

# **WEST VIRGINIA LEGISLATURE**

**2020 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 770**

SENATORS TAKUBO, STOLLINGS, RUCKER, AND PLYMALE,

*original sponsors*

[Originating in the Committee on Health and Human

Resources; reported on February 19, 2020]



1 A BILL to amend and reenact §30-14-2 and §30-14-4 of the Code of West Virginia, 1931, as  
2 amended, all relating to definitions and applications for licensure or educational permits  
3 for osteopathic physicians and surgeons; revising requirements for post-doctoral training;  
4 and eliminating continuing medical education requirements for initial licensure.

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

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

### **§30-14-2. Definitions.**

1 “Accreditation Council for Graduate Medical Education” (ACGME) is the body responsible  
2 for accrediting the majority of graduate medical education programs for physicians (both medical  
3 doctors and doctors of osteopathic medicine), including medical internship, residency, and  
4 fellowship programs;

5 ~~(a)~~ “Accredited osteopathic college” means a college of osteopathy and surgery which  
6 requires as a minimum prerequisite for admission preprofessional training of at least two years of  
7 academic work in specified scientific subjects, as prescribed by the board or by the college  
8 accrediting agency of the American Osteopathic Association, in an accredited college of arts and  
9 sciences and which requires for graduation a course of study approved by the board in  
10 accordance with the minimum standards established by the American Osteopathic Association;

11 “American Osteopathic Association” (AOA) is the entity that serves as the primary  
12 certifying body for osteopathic physicians and is the accrediting agency for osteopathic graduate  
13 medical education. Prior to the implementation of a single accreditation system for graduate  
14 medical education in the United States of America under the ACGME, which began in 2015 and  
15 will be fully implemented by July 1, 2020, the AOA also served as the accrediting body for  
16 osteopathic graduate medical education programs in the United States of America;

17 ~~(b)~~ “Approved program of post-graduate clinical training” means a program of clinical  
18 training approved by, or subject to approval by, the American Osteopathic Association or

19 approved by the Accreditation Council for Graduate Medical Education for the purposes of intern  
20 or resident training;

21 ~~(e)~~ “Board” means the West Virginia Board of Osteopathic Medicine: *Provided*, That where  
22 used elsewhere in the ~~Code~~ code, the West Virginia Board of Osteopathy and Board of  
23 Osteopathy shall also mean the West Virginia Board of Osteopathic Medicine;

24 ~~(d)~~ “License” means legal authorization issued by the board to a fully qualified osteopathic  
25 physician to engage in the regular practice of osteopathic medicine and surgery;

26 ~~(e)~~ “Osteopathy” means that system of the healing art which places the chief emphasis on  
27 the structural integrity of the body mechanism as being the most important single factor in  
28 maintaining the well-being of the organism in health and disease;

29 ~~(f)~~ “Permit” means a limited, legal authorization issued by the board to an osteopathic  
30 physician to practice osteopathic medicine and surgery in this state while serving under special  
31 circumstances of public need or while undergoing post-graduate clinical training as a prerequisite  
32 to licensure;

33 ~~(g)~~ “Reciprocal endorsement” means a duly authenticated verification of the board,  
34 addressed to a board or agency of another country, state, territory, province, or the District of  
35 Columbia, vouching that a license issued to an osteopathic physician and surgeon pursuant to  
36 the laws of this state is currently valid and not suspended or revoked for any cause or causes  
37 specified in this article.

**§30-14-4. Application for license or educational permit.**

1 (a) Each applicant for examination by the board, with the exception of assistants to  
2 osteopathic physicians and surgeons, as hereinafter provided, shall submit an application therefor  
3 on forms prepared and furnished by the board.

4 (b) Each applicant for a license shall furnish evidence, verified by oath and satisfactory to  
5 the board, establishing that the applicant has satisfied the following requirements:

6 (1) The applicant is 18 years of age or over;

7           ~~(2) The applicant is of good moral character;~~

8           ~~(3)~~(2) The applicant has graduated from an accredited osteopathic college;

9           ~~(4)~~(3)The applicant has successfully completed either of the following:

10           (A) A a minimum of one year of post-doctoral, clinical training in a program approved by  
11 the American Osteopathic Association or the Accreditation Council for Graduate Medical  
12 Education.

13           ~~(B) A minimum of one year of post-doctoral, clinical training in a program approved by the~~  
14 ~~Accreditation Council for Graduate Medical Education and forty hours of continuing medical~~  
15 ~~education in osteopathic manipulative medicine and osteopathic manipulative treatment in~~  
16 ~~courses approved, and classified as Category 1A, by the American Osteopathic Association~~

17           (c) Each applicant for an educational permit shall furnish evidence, verified by oath and  
18 satisfactory to the board, establishing that the applicant has satisfied the following requirements:

19           (1) The applicant is 18 years of age or over;

20           ~~(2) The applicant is of good moral character;~~

21           ~~(3)~~(2) The applicant has graduated from an accredited osteopathic college; ~~and~~

22           ~~(4)~~(3) The applicant is under contract as an intern or resident in an approved program of  
23 post-graduate clinical training; and

24           (4) The applicant has satisfied the requirements of §30-1-24 of this code.

25           (d) The board may not issue a license or permit to any person until the applicant has paid  
26 the application fee established by legislative rule of the board.

27           (e) In order to give timely effect to the amendments to this section and §30-14-10 of this  
28 article, the board is authorized to propose a legislative rule consistent with these amendments as  
29 an emergency rule under the provisions of §29A-3-15 of this code.

NOTE: The purpose of this bill is to revise the requirements for post-doctoral training as a requirement for licensure as an osteopathic physician and to eliminate the requirement of Continuing Medical Education Hours prior to initial licensure. These changes will create parity with applicants for a medical doctor (MD) who graduates from equivalent programs and will reflect the current transition to a single accreditation system for all D.O.s and M.D.s under the Accreditation Council for Graduate Medical Education, which will be complete by July 1, 2020.

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