

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 499

BY SENATORS MARONEY, CLEMENTS, PREZIOSO,
STOLLINGS, TAKUBO, PLYMALE, CLINE, AND JEFFRIES

[Introduced February 7, 2018; Referred
to the Committee on Health and Human Resources; and
then to the Committee on Government Organization]

1 A BILL to amend and reenact §30-3-10 of the Code of West Virginia, 1931, as amended, relating
 2 to clarifying that a person who has received a degree of Doctor of Medicine or its
 3 equivalent from a school of medicine located outside the United States must have
 4 successfully completed one year of Accreditation Council for Graduate Medical Education
 5 approved postgraduate clinical training before the person can be licensed to practice
 6 medicine in West Virginia.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. WEST VIRGINIA MEDICAL PRACTICE ACT.

§30-3-10. Licenses to practice medicine and surgery or podiatry.

1 (a) The board shall issue a license to practice medicine and surgery or to practice podiatry
 2 to any individual who is qualified to do so in accordance with the provisions of this article.

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

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

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

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

16 (4) He or she must pass an examination approved by the board, which examination can
 17 be related to a national standard. The examination shall be in the English language and be

18 designed to ascertain an applicant's fitness to practice medicine and surgery. The board shall
19 before the date of examination determine what will constitute a passing score: *Provided*, That the
20 board, or a majority of it, may accept in lieu of an examination of applicants the certificate of the
21 National Board of Medical Examiners: *Provided, however*, That an applicant is required to attain
22 a passing score on all components or steps of the examination within a period of 10 consecutive
23 years. The board need not reject a candidate for a nonmaterial technical or administrative error
24 or omission in the application process that is unrelated to the candidate's professional
25 qualifications as long as there is sufficient information available to the board to determine the
26 eligibility of the candidate for licensure.

27 (c) In addition to the requirements of subsection (b) of this section, any individual who has
28 received the degree of doctor of medicine or its equivalent from a school of medicine located
29 outside of the United States, the Commonwealth of Puerto Rico, and Canada to be licensed to
30 practice medicine in this state must also meet the following additional requirements and
31 limitations:

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

34 (2) Before taking a licensure examination, he or she must have fulfilled the requirements
35 of the Educational Commission for Foreign Medical Graduates for certification or he or she must
36 provide evidence of receipt of a passing score on the examination of the Educational Commission
37 for Foreign Medical Graduates: *Provided*, That an applicant who: (i) Is currently fully licensed,
38 excluding any temporary, conditional, or restricted license or permit, under the laws of another
39 state, the District of Columbia, Canada, or the Commonwealth of Puerto Rico; (ii) has been
40 engaged on a full-time professional basis in the practice of medicine within the state or jurisdiction
41 where the applicant is fully licensed for a period of at least five years; and (iii) is not the subject of
42 any pending disciplinary action by a medical licensing board and has not been the subject of
43 professional discipline by a medical licensing board in any jurisdiction is not required to have a

44 certificate from the Educational Commission for Foreign Medical Graduates; and

45 (3) He or she must submit evidence to the board of either: (i) Having successfully
46 completed a minimum of ~~two years~~ one year of post graduate clinical training in a program
47 approved by the Accreditation Council for Graduate Medical Education; or (ii) current certification
48 by a member board of the American Board of Medical Specialties.

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

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

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

59 (3) He or she must pass an examination approved by the board, which examination can
60 be related to a national standard. The examination shall be in the English language and be
61 designed to ascertain an applicant's fitness to practice podiatric medicine. The board shall before
62 the date of examination determine what will constitute a passing score: *Provided*, That an
63 applicant is required to attain a passing score on all components or steps of the examination
64 within a period of 10 consecutive years; and

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

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

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

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

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

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

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

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

85 (f) The board shall propose rules for legislative approval in accordance with the provisions
86 of §29A-3-1 *et seq.* of this code, that establish and regulate the restricted license issued to an
87 applicant in extraordinary circumstances pursuant to the provisions of this section.

88 (g) Personal interviews by board members of all applicants are not required. An applicant
89 for a license may be required by the board, in its discretion, to appear for a personal interview
90 and may be required to produce original documents for review by the board.

91 (h) All licenses to practice medicine and surgery granted prior to July 1, 2008, and valid
92 on that date shall continue in full effect for the term and under the conditions provided by law at
93 the time of the granting of the license: *Provided*, That the provisions of subsection (d) of this
94 section do not apply to any person legally entitled to practice chiropody or podiatry in this state
95 prior to June 11, 1965: *Provided, however*, That all persons licensed to practice chiropody prior

96 to June 11, 1965, ~~shall be~~ are permitted to use the term “chiroprody-podiatry” and shall have the
97 rights, privileges, and responsibilities of a podiatrist set out in this article.

98 (i) The board may not issue a license to a person not previously licensed in West Virginia
99 whose license has been revoked or suspended in another state until reinstatement of his or her
100 license in that state.

NOTE: The purpose of this bill is to clarify that a person who has received a degree of doctor of medicine or its equivalent from a school of medicine located outside the United States must have successfully completed one year of Accreditation Council for Graduate Medical Education approved postgraduate clinical training before the person can be licensed to practice medicine in West Virginia.

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