

1 **COMMITTEE SUBSTITUTE**

2 **FOR**

3 **H. B. 4239**

4 (By Delegates Morgan and Perdue)

5 [Originating in the Committee on Government Organization.]

6 (January 31, 2012)

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10 A BILL to amend and reenact §30-14-3 of the Code of West Virginia,
11 1931, as amended, relating to West Virginia Board of
12 Osteopathy; increasing board membership; increasing the term
13 length; adding certain requirements to qualify to serve on the
14 board.

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

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

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

19 **§30-14-3. Board of osteopathy.**

20 (a) The West Virginia Board of Osteopathy is continued. The
21 members of the board in office on July 1, 2012, shall, unless
22 sooner removed, continue to serve until their respective terms
23 expire and until their successors have been appointed and
24 qualified.

25 (b) Effective July 1, 2012, the board shall consist of the

1 following seven members, who are appointed to staggered terms by
2 the Governor with the advice and consent of the Senate:

3 (1) 4 licensed osteopathic physicians and surgeons;

4 (2) 1 licensed osteopathic physician assistant; and

5 (3) 2 citizen members, who are not associated with the
6 practice of osteopathy.

7 (c) The West Virginia Osteopathic Medical Association may
8 submit recommendations to the Governor for the appointment of an
9 osteopathic physician board member; and The West Virginia
10 Association of Physician Assistants may submit recommendations to
11 the Governor for the appointment of an osteopathic physician
12 assistant board member.

13 (d) Licensed board members shall have a valid license to
14 practice in West Virginia for at least 5 years.

15 (e) The term shall be for five years.

16 (f) Members of the board must be a U.S. citizen and a resident
17 of this state for at least 5 years immediately preceding, his or
18 her appointment.

19 (g) Members may not have a history of suspended, revoked, or
20 sanctioned license or reprimand by this or any other board.

21 (h) A member may not serve more than two consecutive full
22 terms. A member having served two consecutive full terms may not
23 be appointed for one year after completion of his or her second
24 full term. A member may continue to serve until a successor has
25 been appointed and has qualified.

26 (i) A vacancy on the board shall be filled by appointment by

1 the Governor for the unexpired term of the member whose office
2 shall be vacant and the appointment shall be made within sixty days
3 of the vacancy.

4 (j) The Governor may remove any member from the board for
5 neglect of duty, incompetency or official misconduct.

6 (k) Any member of the board immediately and automatically
7 forfeits his or her membership if his or her license to practice is
8 suspended or revoked by the board, is convicted of a felony under
9 the laws of any jurisdiction, or becomes a nonresident of this
10 state.

11 (l) The board annually shall elect from its membership a
12 president and secretary who shall serve at the will and pleasure of
13 the board.

14 (m) Each member of the board is entitled to compensation and
15 expense reimbursement in accordance with article one of this
16 chapter.

17 (n) A simple majority of the membership serving on the board
18 at a given time is a quorum for the transaction of business.

19 (o) The board shall hold at least two meetings annually. Other
20 meetings may be held at the call of the president or upon the
21 written request of four members, at the time and place as
22 designated in the call or request.

23 (p) Prior to commencing his or her duties as a member of the
24 board, each member shall take and subscribe to the oath required by
25 section five, article four of the Constitution of this state.

26 (q) The members of the board when acting in good faith and

- 1 without malice shall enjoy immunity from individual civil liability
- 2 while acting within the scope of their duties as board members.

NOTE: The bill adds 2 members to the West Virginia Board of Osteopathy. The bill increases the membership of the board by adding an additional licensed osteopathic physician and a licensed osteopathic physician assistant. The bill updates the section to the new format, which adds certain requirements be fulfilled to obtain board membership.

This section has been completely re-written, therefore the whole section is underscored.