

May 2009

**Osteopathic Licensure Requirements
2009 WV Senate Bill 526**

Osteopathic physicians now have more options to fulfill the requirements of the one year rotating internship. Current law requires osteopathic licensure applicants in WV to have completed a one year program approved by the AOA. Change in law will now recognize both AOA and ACGME programs. Those completing the ACGME program option will be required to completed 40 hours of CME in OMM/OMT (osteopathic manipulation theory and practice) prior to licensure. The bill also extends the time that a physician may practice in WV without being fully licensed. Current law permits only one year under an educational training permit. Residents will now be permitted to continue training under the educational permit throughout the duration of residency, provided they are in an accredited program.

Medical Advocate, April 2009

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Senate Bill No. 526

(Senators Foster, Stollings and Laird, *original sponsors*)

AN ACT to amend and reenact §30-14-1, §30-14-2, §30-14-4, §30-14-5, §30-14-6 and §30-14-10 of the Code of West Virginia, 1931, as amended, all relating to the regulation of osteopathy; defining terms; revising requirements for post-doctoral training as a requirement for licensure; providing for educational permits for post-doctoral clinical training; authorizing the promulgation of an emergency legislative rule; eliminating redundant language regarding licenses, internships, formation of medical corporations and fees; and defining the scope and duration of educational permits.

Be it enacted by the Legislature of West Virginia:

That §30-14-1, §30-14-2, §30-14-4, §30-14-5, §30-14-6 and §30-14-10 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 14. OSTEOPATHIC PHYSICIANS AND SURGEONS.

§30-14-1. License required.

It is unlawful for any person to practice or offer to practice medicine and surgery as an osteopathic physician and surgeon in this state without a license or permit issued by the West Virginia Board of Osteopathy: *Provided*, That any license heretofore issued under the laws of this state, authorizing its holder to practice osteopathy and surgery, shall in no way be affected by the enactment of this article; except that the holder of every such license shall be subject to all of the provisions of this article respecting the requirements and obligations herein prescribed for the continuance in force of such license.

§30-14-2. Definitions.

For the purposes of this article:

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

(b) "Approved program of post-graduate clinical training" means a program of clinical training approved by, or subject of approval by, the American Osteopathic Association or approved by the Accreditation Council for Graduate Medical Education for the purposes of intern or resident

training;

- (c) "Board" means the West Virginia Board of Osteopathy;
- (d) "License" means legal authorization issued by the board to a fully qualified osteopathic physician to engage in the regular practice of osteopathic medicine and surgery;
- (e) "Osteopathy" means that system of the healing art which places the chief emphasis on the structural integrity of the body mechanism as being the most important single factor in maintaining the well-being of the organism in health and disease;
- (f) "Permit" means a limited, legal authorization issued by the board to an osteopathic physician to practice osteopathic medicine and surgery in this state while serving under special circumstances of public need or while undergoing post-graduate clinical training as a prerequisite to licensure;
- (g) "Reciprocal endorsement" means a duly authenticated verification of the board, addressed to a board or agency of another country, state, territory, province or the District of Columbia, vouching that a license issued to an osteopathic physician and surgeon pursuant to the laws of this state is currently valid and not suspended or revoked for any cause or causes specified in this article.

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

- (a) Each applicant for examination by the board, with the exception of assistants to osteopathic physicians and surgeons, as hereinafter provided, shall submit an application therefore on forms prepared and furnished by the board.
- (b) Each applicant for a license shall furnish evidence, verified by oath and satisfactory to the board, establishing that the applicant has satisfied the following requirements:
 - (1) The applicant is eighteen years of age or over;
 - (2) The applicant is of good moral character;
 - (3) The applicant has graduated from an accredited osteopathic college;
 - (4) The applicant has successfully completed either of the following:
 - (A) A minimum of one year of post-doctoral, clinical training in a program approved by the American Osteopathic Association; or
 - (B) A minimum of one year of post-doctoral, clinical training in a program approved by the Accreditation Council for Graduate Medical Education and forty hours of continuing medical education in osteopathic manipulative medicine and osteopathic manipulative treatment in courses approved, and classified as Category 1A, by the American Osteopathic Association.**
- (c) Each applicant for an educational permit shall furnish evidence, verified by oath and satisfactory to the board, establishing that the applicant has satisfied the following requirements:
 - (1) The applicant is eighteen years of age or over;
 - (2) The applicant is of good moral character;
 - (3) The applicant has graduated from an accredited osteopathic college; and
 - (4) The applicant is under contract as an intern or resident in an approved program of post-graduate clinical training.
- (d) The board may not issue a license or permit to any person until the applicant has paid the application fee established by legislative rule of the board.
- (e) In order to give timely effect to the amendments to this section and section ten of this article, the board is authorized to propose a legislative rule consistent with these amendments as an emergency rule under the provisions of section fifteen, article three, chapter twenty-nine-a of this code.

§30-14-5. Examination.

In order to receive a license to practice osteopathic medicine and surgery, an applicant must satisfactorily complete a standard, national examination, specified through legislative rule of the board or an examination administered by the licensing authority of another state and approved by the board as equivalent to the national examination or to the former West Virginia state examination. The examination for a license to practice medicine and surgery as an osteopathic physician and surgeon shall cover substantive and clinical knowledge in all the essential branches of medicine and surgery including anatomy, physiology, chemistry, pharmacology, pathology, public health--preventive medicine, surgery, obstetrics and gynecology, osteopathic medicine, materia medica principles and practice of osteopathy. The list of subjects may be expanded or regrouped at the discretion of the board.

§30-14-6. Issuance of license without examination; fee.

The board may at its discretion issue a license without examination to an applicant who has been licensed by the national board of examiners for osteopathic physicians and surgeons, and to an applicant

who has been licensed by examination in any country, state, territory, province or the District of Columbia, provided the requirements for licensure in the country, state, territory, province or the District of Columbia in which the applicant is licensed are deemed by the board to have been equivalent to requirements for licensure in this state at the date such license was issued. The board may also at its discretion issue a license without examination to an osteopathic physician and surgeon who is a graduate of an accredited osteopathic college and who has passed the examination for admission into the medical corps of any of the armed services of the United States or the United States public health service. But no license shall be issued under the provisions of this section until the person applying therefore shall have paid to the board a reasonable fee, the amount of such reasonable fee to be set by the board rules, and any other fees applicable to investigation.

§30-14-10. Renewal of license; fee; refresher training a prerequisite; effect of failure to renew; reinstatement; educational permit.

- (a) All holders of licenses to practice as osteopathic physicians and surgeons in this state shall renew the licenses biennially on or before July 1, by the payment of a renewal fee, to the board. The board shall notify each licensee of the necessity of renewing his or her license at least thirty days prior to the expiration of the license.
- (b) As a prerequisite to renewal of a license issued by the board, each licensee shall furnish biennially to the board satisfactory evidence of having completed thirty-two hours of educational refresher course training, of which the total amount of hours must be approved by the American Osteopathic Association, and fifty percent of the required thirty-two hours shall be classified as category (1).
- (c) The failure to renew a license shall operate as an automatic suspension of the rights and privileges granted by its issuance. The board may propose rules for legislative approval, pursuant to the provisions of article three, chapter twenty-nine-a of this code, providing that an osteopathic physician may renew a license on an inactive basis.
- (d) A license suspended by a failure to make a biennial renewal thereof may be reinstated by the board upon compliance of the licensee with the following requirements:
 - (1) Presentation to the board of satisfactory evidence of educational refresher training of quantity and standard approved by the board for the previous two years;
 - (2) Payment of all fees for the previous two years that would have been paid had the suspended licensee maintained his or her license in good standing; and
 - (3) Payment to the board of a reinstatement fee specified by legislative rule of the board.
- (e) **An educational permit authorizes the holder to practice osteopathic medicine and surgery only for work performed within an approved program of post-graduate clinical training under the supervision of a duly licensed osteopathic or allopathic physician. The first educational permit issued to a graduate of an accredited osteopathic college may be valid for a period of fifteen months and subsequent educational permits issued to the same person may be valid for not more than twelve months. An educational permit shall expire upon the termination of the permit holder from an approved program of post-graduate clinical training and may also be suspended or revoked by the board at any time upon grounds defined by the board by legislative rule.**

Signed by Governor Manchin, April 20, 2009