

# **WEST VIRGINIA LEGISLATURE**

**2018 REGULAR SESSION**

**Enrolled**

**Committee Substitute**

**for**

**Senate Bill 499**

SENATORS MARONEY, CLEMENTS, PREZIOSO, STOLLINGS, TAKUBO,

PLYMALE, CLINE, AND JEFFRIES, *original sponsors*

[Passed March 7, 2018; in effect 90 days from passage]



1 AN ACT to amend and reenact §30-3-10 of the Code of West Virginia, 1931, as amended, relating  
2 to the licensing by the Board of Medicine; clarifying certain requirements to obtain  
3 licensure; reorganizing the minimum licensing requirements for a license; and providing  
4 the completion of a certain amount of graduate clinical training.

*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) A person seeking licensure as an allopathic physician shall apply to the board.

2 (b) A license may be granted to an applicant who has graduated and received the degree  
3 of doctor of medicine or its equivalent from a school of medicine located within the United States,  
4 the Commonwealth of Puerto Rico, or Canada and which is approved by the Liaison Committee  
5 on Medical Education or by the board and who:

6 (1) Submits a complete application;

7 (2) Pays the applicable fees;

8 (3) Demonstrates to the board's satisfaction that the applicant:

9 (A) Is of good moral character;

10 (B) Is physically and mentally capable of engaging in the practice of medicine and surgery;

11 (C) Has, within 10 consecutive years, passed all component parts of the United States  
12 Medical Licensing Examination or any prior examination or examination series approved by the  
13 board which relates to a national standard, is administered in the English language, and is  
14 designed to ascertain an applicant's fitness to practice medicine and surgery;

15 (D) Has successfully completed a minimum of one year of graduate clinical training in a  
16 program which is approved by the Accreditation Council for Graduate Medical Education; and

17 (E) Meets any other criteria for licensure set forth in this article or in rules promulgated by  
18 the board pursuant to §30-3-7 of this code and in accordance with §29A-3-1 *et seq.* of this code.

19 (c) A license may be granted to an applicant who has received the degree of doctor of  
20 medicine or its equivalent from a school of medicine located outside of the United States, the  
21 Commonwealth of Puerto Rico, and Canada who:

22 (1) Submits a complete application;

23 (2) Pays the applicable fees;

24 (3) Demonstrates to the board's satisfaction that the applicant:

25 (A) Is of good moral character;

26 (B) Is physically and mentally capable of engaging in the practice of medicine and surgery;

27 (C) Has, within 10 consecutive years, passed all component parts of the United States  
28 Medical Licensing Examination or any prior examination or examination series approved by the  
29 board which relates to a national standard, is administered in the English language, and is  
30 designed to ascertain an applicant's fitness to practice medicine and surgery;

31 (D) Has successfully completed:

32 (i) A minimum of two years of graduate clinical training which is approved by the  
33 Accreditation Council for Graduate Medical Education; or

34 (ii) A minimum of one year of graduate clinical training which is approved by the  
35 Accreditation Council for Graduate Medical Education and the applicant holds a current  
36 certification by a member board of the American Board of Medical Specialties;

37 (E) Holds a valid ECFMG certificate issued by the Educational Commission for Foreign  
38 Medical Graduates; or

39 (i) Holds a full, unrestricted, and unconditional license to practice medicine and surgery  
40 under the laws of another state, the District of Columbia, Canada, or the Commonwealth of Puerto  
41 Rico;

42 (ii) Has been engaged in the practice of medicine on a full-time professional basis within  
43 the state or jurisdiction where the applicant is fully licensed for a period of at least five years; and

44 (iii) Is not the subject of any pending disciplinary action by a medical licensing board and  
45 has not been the subject of professional discipline reportable to the National Practitioner Data  
46 Bank by a medical licensing board in any jurisdiction;

47 (F) Can communicate in the English language; and

48 (G) Meets any other criteria for licensure set forth in this article or in rules promulgated by  
49 the board pursuant to §30-3-7 of this code and in accordance with §29A-3-1 *et seq.* of this code.

50 (d) A person seeking licensure as a podiatrist shall apply to the board. A license may be  
51 granted to an applicant who:

52 (1) Submits a complete application;

53 (2) Pays the applicable fees;

54 (3) Demonstrates to the board's satisfaction that the applicant:

55 (A) Is of good moral character;

56 (B) Is physically and mentally capable of engaging in the practice of podiatric medicine  
57 and surgery;

58 (C) Has graduated and received the degree of doctor of podiatric medicine or its equivalent  
59 from a school of podiatric medicine which is approved by the Council of Podiatric Medical  
60 Education or by the board;

61 (D) Has, within 10 consecutive years, passed all component parts of the American  
62 Podiatric Medical Licensing Examination, or any prior examination or examination series  
63 approved by the board which relates to a national standard, is administered in the English  
64 language, and is designed to ascertain an applicant's fitness to practice podiatric medicine;

65 (E) Has successfully completed a minimum of one year of graduate clinical training in a  
66 program approved by the Council on Podiatric Medical Education or the Colleges of Podiatric  
67 Medicine. The board may consider a minimum of two years of graduate podiatric clinical training  
68 in the United States armed forces or three years' private podiatric clinical experience in lieu of this  
69 requirement; and

70 (F) Meets any other reasonable criteria for licensure set forth in this article or in legislative  
71 rules promulgated by the board.

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

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

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

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

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

83 (5) That orders denying applications for a restricted license under this subsection are not  
84 appealable.

85 (f) The board may 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 §30-3-10(d) of this code  
94 do not apply to any person legally entitled to practice chiropractic or podiatry in this state prior to  
95 June 11, 1965: *Provided, however*, That all persons licensed to practice chiropractic prior to June

96 11, 1965, are permitted to use the term “chiroprody-podiatry” and shall have the rights, privileges,  
97 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.

101 (j) The board need not reject a candidate for a nonmaterial technical or administrative error  
102 or omission in the application process that is unrelated to the candidate’s professional  
103 qualifications as long as there is sufficient information available to the board to determine the  
104 eligibility and qualifications of the candidate for licensure.





The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman, Senate Committee*

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*Chairman, House Committee*

Originated in the Senate.

In effect 90 days from passage.

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*Clerk of the Senate*

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*Clerk of the House of Delegates*

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*President of the Senate*

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*Speaker of the House of Delegates*

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The within ..... this the.....  
Day of ....., 2018.

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*Governor*