (1) He or she shall submit an application to the board on a  
8 form provided by the board and remit to the board a reasonable fee,  
9 the amount of the reasonable fee to be set by the board. The  
10 application must, as a minimum, require a sworn and notarized  
11 statement that the applicant is of good moral character and that he  
12 or she is physically and mentally capable of engaging in the  
13 practice of podiatric medicine;

14 (2) He or she must provide evidence of graduation and receipt  
15 of the degree of doctor of podiatric medicine or its equivalent  
16 from a school of podiatric medicine which is approved by the  
17 Council of Podiatry Education or by the board;

18 (3) He or she must pass an examination approved by the board,  
19 which examination can be related to a national standard. The  
20 examination shall be in the English language and be designed to  
21 ascertain an applicant's fitness to practice podiatric medicine.  
22 The board shall before the date of examination determine what will  
23 constitute a passing score: *Provided, That an applicant is*

1 required to attain a passing score on all components or steps of  
2 the examination within a period of ten consecutive years; ~~Provided,~~  
3 ~~however, That an applicant who has failed to successfully complete~~  
4 ~~and pass any one of the three steps of the National Board of~~  
5 ~~Podiatric Medical Examiners examination in three attempts shall be~~  
6 ~~required to appear before the board for a determination by the~~  
7 ~~board, in its discretion, as to what, if any, further education,~~  
8 ~~evaluation and/or training is required for further consideration of~~  
9 licensure and

10 (4) He or she must submit evidence to the board of having  
11 successfully completed a minimum of one year of graduate clinical  
12 training in a program approved by the Council on Podiatric Medical  
13 Education or the Colleges of Podiatric Medicine. The board may  
14 consider a minimum of two years of graduate podiatric clinical  
15 training in the U. S. armed forces or three years' private  
16 podiatric clinical experience in lieu of this requirement.

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

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

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

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

8           (4) That the restricted license issued under extraordinary  
9 circumstances is approved by a vote of three fourths of the members  
10 of the board;

11          (5) That orders denying applications for a restricted license  
12 under this subsection are not appealable; and

13          (6) That the board report to the President of the Senate and  
14 the Speaker of the House of Delegates all decisions made pursuant  
15 to this subsection and the reasons for those decisions.

16          (f) The board shall propose rules for legislative approval in  
17 accordance with the provisions of article three, chapter  
18 twenty-nine-a of this code, that establish and regulate the  
19 restricted license issued to an applicant in extraordinary  
20 circumstances pursuant to the provisions of this section.

21          (g) Personal interviews by board members of all applicants are  
22 not required. An applicant for a license may be required by the  
23 board, in its discretion, to appear for a personal interview and

1 may be required to produce original documents for review by the  
2 board.

3 ~~(g)~~ (h) All licenses to practice medicine and surgery granted  
4 prior to July 1, 2008, and valid on that date shall continue in  
5 full effect for the term and under the conditions provided by law  
6 at the time of the granting of the license: *Provided*, That the  
7 provisions of subsection (d) of this section do not apply to any  
8 person legally entitled to practice chiropody or podiatry in this  
9 state prior to June 11, 1965: *Provided, however*, That all persons  
10 licensed to practice chiropody prior to June 11, 1965, shall be  
11 permitted to use the term "chiropody-podiatry" and shall have the  
12 rights, privileges and responsibilities of a podiatrist set out in  
13 this article.

14 ~~(h)~~ (i) The board may not issue a license to a person not  
15 previously licensed in West Virginia whose license has been revoked  
16 or suspended in another state until reinstatement of his or her  
17 license in that state.

---

(NOTE: The purpose of this bill is to clarify the requirements for obtaining a license to practice medicine and surgery or podiatry by making personal interviews of applicants optional at the discretion of the Board of Medicine.

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