

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

### **Committee Substitute**

**for**

### **House Bill 5458**

By Delegates Rohrbach and Ellington

[Originating in the Committee on Government

Administration; Reported on February 25, 2026]

1 A BILL to amend and reenact §30-1D-1, §30-3-4, §30-3-5, §30-3-6, §30-3-7, §30-3-8, §30-3-9,  
2 §30-3-10, of the Code of West Virginia, 1931, as amended; to amend the code by adding a  
3 new section, designated §30-3-10b, to amend said code adding a new article, designated  
4 §30-3H-1, §30-3H-2, §30-3H-3, §30-3H-4, §30-3H-5, §30-3H-6, §30-3H-7, §30-3H-8, §30-  
5 3H-9, §30-3H-10, §30-3H-11, and §30-3H-12; and to repeal §30-3-7a, §30-3-11, §30-3-  
6 11a, §30-3-11b, and §30-3-11c, relating to professionals to be licensed by the West  
7 Virginia Board of Medicine; requiring criminal background checks of any applicant for a  
8 license to engage in genetic counseling; defining terms; providing for board membership;  
9 providing that the board may call emergency meetings; authorizing the delegation of duties  
10 by the board; repealing certain provisions pertaining to radiologist assistants; providing for  
11 certain use of electronic signatures; providing for the creation of a complaint file that is  
12 separate from and in addition to a licensee's historical record; providing requirements for  
13 licensure to practice medicine and surgery; podiatry and administrative medicine;  
14 providing for certain special license types; repealing provisions relating to endorsement  
15 and temporary licensure\ repealing certain provisions relating to the practice of medicine  
16 and surgery in certain nursing homes; repealing certain provisions pertaining to  
17 administrative medicine licenses; creating a Genetic Counselors Practice Act; requiring  
18 criminal background checks of any applicant for a license to engage in genetic counseling;  
19 requiring persons to possess a valid license prior to practicing genetic counseling;  
20 providing licensure requirements for genetic counseling; stating the duties and powers of  
21 the board with regard to genetic counseling; providing for the practice of active candidate  
22 status and American Board of Genetic Counseling permittees; authorizing the board to  
23 promulgate rules for legislative approval; providing for the expiration, renewal, and  
24 reinstatement of licenses to practice genetic counseling; setting certain continuing  
25 education requirements; getting a genetic counselor's scope of practice; providing for  
26 disciplinary proceedings involving genetic counselors; authorizing the board or the

27 Attorney General to seek certain injunctive relief; requiring certain reports from health care  
28 facilities; prohibiting any genetic counselor or active candidate status permittee to  
29 represent that he or she is a licensed physician; and providing that any person who violates  
30 that prohibition is guilty of a felony and, upon conviction, shall be imprisoned for not less  
31 than one nor more than two years, or be fined not more than \$2,000, or both find and  
32 imprisoned.

*Be it enacted by the Legislature of West Virginia:8*

**ARTICLE 1D. PROVISIONS AFFECTING CERTAIN BOARDS OF LICENSURE.**

**§30-1D-1. Criminal background checks required of new applicants.**

- 1 (a) This article shall be known as “Lynette’s Law.”
- 2 (b) The requirements in subsection (c) of this section for criminal background checks apply  
3 to those persons applying to be licensed in West Virginia for the first time by the boards governing  
4 licensing under the following sections: ~~Section ten, article three of this chapter; section four, article~~  
5 ~~three e of this chapter; section eight, article four of this chapter; section nine, article five of this~~  
6 ~~chapter; section six, article seven of this chapter; section three, article seven a of this chapter;~~  
7 ~~section eight, article eight of this chapter; section eight, article ten of this chapter; section four,~~  
8 ~~article fourteen of this chapter; and section seven, article twenty one of this chapter~~ §30-3-10, §30-  
9 3-10b, §30-3E-4, §30-3H-5; §30-4-8; §30-5-9; §30-7-6; §30-7A-3; §30-8-8; §30-10-8; §30-14-4;  
10 and §30-21-7.
- 11 (c) A person applying for licensing to a board listed in subsection (b) of this section must  
12 submit to a state and national criminal history record check, as set forth in this subsection:  
13 Provided, That an applicant for a license who is an attorney at law may submit a letter of good  
14 standing from the Clerk of the Supreme Court of Appeals of West Virginia in lieu of submitting to a  
15 state and national criminal history record check.
- 16 (1) This requirement is found not to be against public policy.

17 (2) The criminal history record check shall be based on fingerprints submitted to the West  
18 Virginia State Police or its assigned agent for forwarding to the Federal Bureau of Investigation.

19 (3) The applicant shall meet all requirements necessary to accomplish the state and  
20 national criminal history record check, including:

21 (A) Submitting fingerprints for the purposes set forth in this subsection; and

22 (B) Authorizing the board, the West Virginia State Police and the Federal Bureau of  
23 Investigation to use all records submitted and produced for the purpose of screening the applicant  
24 for a license.

25 (4) The results of the state and national criminal history record check may not be released  
26 to or by a private entity except:

27 (A) To the individual who is the subject of the criminal history record check;

28 (B) With the written authorization of the individual who is the subject of the criminal history  
29 record check; or

30 (C) Pursuant to a court order.

31 (5) The criminal history record check and related records are not public records for the  
32 purposes of ~~chapter twenty-nine-b~~ §29B-1-1, et seq. of this code.

33 (6) The applicant shall pay the actual costs of the fingerprinting and criminal history record  
34 check.

35 (d) Before implementing the provisions of this subsection, the board shall propose rules for  
36 legislative approval in accordance with ~~article three, chapter twenty-nine-a~~ §29A-3-1 of this code.

37 The rules shall set forth the requirements and procedures for the criminal history check and must  
38 be consistent with standards established by the Federal Bureau of Investigation and the National  
39 Crime Prevention and Privacy Compact as authorized by ~~42 U.S.C.A. §14611~~, 34 U.S.C. § 40311  
40 et seq.

### **ARTICLE 3. WEST VIRGINIA MEDICAL PRACTICE ACT.**

#### **§30-3-4. Definitions.**

1 As used in this article:

2 "ABMS" means the American Board of Medical Specialties.

3 "ACGME" means the Accreditation Council of Graduate Medical Education.

4 "Administrative medicine" means administration or management related to the practice of  
5 medicine or to the delivery of health care services using the medical knowledge, skill, and  
6 judgment of a licensed physician that may affect the health of the public or medical research,  
7 excluding clinical trials on humans. Administrative medicine does not include the authority to  
8 practice clinical medicine; examine, care for, or treat patients; prescribe medications, including  
9 controlled substances; or direct or delegate medical acts or prescriptive authority to others.

10 "Administrative medicine license" means a medical license restricted to the practice of  
11 administrative medicine. A physician with an administrative medicine license may manage the  
12 integration of clinical medicine, strategy, operations, and other business activities related to the  
13 delivery of health care services, advise organizations, both public and private, on health care  
14 matters; authorize and deny financial payments for care; organize and direct research programs;  
15 review care provided for quality; and perform other similar duties that do not require or involve  
16 direct patient care.

17 "APMLE" means the American Podiatric Medical Licensing Examination.

18 "Approved graduate medical education" means education received through: (1) an  
19 internship, residency, or clinical fellowship program conducted in the United States and accredited  
20 by either the ACGME or AOA; or (2) a residency program conducted in Canada and accredited by  
21 RCPSC.

22 "Approved medical school" means an allopathic school of medicine approved by the LCME  
23 or the board and which confers the degree of medical doctor or its equivalent upon graduation.

24 ~~(4)~~ "Board" means the West Virginia Board of Medicine established in ~~section five~~ §30-3-5  
25 of this article code.

26 "Clinical medicine" includes, but is not limited to:

- 27           (A) Direct involvement in patient evaluation, diagnosis, and treatment;  
28           (B) Prescribing, administering, or dispensing any medication;  
29           (C) Delegating medical acts, service, or prescriptive authority; and  
30           (D) Supervision of physicians or podiatrists who practice clinical medicine, physicians and  
31 podiatrists engaged in graduate medical education, physician assistants who render medical  
32 services in collaboration with physicians, and/or the clinical practice of any other medical  
33 professional.

34           "ECFMG" means the Educational Commission for Foreign Medical Graduates.

35           "LCME" means the Liaison Committee on Medical Education.

36           "License" means the legal authorization issued by the board to: a fully qualified allopathic  
37 physician to engage in the regular practice of medicine and surgery; a fully qualified podiatrist to  
38 engage in the practice of podiatric medicine and surgery; or a fully qualified physician assistant to  
39 practice in collaboration with physicians licensed under this article or §30-14-1 et seq. of this  
40 code.

41           (2) "Medical peer review committee" means a committee of, or appointed by, a state or  
42 local professional medical society, or a committee of, or appointed by, a medical staff of a licensed  
43 hospital, long-term care facility or other health care facility, or any health care peer review  
44 organization as defined in ~~section one, article three-c~~ §30-3C-1 of this chapter code, or any other  
45 organization of professionals in this state formed pursuant to state or federal law and authorized to  
46 evaluate medical and health care services.

47           (3) "Practice of medicine and surgery" means the diagnosis or treatment of, or operation or  
48 prescription for, any human disease, pain, injury, deformity or other physical or mental condition.

49 "Surgery" includes the use on humans of lasers, ionizing radiation, pulsed light and radiofrequency  
50 devices. The provisions of this section do not apply to any person who is a duly licensed health  
51 care provider under other pertinent provisions of this code and who is acting within the scope of his  
52 or her license.

53 (4) "Practice of podiatry" means the examination, diagnosis, treatment, prevention and  
54 care of conditions and functions of the human foot and ankle by medical, surgical and other  
55 scientific knowledge and methods; with surgical treatment of the ankle authorized only when a  
56 podiatrist has been granted privileges to perform ankle surgery by a hospital's medical staff  
57 credentialing committee based on the training and experience of the podiatrist; and medical and  
58 surgical treatment of warts and other dermatological lesions of the hand which similarly occur in  
59 the foot. When a podiatrist uses other than local anesthesia, in surgical treatment of the foot, the  
60 anesthesia must be administered by, or under the direction of, an anesthesiologist or certified  
61 registered nurse anesthetist authorized under the State of West Virginia to administer anesthesia.  
62 A medical evaluation shall be made by a physician of every patient prior to the administration of  
63 other than local anesthesia.

64 "Practice credential" or "credential" means any permit, certification, registration, or  
65 authorization, other than a license, issued by this Board which authorizes the credential holder to  
66 practice allopathic or podiatric medicine and surgery, or to practice as a physician assistant, to  
67 patients in West Virginia within the limits established for the specific credential type.

68 "RCPSC" means the Royal College of Physicians and Surgeons of Canada.

69 (5) "State health officer" means ~~the commissioner for the Bureau for Public Health or his or~~  
70 ~~her designee, which officer or designee shall be a physician and shall act as secretary of the board~~  
71 a physician licensed to practice in this state who has been appointed pursuant to §16-1-5 of this  
72 code. The state health officer or, in the absence of an appointed state health officer, the West  
73 Virginia licensed physician designated by the appointing authority to serve as interim state health  
74 officer, shall serve as secretary of the board and shall carry out any and all responsibilities  
75 assigned in this article to the secretary of the board.

76

77 "USMLE" means the United States Medical Licensing Examination.

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**§30-3-5. West Virginia Board of Medicine powers and duties continued; appointment and terms of members; vacancies; removal.**

1           (a) The West Virginia Board of Medicine has assumed, carried on, and succeeded to all the  
2 duties, rights, powers, obligations, and liabilities heretofore belonging to or exercised by the  
3 Medical Licensing Board of West Virginia. All the rules, orders, rulings, licenses, certificates,  
4 permits, and other acts and undertakings of the Medical Licensing Board of West Virginia as  
5 heretofore constituted have continued as those of the West Virginia Board of Medicine until they  
6 expired or were amended, altered, or revoked. The board remains the sole authority for the  
7 issuance of licenses to practice allopathic medicine and surgery, ~~to practice~~ and podiatry, and to  
8 practice as physician assistants in this state ~~under the supervision of~~ in collaboration with  
9 physicians licensed under this article. The board shall continue to be a regulatory and disciplinary  
10 body for the practice of medicine and surgery, the practice of podiatry, and for physician assistants  
11 in this state.

12           ~~The board shall consist of 15 members. One member shall be the state health officer ex~~  
13 ~~officio, with the right to vote as a member of the board. The other 14 members shall be appointed~~  
14 ~~by the Governor, with the advice and consent of the Senate. Eight of the members shall be~~  
15 ~~appointed from among individuals holding the degree of doctor of medicine, and one shall hold the~~  
16 ~~degree of doctor of podiatric medicine. Two members shall be physician assistants licensed by the~~  
17 ~~board. Each of these members must be duly licensed to practice his or her profession in this state~~  
18 ~~on the date of appointment and must have been licensed and actively practicing that profession for~~  
19 ~~at least five years immediately preceding the date of appointment. Three lay members shall be~~  
20 ~~appointed to represent health care consumers. Neither the lay members nor any person of the lay~~  
21 ~~members' immediate families shall be a provider of or be employed by a provider of health care~~  
22 ~~services. The state health officer's term shall continue for the period that he or she holds office as~~  
23 ~~state health officer. Each other member of the board shall be appointed to serve a term of five~~  
24 ~~years: Provided, That the members of the Board of Medicine holding appointments on the effective~~

25 ~~date of this section shall continue to serve as members of the Board of Medicine until the~~  
26 ~~expiration of their term unless sooner removed. Each term shall begin on October 1 of the~~  
27 ~~applicable year and a member may not be appointed to more than two consecutive full terms on~~  
28 ~~the board.~~

29 ~~A person is not eligible for membership on the board who is a member of any political party~~  
30 ~~executive committee or, with the exception of the state health officer, who holds any public office or~~  
31 ~~public employment under the federal government or under the government of this state or any~~  
32 ~~political subdivision thereof.~~

33 ~~In making appointments to the board, the Governor shall, so far as practicable, select the~~  
34 ~~members from different geographical sections of the state. When a vacancy on the board occurs~~  
35 ~~and less than one year remains in the unexpired term, the appointee shall be eligible to serve the~~  
36 ~~remainder of the unexpired term and two consecutive full terms on the board.~~

37 ~~No member may be removed from office by the Governor except for official misconduct,~~  
38 ~~incompetence, neglect of duty, or gross immorality: Provided, That the expiration, surrender, or~~  
39 ~~revocation of the professional license by the board of a member of the board shall cause the~~  
40 ~~membership to immediately and automatically terminate.~~

1 (b) The board shall consist of the following 15 members:

2 (1) The state health officer, who shall serve ex officio, with the right to vote as a member of  
3 the board, for the length of his or her term as state health officer;

4 (2) Eight allopathic physicians;

5 (3) One podiatrist;

6 (4) Two physician assistants; and

7 (5) Three citizen members.

8 (c) With the exception of the state health officer, all members shall be appointed by the  
9 Governor with the advice and consent of the Senate. In making appointments to the board, the

10 Governor shall, so far as practicable, select the members from different geographical sections of  
11 the state.

12 (d) A person is not eligible for membership on the board who is a member of any political  
13 party executive committee or, with the exception of the state health officer, who holds any public  
14 office.

15 (e) To be eligible to serve on the board, physicians, podiatrists, and physician assistants  
16 shall:

17 (1) Reside in West Virginia;

18 (2) Hold an active, full and unrestricted license to practice as an allopathic physician,  
19 podiatrist, or physician assistant in West Virginia, and have held such license for at least five  
20 years; and

21 (3) Be engaged in active clinical practice in this state as a licensed provider and have a  
22 history of active clinical practice in West Virginia for the five years prior to the date of appointment.  
23 "Active clinical practice" means that the licensee is engaged in the full-time practice of clinical  
24 medicine in West Virginia for a minimum of 50 percent of the licensee's professional practice.

25 (f) To be eligible to serve on the board, citizen members, who represent the interests of  
26 health care consumers, and who are appointed to the board after January 1, 2026:

27 (1) Shall reside in West Virginia and have a history of residing in West Virginia for at least  
28 five years prior to appointment;

29 (2) May not be licensed under the provisions of this article and shall never have performed  
30 any services as a licensed health care provider; and

31 (3) May not have a financial interest in the practice of the professions regulated by the  
32 board. A person shall be deemed to have a financial interest in the practice of the professionals  
33 regulated by the board if the individual:

34 (A) Owns or operates a business that is engaged in the delivery of health care services or  
35 the provision of health care related goods, services, or staffing;

36 (B) Is married to a health care provider who is licensed to practice in this state; or

37 (C) Is employed by an entity which provides health care goods or services to West Virginia  
38 patients if the individual's work responsibilities relate, in whole or in part, to the delivery of health  
39 care services, health care administration, management, or policy.

40 (g) Board membership terms shall begin on October 1 of the applicable year, and a  
41 member may not be appointed to more than two consecutive full terms on the board.

42 (h) When a vacancy on the board occurs and less than one year remains in the unexpired  
43 term, the appointee shall be eligible to serve the remainder of the unexpired term and two  
44 consecutive full terms on the board.

45 (i) A member whose term has expired may continue to serve until an eligible successor has  
46 been appointed.

47 (j) A member who has served two consecutive full terms may not be selected for re-  
48 appointment for at least one year after completion of his or her second full term.

49 (k) Excepting the state health officer, whose term shall be limited to their service in that  
50 office, a member of the board immediately and automatically forfeits membership to the board if:

51 (1) The member's license to practice is suspended, revoked, surrendered, expired, or  
52 placed in inactive status;

53 (2) The member is convicted of a felony under the laws of any jurisdiction;

54 (3) The member no longer meets the active clinical practice requirement;

55 (4) The member becomes a non-resident of this state; or

56 (5) A citizen member commences providing health care services or develops a financial  
57 interest in the practice of the professions regulated by the board.

58 (l) No member may be removed from office by the Governor except for official misconduct,  
59 incompetence, neglect of duty, or gross immorality.

**§30-3-6. Conduct of business of West Virginia Board of Medicine; meetings; officers;  
compensation; expenses; quorum.**

1           Every two years the board shall elect from among its members a president and vice  
2 president. Regular meetings shall be held as scheduled by the rules of the board. Special  
3 meetings and emergency meetings of the board may be called by the joint action of the president  
4 and vice president or by any three members of the board ~~on seven days' prior written notice by~~  
5 ~~mail postage prepaid or electronic means or, in case of emergency, on two days' notice by~~  
6 ~~telephone and electronic means~~. With the exception of the state health officer, members of the  
7 board shall receive compensation and expense reimbursement in accordance with ~~section eleven,~~  
8 ~~article one~~ §30-1-11 of this ~~chapter~~code.

9           A majority of the membership of the board constitutes a quorum for the transaction of  
10 business, and business is transacted by a majority vote of a quorum, except for disciplinary  
11 actions which shall require the affirmative vote of not less than five members or a majority vote of  
12 those present, whichever is greater.

13           Meetings of the board shall be held in public session. Disciplinary proceedings, prior to a  
14 finding of probable cause as provided in ~~subsection~~ §30-3-14(p), ~~section fourteen~~ of this  
15 ~~article~~code, shall be held in closed sessions, unless the party subject to discipline requests that  
16 the proceedings be held in public session.

**§30-3-7. Powers and duties of West Virginia Board of Medicine.**

1           (a) The board is autonomous and, in accordance with this article, shall determine  
2 qualifications of applicants for licenses and other practice credentials to practice medicine and  
3 surgery, to practice podiatry, and to practice as a physician assistant ~~for a physician in~~  
4 collaboration with physicians licensed under this article ~~or §30-14-1 et. seq of this code~~, and shall  
5 issue licenses and other practice credentials to qualified applicants and shall regulate the  
6 professional conduct and discipline of such individuals. In carrying out its functions, the board  
7 may:

8           (1) Adopt such rules as are necessary to carry out the purposes of this article;

9 (2) Hold hearings and conduct investigations, subpoena witnesses and documents and  
10 administer oaths;

11 (3) Institute proceedings in the courts of this state to enforce its subpoenas for the  
12 production of witnesses and documents and its orders and to restrain and enjoin violations of this  
13 article and of any rules promulgated under it;

14 (4) Employ investigators, attorneys, hearing examiners, consultants and such other  
15 employees as may be necessary, who shall be exempt from the classified service of the Division of  
16 Personnel and who shall serve at the will and pleasure of the board.

17 (5) Enter into contracts and receive and disburse funds according to law;

18 (6) Establish and certify standards for ~~the supervision and certification of~~ physician  
19 assistants;

20 (7) Authorize medical and podiatry corporations in accordance with the limitations of  
21 ~~section fifteen~~ §30-3-15 of this article code to practice medicine and surgery or podiatry through  
22 duly licensed physicians, ~~or~~ podiatrists or physician assistants; ~~and~~

23 (8) Establish the circumstances under which the approval of applications and the issuance  
24 of licenses and other practice credentials may be delegated to board staff; and

25 (9) Perform such other duties as are set forth in this article or otherwise provided for in this  
26 code.

27 (b) The board shall submit an annual report of its activities to the Legislature. The report  
28 shall include a statistical analysis of complaints received, charges investigated, charges  
29 dismissed after investigation, the grounds for each such dismissal and disciplinary proceedings  
30 and disposition.

1 §30-3-7a. Findings and Rule-making authority.

1 [Repealed.]

**§30-3-8. State health officer to act as secretary of the board.**

2           The state health officer, in addition to being a member of the board, shall act as its  
3 secretary. He or she shall, together with the president of the board, sign all licenses, reports,  
4 orders and other documents that may be required by the board in the performance of its duties.

5           With the authorization of the board president and secretary, the board may utilize  
6 electronic signatures on licenses and other practice credentials.

1

**§30-3-9. Records of board; expungement; examination; notice; public information; voluntary agreements relating to alcohol or chemical dependency; confidentiality of same; physician-patient privileges.**

1           (a) The board shall maintain a permanent record of the names of all physicians, podiatrists,  
2 and physician assistants, licensed, certified or otherwise lawfully practicing in this state and of all  
3 persons applying to be so licensed to practice, along with an individual historical record for each  
4 such individual containing reports and all other information furnished the board under this article or  
5 otherwise. ~~Such~~ The record may include, in accordance with rules established by the board,  
6 additional items relating to the individual's record of professional practice that will facilitate proper  
7 review of such individual's professional competence.

8           (b) Upon a determination by the board that any report submitted to it is without merit, the  
9 report shall be expunged from the individual's historical record.

10           (c) A physician, podiatrist, physician assistant or applicant, or authorized representative  
11 thereof, has the right, upon request, to examine his or her own individual historical record  
12 maintained by the board pursuant to this article and to place into such record a statement of  
13 reasonable length of his or her own view of the correctness or relevance of any information  
14 existing in such record. ~~Such~~ The statement shall at all times accompany that part of the record in  
15 contention.

16           (d) A physician, podiatrist, physician assistant or applicant has the right to seek through  
17 court action the amendment or expungement of any part of his or her historical record.

18 (e) A physician, podiatrist, physician assistant or applicant shall be provided written notice  
19 within ~~thirty~~ 30 days of the placement and substance of any information in his or her individual  
20 historical record that pertains to him or her and that was not submitted to the board by him or her.

21 (f) Except for information relating to biographical background, education, professional  
22 training and practice, a voluntary agreement entered into pursuant to ~~subsection §30-3-9(h)~~ of this  
23 ~~section~~code and which has been disclosed to the board, prior disciplinary action by any entity, or  
24 information contained on the licensure application, the board shall expunge information in an  
25 individual's historical record unless it has initiated a proceeding for a hearing upon such  
26 information within two years of the placing of the information into the historical record.

27 (g) Orders and decisions of the board relating to disciplinary action against a physician,  
28 podiatrist or physician assistant are public information and shall be placed into the historical  
29 record.

30 (h)(1) In order to encourage voluntary participation in monitored alcohol chemical  
31 dependency or major mental illness programs and in recognition of the fact that major mental  
32 illness, alcoholism and chemical dependency are illnesses, a physician, podiatrist or physician  
33 assistant licensed, certified or otherwise lawfully practicing in this state or applying for a license to  
34 practice in this state may enter into a voluntary agreement with the physician health program as  
35 defined in ~~section two, article three-d~~ §30-3D-2 of this ~~chapter~~ code. The agreement between the  
36 physician, podiatrist or physician assistant and the physician health program shall include a jointly  
37 agreed upon treatment program and mandatory conditions and procedures to monitor compliance  
38 with the program of recovery.

39 (2) Any voluntary agreement entered into pursuant to this subsection shall not be  
40 considered a disciplinary action or order by the board, shall not be disclosed to the board and shall  
41 not be public information if:

42           (A) ~~Such~~The voluntary agreement is the result of the physician, podiatrist or physician  
43 assistant self-enrolling or voluntarily participating in the board-designated physician health  
44 program;

45           (B) The board has not received nor filed any written complaints regarding said physician,  
46 podiatrist or physician assistant relating to an alcohol, chemical dependency or major mental  
47 illness affecting the care and treatment of patients, nor received any reports pursuant to  
48 ~~subsection §30-3-14(b), section fourteen~~ of this ~~article~~code relating to an alcohol or chemical  
49 dependency impairment; and

50           (C) The physician, podiatrist or physician assistant is in compliance with the voluntary  
51 treatment program and the conditions and procedures to monitor compliance.

52           (3) If any physician, podiatrist or physician assistant enters into a voluntary agreement with  
53 the board-approved physician health program, pursuant to this subsection and then fails to comply  
54 with or fulfill the terms of said agreement, the physician health program shall report the  
55 noncompliance to the board within ~~twenty-four~~24 hours. The board may initiate disciplinary  
56 proceedings pursuant to ~~subsection §30-3-14(a)(1), section fourteen~~ of this ~~article~~code or may  
57 permit continued participation in the physician health program or both.

58           (4) If the board has not instituted any disciplinary proceeding as provided for in this article,  
59 any information received, maintained or developed by the board relating to the alcohol or chemical  
60 dependency impairment of any physician, podiatrist or physician assistant and any voluntary  
61 agreement made pursuant to this subsection shall be confidential and not available for public  
62 information, discovery or court subpoena, nor for introduction into evidence in any medical  
63 professional liability action or other action for damages arising out of the provision of or failure to  
64 provide health care services.

65           In the board's annual report of its activities to the Legislature required under ~~section seven~~  
66 §30-3-7 of this ~~article~~code, the board shall include information regarding the success of the  
67 voluntary agreement mechanism established therein: Provided, That in making ~~such~~the report,

68 the board ~~shall~~may not disclose any personally identifiable information relating to any physician,  
69 podiatrist or physician assistant participating in a voluntary agreement as provided herein.

70 Notwithstanding any of the foregoing provisions, the board may cooperate with and  
71 provide documentation of any voluntary agreement entered into pursuant to this subsection to  
72 licensing boards in other jurisdictions of which the board has become aware and may be  
73 appropriate.

74 (i) When the board receives a report submitted pursuant to the provisions of §30-3-14 of  
75 this code, or when the board receives or initiates a complaint regarding the conduct of anyone  
76 practicing medicine or surgery, the board shall create a separate complaint file in which the board  
77 shall maintain all documents relating to the investigation and action upon the alleged conduct. The  
78 final disposition of a complaint is public information and shall be placed in the physician, podiatrist,  
79 or physician assistant's historical record.

80 (j) Any physician-patient or provider-patient privilege does not apply in any investigation or  
81 proceeding by the board, or by a medical peer review committee, or by a hospital governing board  
82 with respect to relevant hospital medical records, while any of the aforesaid are acting within the  
83 scope of their authority: Provided, That the disclosure of any information pursuant to this provision  
84 shall not be considered a waiver of any such privilege in any other proceeding.

**§30-3-10. Licenses to practice allopathic and podiatric medicine and surgery ~~or podiatry~~.**

1 (a) ~~A person seeking licensure as an allopathic physician shall apply to the board.~~

2 (b) License to Practice Allopathic Medicine and Surgery. – Graduates of approved medical  
3 schools located in the United States, Canada, or Puerto Rico. The board may grant a license to  
4 practice allopathic medicine and surgery to an applicant ~~A license may be granted to an applicant~~  
5 who has graduated and received the degree of doctor of medicine or its equivalent from a school  
6 of medicine located within the United States, the Commonwealth of Puerto Rico, or Canada, and is  
7 approved by the ~~Liaison Committee on Medical Education~~ LCME or by the board, and who:

8 (1) Submits a complete application;

9 (2) Pays the applicable fees;

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

11 (A) Is of good moral character;

12 (BA) Is physically and mentally capable of engaging in the practice of medicine and  
13 surgery;

14 (CB) Has, within 10 consecutive years, passed all component parts of the ~~United States~~  
15 ~~Medical Licensing Examination~~ USMLE or any prior examination or examination series approved  
16 by the board which relates to a national standard, is administered in the English language, and is  
17 designed to ascertain an applicant's fitness to practice medicine and surgery: Provided, That the  
18 board may accept an examination sequence which was successfully completed in more than 10  
19 consecutive years if the applicant holds current specialty board certification from a member board  
20 of ABMS;

21 (DC) Has successfully completed: one year of approved graduate medical education; and

22 (i) ~~A minimum of one year of graduate clinical training in a program is approved by the~~  
23 ~~Accreditation Council for Graduate Medical Education; or~~

24 (ii) ~~A graduate medical education residency program outside of the United States and a~~  
25 ~~minimum of one year of fellowship training in the United States in a clinical field related to the~~  
26 ~~applicant's residency training which was completed:~~

27 (I) ~~At an institution that sponsors or operates a residency program in the same clinical field~~  
28 ~~or a related clinical field approved by the Accreditation Council for Graduate Medical Education; or~~

29 (II) ~~At a time when accreditation was not available for the fellowship's clinical field and the~~  
30 ~~board has determined that the training was similar to accredited training due to objective~~  
31 ~~standards, including, but not limited to, the presence of other accredited programs at the~~  
32 ~~sponsoring institution during the applicant's clinical training at the fellowship location; and~~

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

35            (eb) License to Practice Allopathic Medicine and Surgery – International Medical  
36 Graduates who have completed approved graduate medical education.

37            The board may grant a license to practice allopathic medicine and surgery to an applicant  
38 ~~A license may be granted to an applicant who has received the degree of doctor of medicine or its~~  
39 ~~equivalent from a an approved school of medicine located outside of the United States, the~~  
40 ~~Commonwealth of Puerto Rico, and Canada, who:~~

41            (1) Submits a complete application;

42            (2) Pays the applicable fees;

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

44            ~~(A) Is of good moral character;~~

45            ~~(BA) Is physically and mentally capable of engaging in the practice of medicine and~~  
46 ~~surgery;~~

47            ~~(CB) Has, within 10 consecutive years, passed all component parts of the United States~~  
48 ~~Medical Licensing Examination USMLE or any prior examination or examination series approved~~  
49 ~~by the board which relates to a national standard, is administered in the English language, and is~~  
50 ~~designed to ascertain an applicant's fitness to practice medicine and surgery: Provided, That the~~  
51 ~~board may accept an examination sequence which was successfully completed in more than 10~~  
52 ~~consecutive years if the applicant holds current specialty board certification from a member board~~  
53 ~~of ABMS;~~

54            ~~(DC) Has successfully completed:~~

55            ~~(i) A minimum of two years of graduate clinical training approved by the Accreditation~~  
56 ~~Council for Graduate Medical Education; Two years of approved graduate medical education; or~~

57            ~~(ii) A minimum of one year of graduate clinical training approved by the Accreditation~~  
58 ~~Council for Graduate Medical Education or one year of fellowship training which comports with the~~  
59 ~~requirements of subparagraph (iii) of this paragraph One year of approved graduate medical~~

60 education and the applicant holds a current certification by a member board of the ~~American Board~~  
61 ~~of Medical Specialties~~ ABMS; or

62 ~~(iii) A graduate medical education residency program outside of the United States and a~~  
63 ~~minimum of two years of fellowship training in the United States in a clinical field related to the~~  
64 ~~applicant's residency training which was completed:~~

65 ~~(I) At an institution that sponsors or operates a residency program in the same clinical field~~  
66 ~~or a related clinical field approved by the Accreditation Council for Graduate Medical Education; or~~

67 ~~(II) At a time when accreditation was not available for the fellowship's clinical field and the~~  
68 ~~board has determined that the training was similar to accredited training due to objective~~  
69 ~~standards, including, but not limited to, the presence of other accredited programs at the~~  
70 ~~sponsoring institution during the applicant's clinical training at the fellowship location;~~

71 ~~(ED) Holds a valid ECFMG certificate~~ certification ~~issued by the Educational Commission~~  
72 ~~for Foreign Medical Graduates or:~~

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

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

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

81 ~~(FE) Can communicate in the English language; and~~

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

84 ~~(dc) License to Practice Allopathic Medicine and Surgery – International Medical~~  
85 ~~Graduates who have not completed two years of approved graduate medical education.~~

86 The board may grant a license to practice allopathic medicine and surgery to an applicant  
87 who has received the degree of doctor of medicine or its equivalent from an approved school of  
88 medicine located outside of the United States, the Commonwealth of Puerto Rico, and Canada  
89 and who has not completed approved graduate medical education in the United States or Canada  
90 if the applicant:

91 (1) Satisfies all the requirements of §30-3-10(b) of this code except for the completion of  
92 approved graduate medical education;

93 (2) Has successfully completed all requirements of an international graduate medical  
94 education residency training program;

95 (3) Has successfully completed a minimum of two complete years of non-accredited  
96 fellowship training in the United States in a clinical field related to the applicant's international  
97 residency training. Provided, That the training was completed at an institution that sponsors or  
98 operates an ACGME-accredited residency program in the same clinical field or a related clinical  
99 field. One complete year of approved graduate medical education may be substituted for one year  
100 of non-accredited training;

101 (4) The applicant submits evidence that he or she has an offer of employment to practice  
102 medicine and surgery in this state; and

103 (5) The proposed employer submits a letter of sponsorship identifying the physician's  
104 proposed practice plans and endorsing the physician for licensure.

105 (d) Administrative medicine license - Administrative medicine licensees may not practice  
106 clinical medicine.

107 (1) The board may issue an administrative medicine license to a physician who:

108 (A) Files a complete application;

109 (B) Pays the applicable fees;

110 (C) Meets all qualifications and criteria for licensure set forth in §30-3-10(a) or §30-3-10 (b)  
111 of this code and the board's legislative rules; and

112 (D) Demonstrates competency to practice administrative medicine.

113 (2) A physician applying to renew an administrative medicine license must pay the same  
114 fees and meet the same requirements for renewing an active status license, including submission  
115 of certification of participation in and successful completion of a minimum of 50 hours of continuing  
116 medical education satisfactory to the board during the preceding two-year period.

117 (3) The board may deny an application for an administrative medicine license and may  
118 discipline an administrative medicine licensee who, after a hearing, has been adjudged by the  
119 board as unqualified due to any reason set forth in §30-3-14 of this code or the board's rules and  
120 pursuant to the processes set forth therein.

121 (4) The board shall propose legislative rules pursuant to the provisions of §29A-3-1 et seq.  
122 of this code to implement the provisions of this section and to regulate the practice of  
123 administrative medicine.

124 ~~(e) A person seeking licensure as a podiatrist shall apply to the board. A license may be~~  
125 ~~granted to an applicant who~~license to practice podiatric medicine and surgery - The board may  
126 grant a license to practice podiatric medicine and surgery to an applicant who:

127 (1) Submits a complete application;

128 (2) Pays the applicable fees;

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

130 ~~(A) Is of good moral character;~~

131 ~~(BA)~~ Is physically and mentally capable of engaging in the practice of podiatric medicine  
132 and surgery;

133 ~~(CB)~~ Has graduated and received the degree of doctor of podiatric medicine or its  
134 equivalent from a school of podiatric medicine approved by the Council of Podiatric Medical  
135 Education or by the board;

136 ~~(DC)~~ Has, within 10 consecutive years, passed all component parts of the American  
137 ~~Podiatric Medical Licensing Examination~~APMLE, or any prior examination or examination series

138 approved by the board which relates to a national standard, is administered in the English  
139 language, and is designed to ascertain an applicant's fitness to practice podiatric medicine;

140 (ED) Has successfully completed a minimum of one year of graduate clinical training in a  
141 program approved by the Council on Podiatric Medical Education or the Colleges of Podiatric  
142 Medicine. The board may consider a minimum of two years of graduate podiatric clinical training in  
143 the United States armed forces or three years' private podiatric clinical experience in lieu of this  
144 requirement; and

145 (FE) Meets any other reasonable criteria for licensure set forth in this article or in legislative  
146 rules promulgated by the board.

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

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

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

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

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

158 ~~(5) That orders denying applications for a restricted license under this subsection are not  
159 appealable.~~

160 ~~(f) The board may propose rules for legislative approval in accordance with the provisions  
161 of §29A-3-1 et seq. of this code that establish and regulate the restricted license issued to an  
162 applicant in extraordinary circumstances pursuant to the provisions of this section.~~

163 ~~(gf) Personal interviews by board members of all applicants are not required.~~ An applicant  
164 for a license may be required by the board, in its discretion, to appear for a personal interview and  
165 may be required to produce original documents for review by the board.

166 (hg) All licenses to practice medicine and surgery granted prior to July 1, 2008, and valid  
167 on that date shall continue in full effect for the term and under the conditions provided by law at the  
168 time of the granting of the license: ~~Provided, That the provisions of subsection (d) of this section do~~  
169 ~~not apply to any person legally entitled to practice chiropody or podiatry in this state prior to June~~  
170 ~~11, 1965: Provided, however, That all persons licensed to practice chiropody prior to June 11,~~  
171 ~~1965, are permitted to use the term "chiropody podiatry" and shall have the rights, privileges, and~~  
172 ~~responsibilities of a podiatrist set out in this article.~~

173 (ih) The board ~~shall~~ may not issue a license to a person not previously licensed in West  
174 Virginia whose license has been revoked or suspended in another state until reinstatement of his  
175 or her license in that state.

176 (ji) The board ~~shall~~ may not issue an initial license, reinstate, or reactivate a license, to any  
177 individual whose license has been revoked, suspended, surrendered, or deactivated in another  
178 state based upon conduct which is substantially equivalent to an act of unprofessional conduct  
179 prohibited by §30-3-14(c) of this code or the board's legislative rules, until reinstatement of his or  
180 her license in that state.

181 (kj) The board need not reject a candidate for a nonmaterial technical or administrative  
182 error or omission in the application process that is unrelated to the candidate's professional  
183 qualifications as long as there is sufficient information available to the board to determine the  
184 eligibility and qualifications of the candidate for licensure.

**§30-3-10b. Special license types.**

1 (a) The special license types set forth in this section may be issued by the board without  
2 examination. "Without examination" means that the board may not require an applicant to sit for  
3 the USMLE or any prior examination or examination series approved by the board to be eligible for

4 licensure. However, "without examination" does not include failure of any step of the USMLE or  
5 any prior examination series approved by the board examination to be eligible for a license.  
6 Individuals who have failed one or more steps of an approved licensing examination are not  
7 eligible for licensure pursuant to this section until such time as the failed test attempt has been  
8 superseded by a successful exam attempt.

1 (b) *Restricted License Issued in Extraordinary Circumstances.* – A restricted license  
2 issued in extraordinary circumstances may be limited as directed by the board based upon the  
3 facts and circumstances of the application. Notwithstanding any of the provisions of this article, the  
4 board may, without examination, issue a restricted license to an allopathic physician applicant in  
5 extraordinary circumstances who submits a complete application and pays the applicable fee  
6 under the following conditions:

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

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

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

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

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

18 (c) *Medical School Faculty License.* – The medical practice of a physician licensed under  
19 this subsection is limited to the medical center of the medical school to where the physician holds  
20 an academic faculty member appointment. A limited license issued under this section is valid for a  
21 term of one year from the effective date of the faculty appointment.

22           (1) The board shall issue a limited license to practice allopathic medicine and surgery,  
23 without examination, to an individual appointed to a West Virginia medical school faculty who  
24 holds a valid license to practice medicine and surgery from another state, the District of Columbia,  
25 the Commonwealth of Puerto Rico, or Canada and who:

26           (A) Submits a complete application;

27           (B) Pays the applicable fees;

28           (C) Demonstrates to the board's satisfaction that the applicant:

29           (i) Is physically and mentally capable of engaging in the practice of medicine and surgery;

30           (ii) Is able to communicate in English;

31           (iii) Is a graduate of an international school of medicine which is approved by the LCME or  
32 by the World Health Organization or by the board with the degree of doctor of medicine or its  
33 equivalent;

34           (iv) Has successfully completed one year of approved graduate medical education or has  
35 received other training which the board determines to be substantially equivalent or in excess of  
36 this requirement;

37           (v) Has not committed any act in this or any other jurisdiction which would constitute the  
38 basis for disciplining a physician under §30-3-14 of this code; and

39           (vi) Has been offered and has accepted a faculty appointment to teach in a medical school  
40 in this state.

41           (2) A medical school faculty license issued pursuant to this section shall automatically  
42 expire and be void, without notice to the physician, when the physician's faculty appointment is  
43 terminated. The dean of the medical school shall notify the board within five days of the  
44 termination of a faculty appointment of a physician licensed pursuant to this section.

45           (3) A physician issued a medical school faculty license under this section shall keep all  
46 medical licenses issued by other jurisdictions in good standing and shall notify the board, within 15  
47 days of its occurrence, of any denial, suspension or revocation of or any limitation placed on a

48 medical license issued by another jurisdiction.

49 (d) Summer Camp License - The board shall process, without fee, an allopathic or podiatric  
50 physician application for a license to provide services at a children's summer camp for not more  
51 than one specifically designated three-week period annually. Applicants shall hold unrestricted  
52 medical licensure in a U.S. state, Puerto Rico or Canada and provide evidence of graduation from  
53 an approved medical school. The license shall be issued for a period of the specifically designated  
54 three weeks only, on an annual basis.

55 (e) The board shall investigate applicants seeking special license types set forth in this  
56 section and may require a personal interview to review the applicant's qualifications and  
57 professional credentials.

58 (f) The board may propose rules for legislative approval in accordance with the provisions  
59 of §29A-3-1 et seq. of this code that establish and regulate the special license types set forth  
60 herein, pursuant to the provisions of this section.

61 (g) A physician licensed under subsections (b) and (c) this section may apply for license  
62 renewal. The board may propose rules for legislative approval in accordance with the provisions  
63 of §29A-3-1 et seq. of this code that establish and regulate the renewal and continuing education  
64 requirements for licenses issued pursuant to this section.

**§30-3-11. Endorsement of licenses to practice medicine and surgery and podiatry; fees;  
temporary license; summer camp doctors.**

1 [Repealed.]

**§30-3-11a. Endorsement of licenses to practice medicine and surgery as medical school  
faculty.**

1 [Repealed.]

**§30-3-11b. License to practice medicine and surgery at certain state veterans nursing home  
facilities.**

1 [Repealed.]

**§30-3-11c. Administrative medicine license.**

1 [Repealed.]

**ARTICLE 3H. GENETIC COUNSELORS PRACTICE ACT.**

**§30-3H-1. Purpose.**

1 The purpose of this article is to provide for the licensure and professional discipline of  
2 genetic counselors and to provide a professional environment that encourages the delivery of  
3 quality genetic counseling services within this state, with reasonable skill and safety for patients  
4 and other recipients of genetic counseling services. This article sets forth the requirements for  
5 licensure of genetic counselors and provides for the regulation of professional discipline of genetic  
6 counseling practitioners.

**§30-3H-2. Definitions.**

1 As used in this article:

2 "ABGC" means the American Board of Genetic Counseling, or any successor organization  
3 recognized as an equivalent organization by the board.

4 "ABMG" means the American Board of Medical Genetics and Genomics, or any successor  
5 organization recognized as an equivalent organization by the board.

6 "ACGC" means the Accreditation Counsel for Genetic Counseling, or any successor  
7 organization recognized as an equivalent organization by the board.

8 "ACS" or "Active Candidate Status" means a status conferred by ABGC upon a person  
9 who has met ABGC's requirements to take the ABGC certification examination in general genetics  
10 and genetic counseling.

11 "ACS permit" means a permit issued to an individual who has attained Active Candidate  
12 Status to take the ABGC certification examination in general genetics and genetic counseling  
13 which authorizes the permit holder to practice genetic counseling under the supervision of a

14 qualified supervisor.

15 "ACS permittee" means a person with an ACS permit issued by the board.

16 "Board" means the West Virginia Board of Medicine established in §30-3-1 et seq. of this  
17 code.

18 "Genetic counseling" means the provision of services to individuals, couples, families, and  
19 organizations by one or more appropriately licensed individuals to address physical and  
20 psychological issues associated with the occurrence or risk of occurrence of a genetic disorder,  
21 birth defect, or genetically influenced condition or disease in an individual or a family.

22 "Genetic counseling intern" means a student enrolled in a genetic counseling program  
23 accredited by the ACGC or ABMG.

24 "Genetic counselor" means an individual who is licensed by the board to practice genetic  
25 counseling.

26 "Licensed physician" means an allopathic physician or an osteopathic physician holding a  
27 full, unrestricted license to practice medicine and surgery, or osteopathic medicine and surgery,  
28 pursuant to §30-3-1 et seq. of this code or §30-14-1 et seq. of this code.

29 "Qualified supervisor" means any person who is a genetic counselor licensed pursuant to  
30 this article or a licensed physician.

31 "Supervision" means supervision by a qualified supervisor who has the overall  
32 responsibility of assessing the work of an ACS permittee, including regular meetings and chart  
33 review, provided that the annual supervision contract signed by the qualified supervisor and the  
34 ACS permittee is on file with both parties. Supervision does not require the qualified supervisor to  
35 be present during the performance of services by an ACS permittee.

**§30-3H-3. License required; and licensure exceptions.**

1 (a) Effective July 1, 2026, and except as provided in subsection (b) of this section, a person  
2 may not engage, or offer to engage, in the practice of genetic counseling to patients in this state  
3 without a current, valid license issued by the board.

4           (b) The licensure requirement set forth in this article does not apply to:

5           (1) Any person, such as a physician, advanced practiced registered nurse, or physician  
6 assistant, who is lawfully practicing within the scope of the person's profession, is engaged in work  
7 of a nature consistent with the person's training, and has a license, permit, registration,  
8 certification, or other authorization to practice his or her profession in West Virginia;

9           (2) Any person employed as a genetic counselor by the federal government or an agency  
10 of the federal government, if the person provides genetic counseling services exclusively under  
11 the direction and control of his or her federal employer;

12           (3) Any person assisting a genetic counselor in practice under the direct, on-premises  
13 supervisions of the genetic counselor;

14           (4) A genetic counseling intern, if the genetic counseling services performed by the student  
15 or intern are an integral part of the student's course of study, are performed under the direct  
16 supervision of a licensed genetic counselor, and the student is practicing under the designation of  
17 "genetic counseling intern";

18           (5) An ACS permittee practicing under the supervision of a qualified supervisor; or

19           (6) A person who is licensed to practice genetic counseling in another state and who is  
20 providing consulting services in this state on a temporary basis, as determined by the board by  
21 legislative rule, if the person satisfies all of the following:

22           (A) The person is certified by the ABGC; and

23           (B) The person received authorization from the board to provide consulting services in this  
24 state on a temporary basis pursuant to the process established in legislative rule.

25           (c) Effective July 1, 2026, any person who is not licensed by the board as a genetic  
26 counselor may not hold himself or herself out to the public as a genetic counselor, and may not, in  
27 connection with his or her name or place of business, use the terms "genetic counselor", "licensed  
28 genetic counselor", or any words, letters, abbreviations or insignia indicating or implying that the  
29 person holds a genetic counseling license. ACS permittees may use the term "genetic counselor,

30 Active Candidate Status" and may indicate that they hold an ACS permit.

**§30-3H-4. Duties and powers of the board.**

1 (a) In addition to the powers and duties of the board as set forth in §30-3-1 et seq. of this  
2 code, and in conformity with this article, the board shall:

3 (1) Establish the requirements for licenses and ACS permits;

4 (2) Determine the qualifications of applicants for licenses and permits to practice genetic  
5 counseling;

6 (3) Establish the procedures for submitting, approving, and rejecting applications for  
7 licenses and permits, including renewal and reinstatement;

8 (4) Propose rules for legislative approval in accordance with the provisions of §29A-3-1 et  
9 seq. of this code to implement the provisions of and carry out the purposes of this article;

10 (5) Receive and initiate genetic counseling complaints, conduct investigations, convene  
11 hearings, issue subpoenas for witnesses and documents and administer oaths;

12 (6) Institute proceedings in the courts of this state to enforce its subpoenas for the  
13 production of witnesses and documents and its orders, and to restrain and enjoin violations of this  
14 article and of any rules promulgated under it;

15 (7) Establish and certify standards for the supervision of ACS permittees;

16 (8) Establish the circumstances under which the approval of applications and the issuance  
17 of licenses and permits may be delegated to the executive director; and

18 (9) Perform such other duties as are set forth in this article or otherwise provided for in this  
19 code.

20 (b) The board's annual report to the Legislature shall include a statistical analysis of  
21 complaints received, charges investigated, charges dismissed after investigation, the grounds for  
22 each such dismissal and disciplinary proceedings and disposition.

**§30-3H-5. Licensure requirements.**

1 (a) The Board shall issue a genetic counseling license to an applicant who:

2           (1) Is at least 21 years of age;

3           (2) Submits an application for licensure to the board on a form approved by the board;

4           (3) Pays the applicable fee, as established in legislative rule;

5           (4) Submits satisfactory evidence to the board that he or she does not have a prior,  
6 unreversed, criminal conviction for a crime that bears a rational nexus to the profession of genetic  
7 counseling;

8           (5) Submits satisfactory evidence to the board that the applicant has earned a master's  
9 degree from a genetic counseling training program that is accredited by the ACGC, or a  
10 substantially equivalent educational program approved by the board;

11           (6) Provides satisfactory evidence to the board of current certification as a:

12           (A) Genetic counselor by the ABGC or ABMG; or

13           (B) Medical geneticist by the ABMG;

14           (7) Is mentally and physically able to engage safely in practice as a genetic counselor;

15           (8) Is not currently subject to any limitation, restriction, suspension, revocation, or  
16 discipline concerning a genetic counselor license, certification, or registration in any jurisdiction:  
17 Provided, That if the board is made aware of any problems with a genetic counselor license,  
18 certification, or registration, it may elect to issue a license notwithstanding the provisions of this  
19 subdivision if doing so is consistent with protecting the public; and

20           (9) Has fulfilled any other requirement specified by the board in rule for legislative approval.

21           (b) The board may not issue an initial license, reinstate, or reactivate a license, to any  
22 individual whose license has been revoked, suspended, surrendered, or deactivated in another  
23 state based upon conduct which is substantially equivalent to an act of unprofessional conduct  
24 prohibited by §30-3H-9 of this code or the board's legislative rules, until reinstatement of his or her  
25 license in that state.

26           (c) The board shall issue a certificate of licensure to each person who is licensed under this  
27 article.

**§30-3H-6. ACS Permit.**

- 1           (a) An ACS permit authorizes an individual who has attained Active Candidate Status with  
2 the ABGC to practice genetic counseling under the supervision of a qualified supervisor and in  
3 accord with the board's legislative rules regarding supervised practice.
- 4           (b) The Board shall issue an ACS permit to an applicant who:
- 5           (1) Submits an application for license to the board on a form approved by the board;  
6           (2) Pays the applicable fee, as established in legislative rule;  
7           (3) Provides satisfactory evidence that he or she currently holds an Active Candidate  
8 Status from the ABGC; and
- 9           (4) Has fulfilled any other requirement specified by the board in legislative rule.
- 10          (c) An ACS permit granted by the board shall be valid for up to one year from the date  
11 issuance, and shall expire upon the earliest of the following:
- 12          (1) The granting of a genetic counselor license pursuant to §30-3H-4 of this code;  
13          (2) Thirty days after an ACS permittee no longer holds an Active Candidate Status with the  
14 ABGC;
- 15          (3) Upon notice to the ACS permittee of failure of the ABGC certification exam; or  
16          (4) One year after the issuance of the permit.
- 17          (d) An ACS permittee shall apply for and take the ABGC certification examination within 12  
18 months of the issuance of an ACS permit by the board.
- 19          (e) The board may, and only once, extend an ACS permit for a limited period specified by  
20 the board, if the person maintains Active Candidate Status with the ABGC and has not failed the  
21 ABGC certification exam during the initial permit period.
- 22          (f) A person who holds an ABGC permit may only practice genetic counseling if he or she  
23 has entered into a written genetic counseling supervision agreement with a qualified supervisor  
24 and practices under qualified supervision at all times. The board shall promulgate rules for  
25 legislative approval governing direct supervision of a person holding an ACS permit.

26           (g) The board shall issue a certificate to each person who is approved for supervised  
27 genetic counseling practice under this article.

**§30-3H-7. License expiration, renewal, reinstatement of expired licenses and continuing education.**

1           (a) A license issued by the board shall expire on June 30 of odd-numbered years unless  
2 sooner suspended, revoked, or surrendered.

3           (b) A licensee shall renew by submitting:

4           (1) A complete renewal application;

5           (2) The renewal fee;

6           (3) Evidence that the renewal applicant is currently certified as a genetic counselor by the  
7 ABGC or ABMG or as a medical geneticist by the ABMG; and

8           (4) Evidence that the renewal candidate has completed 30 hours of continuing education  
9 as approved by the board within the preceding two-year period.

10          (c) If a licensee fails to timely renew his or her license, then the license automatically  
11 expires.

12          (d) A person who applies for initial licensure shall be exempt from the continuing education  
13 requirements for the biennial renewal period following initial licensure.

14          (e) The board may waive all or a portion of the continuing education requirement for  
15 biennial renewal for a licensee who shows to the satisfaction of the board that the licensee was  
16 unable to complete the requirements due to serious illness, military services, or other  
17 demonstrated hardship.

18          (f) Continuing education programs and providers shall be approved by the board in  
19 accordance with standards and criteria established in legislative rule, along with criteria and  
20 process for seeking a waiver of the continuing education requirement due to illness, military  
21 service, or demonstrated hardship.

22          (g) If a license automatically expires and reinstatement is sought within one year of the

23 automatic expiration, then an applicant shall submit:

24 (1) A complete reinstatement application;

25 (2) The applicable fees as set forth in legislative rule;

26 (3) Evidence that the reinstatement applicant is currently certified as a genetic counselor  
27 by the ABGC or ABMG or as a medical geneticist by the ABMG; and

28 (4) Evidence that the reinstatement applicant has completed all applicable continuing  
29 education requirements for the biennial renewal period preceding the reinstatement application.

30 (h) If a license automatically expires and more than one year has passed since the  
31 automatic expiration, then the individual shall apply for a new license.

**§30-3H-8. Scope of practice.**

1 (a) A genetic counselor's scope of practice includes the following:

2 (1) Obtaining and evaluating individual patient and patient family member medical histories  
3 to determine the genetic risk for genetic or medical conditions and diseases in a patient, his or her  
4 offspring, and other family members;

5 (2) Discussing with a patient and the patient's family the features, natural history, means of  
6 diagnosis, genetic and environmental factors, and management of risk factors for genetic or  
7 medical conditions and diseases.

8 (3) Identifying, ordering, and coordinating genetic laboratory tests and other diagnostic  
9 studies as appropriate for genetic assessment, consistent with practice-based competencies  
10 provided by ACGC;

11 (4) Integrating genetic laboratory test results and other diagnostic studies with personal  
12 and family medical history to assess and communicate risk factors for genetic or medical  
13 conditions and diseases.

14 (5) Explaining to a patient and the patient's family the clinical implications of genetic  
15 laboratory tests and other diagnostic studies and their results;

16 (6) Evaluating the patient's or family's responses to the condition or risk of recurrence and

17 providing patient-centered counseling and anticipatory guidance;

18 (7) Identifying and utilizing community resources that provide medical, educational,  
19 financial, and psychosocial support and advocacy; and

20 (8) Providing written documentation of medical, genetic, and counseling information to  
21 patients, their families, and health care professionals;

22 (b) Genetic counseling does not include diagnosis or treatment and when, in the course of  
23 providing genetic counseling services to a client, a genetic counselor finds any indication of a  
24 disease or condition that requires diagnosis and treatment, the genetic counselor shall refer the  
25 client to a licensed physician or appropriate licensed health care provider.

26 (c) A genetic counselor may provide telehealth services. The board shall promulgate a rule  
27 for legislative approval establishing the standard of care for the provision of genetic counseling via  
28 telehealth.

29 (d) Nothing in this article may be construed to permit a genetic counselor to diagnose, test,  
30 or treat any disease or condition.

31 (e) In the course of his or her professional practice, a genetic counselor may not  
32 recommend that an expectant mother obtain an elective abortion.

33 (f) Notwithstanding any other provision of this code to the contrary, and to the degree  
34 permitted by federal law, genetic counselors shall be considered providers and may not be  
35 reimbursed at rates lower than other providers who render similar genetic counseling services by  
36 health insurers as well as health plans operated or paid for by the state.

**§30-3H-9. Disciplinary proceedings and actions; prohibited practice.**

1 (a) The board may receive or initiate complaints, conduct investigations, and conduct  
2 hearings to determine whether a violation of this article or any rule has occurred.

3 (b) All hearings and procedures related to denial of a license, and all complaints,  
4 investigations, hearings, and procedures regarding a genetic counselor license and/or an ACS  
5 permit and the discipline accorded thereto, shall be in accordance with the processes and

6 procedures set forth in §30-3-1 et seq. of this code and the board's rules.

7 (c) Information received by the board pursuant to an investigation is confidential and not  
8 subject to discovery in any civil action.

9 (d) The board may deny an application for a license or other authorization to practice  
10 genetic counseling in this state and may discipline a genetic counselor or ACS permittee  
11 otherwise lawfully practicing in this state who, after a hearing, has been adjudged by the board as  
12 unqualified due to any of the following reasons:

13 (1) Made a material misstatement in an application for a license, or for license renewal or  
14 reinstatement, or knowingly presented or caused to be made or presented any false, fraudulent, or  
15 forged statement, writing, certificate, diploma, or other document relating to an application for  
16 licensure;

17 (2) Interfered with an investigation or disciplinary proceeding by using threats, harassment,  
18 or intentional misrepresentation of facts;

19 (3) Been convicted of an offense the circumstance of which bear a rational nexus to the  
20 practice of genetic counseling;

21 (4) Been adjudicated mentally incompetent by a court;

22 (5) Developed a physical or mental disability or other condition that presents a danger in  
23 continuing to practice genetic counseling to patients, the public, or other health care personnel,

24 (6) Practiced or assisted in the practice of genetic counseling while the individual's ability to  
25 practice was impaired by alcohol or other drugs or the individual was otherwise mentally or  
26 physically unable to practice with reasonable skill and safety to patients, the public, or other health  
27 care personnel;

28 (7) Knowingly made or caused to be made or aided or abetted in the making of a false  
29 statement in any document executed in connection with the practice of genetic counseling;

30 (8) Advertised in a manner that is false, deceptive, or misleading;

31 (9) Aided, assisted, or abetted the unlawful practice of genetic counseling;

32 (10) Willfully violated a confidential communication;

33 (11) Performed the services of a genetic counselor in an unprofessional, incompetent, or  
34 grossly or chronically negligent manner;

35 (12) Been removed, suspended, expelled, or placed on probation by any health care  
36 facility or professional society for unprofessional conduct, incompetence, negligence, or violation  
37 of any provision of the code of ethics set forth in the board's legislative rules;

38 (13) Exceeded the scope of practice for which the genetic counselor is licensed or  
39 permitted to practice by the board;

40 (14) Engaged in unprofessional or unethical conduct in violation of the code of ethics  
41 established by rule for legislative approval;

42 (15) Engaged in conduct while practicing genetic counseling that evidences a lack of  
43 knowledge or ability to apply professional principles or skills;

44 (16) Violated this article or any rule promulgated hereunder;

45 (17) Violated any term of probation or other discipline imposed by the board; or

46 (18) Failed to complete the required number of hours of approved continuing education.

47 (e) Whenever it finds any person unqualified because of any of the grounds set forth in  
48 §30-3H-7(b) of this code, the board may enter an order imposing one or more of the following:

49 (1) Deny his or her application;

50 (2) Administer a public reprimand;

51 (3) Suspend, limit, or restrict his or her authorization to practice for up to five years;

52 (4) Revoke his or her license or other authorization to practice genetic counseling for any  
53 period of time that the board may find to be reasonable and necessary according to evidence  
54 presented in a hearing before the board or its designee;

55 (5) Require him or her to submit to care, counseling, or treatment designated by the board  
56 as a condition for initial or continued licensure or renewal of licensure or other authorization to  
57 practice genetic counseling;

58 (6) Require him or her to participate in a program of education prescribed by the board;

59 (7) Require him or her to practice under the supervision of a qualified supervisor  
60 designated or approved by the board for a specified period of time; and

61 (8) Assess a civil fine of no more than \$10,000.

62 (f) The board shall automatically terminate the license of a genetic counselor who has  
63 failed to maintain certification with the ABGC or ABMG or whose certification with either certifying  
64 board has been revoked.

65 (g) A genetic counselor may voluntarily surrender his or her license to the board, which  
66 may refuse to accept the surrender if the board has received allegations of unprofessional conduct  
67 against the genetic counselor. The board may negotiate stipulations in consideration for accepting  
68 the surrender of the license.

69 (h) The board may restore a license that has been voluntarily surrendered under this  
70 section on such terms and conditions as it considers appropriate.

71 (i) The board may report final disciplinary action taken against a genetic counselor to any  
72 national database that includes information about disciplinary action taken against health care  
73 professionals;

74 (j) The board may share any information it receives pursuant to an investigation, including  
75 patient records and patient record information, with law-enforcement agencies, other licensing  
76 boards, and other governmental agencies that are prosecuting, adjudicating, or investigating  
77 alleged violations of statutes or administrative rules. An agency or board that receives the  
78 information shall comply with the same requirements regarding confidentiality as those with which  
79 the board shall comply.

**§30-3H-10. Injunctive relief.**

1 If the board has any reason to believe that any person is violating this article or any rule  
2 promulgated under this article, and in addition to the complaint, investigation, and hearing  
3 processes set forth herein and in §30-3-1 et seq. of this code, the board or the Attorney General

4 may bring action in the name and on behalf of the board to enjoin the person from the violation and  
5 seek any other remedies available.

**§30-3H-11. Health care facility reporting requirements.**

1 (a) A health care facility shall report, in writing, to the board within 60 days after the  
2 completion of the facility's formal disciplinary procedure or after the commencement and  
3 conclusion of any resulting legal action against a licensee.

4 (b) The report shall include:

5 (1) The name of the genetic counselor practicing in the facility whose ability to practice as a  
6 genetic counselor was revoked, restricted, reduced, or terminated for any cause including  
7 resignation;

8 (2) All pertinent information relating to the action; and

9 (3) The formal disciplinary action taken against the genetic counselor by the facility relating  
10 to professional ethics, professional incompetence, professional malpractice, or drug or alcohol  
11 abuse.

12 (c) A health care facility does not need to report temporary suspensions for failure to  
13 maintain records on a timely basis or for related, minor administrative matters.

**§30-3H-12. Unlawful act and penalty.**

1 It is unlawful for any genetic counselor or ACS permittee to represent to any person that he  
2 or she is a licensed physician. A person who violates this section is guilty of a felony and, upon  
3 conviction thereof, shall be imprisoned in a state correctional facility for not less than one nor more  
4 than two years, or be fined not more than \$2,000, or both fined and imprisoned.

NOTE: The purpose of this bill generally relates to professionals to be licensed by the West Virginia Board of Medicine.

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