



Rev. Richard Bowyer
Fairmont

Thomas S. Clark, M.D.
Morgantown

Jesus Tan Ho, M.D.
Moundsville

John J. Mahood, M.D.
Bluefield

Leonard Simmons, D.P.M.
Clarksburg

State of West Virginia

WEST VIRGINIA BOARD OF MEDICINE
101 Dee Drive
Charleston, West Virginia 25311
Telephone (304) 348-2921
Fax (304) 348-2084

Joseph Skaggs, M.D.
Charleston

Joseph Smith, M.D.
Dunbar

Mrs. Sylvia Spear
Martinsburg

Harry S. Weeks, Jr., M.D.
Wheeling

Mrs. Lydia Winfrey
Princeton

April 4, 1991

Ms. Judy Cooper, Director
Administrative Law Division
Office of the Secretary of State
State Capitol
Charleston, West Virginia 25305

FILED
APR -8 AM 9:23
SECRETARY OF STATE

RE: Legislative Rule, West Virginia Board of Medicine,
Series 2: Board of Medicine Approval of Medical
Schools Not Accredited by the Liaison Committee On
Medical Education

Dear Ms. Cooper:

This letter is to inform you on behalf of the Board that the Board repeals the above referenced rule effective immediately. This rule is obsolete and unnecessary due to statutory changes and has not been utilized by the Board for several years. Please consider this letter to be a proper authorization for the removal of this rule from the files of the office of the Secretary of State.

If there is further information or any other documentation which you need in order to effectuate the repeal of this rule, please let me know and on behalf of the Board, I will supply it to you.

Thank you for your assistance.

Sincerely,

Ronald D. Walton

RDW:lsc

PRESIDENT Eileen Catterson, M.D. Pineville	VICE PRESIDENT Thomas Harward, P.A.-C. Belington	SECRETARY William T. Wallace, Jr., M.D., M.P.H. Charleston	COUNSEL Deborah Lewis Rodecker Charleston	EXECUTIVE DIRECTOR Ronald D. Walton Charleston
--	--	--	---	--

TITLE 11
LEGISLATIVE RULES
WEST VIRGINIA BOARD OF MEDICINE

SERIES 2
BOARD OF MEDICINE APPROVAL OF MEDICAL SCHOOLS
NOT ACCREDITED BY THE LIAISON COMMITTEE
ON MEDICAL EDUCATION

§11-2-1. General.

1.1. Scope. -- These rules are issued in order to provide standards for the Board of Medicine's approval of medical schools for purposes of physician licensure as required by the West Virginia Code subdivision (2), subsection (b), section ten, article three, chapter thirty.

1.2. Authority. -- W. Va. Code §30-3-10(b)(2) and §30-3-7(a)(1)

1.3. Filing Date. -- April 28, 1986

1.4. Effective Date. -- April 28, 1986

§11-2-2. Definitions.

2.1. Liaison Committee on Medical Education (LCME). -- The LCME is a national organization which accredits medical schools located in the United States, the Commonwealth of Puerto Rico and Canada.

2.2. Educational Commission for Foreign Medical Graduates (ECFMG). -- The ECFMG is a national organization which certifies the basic English language skills and the fundamental medical education and training of individuals who attended schools outside the United States, the Commonwealth of Puerto Rico and Canada.

2.3. Foreign Medical Graduates Examination in the Medical Sciences (FMGEMS). -- The FMGEMS is the name of a comprehensive examination of medical knowledge first offered by the ECFMG on July 24, 1984.

§11-2-3. Schools located in the United States, Puerto Rico or Canada.

3.1. Any applicant who has graduated from a medical school located in the United States, the Commonwealth of Puerto Rico or Canada, and who seeks to become authorized to practice medicine and surgery by either a license, a temporary permit, an educational training permit or a license by reciprocal endorsement, must provide evidence of graduation and receipt of the degree of doctor of medicine or its equivalent from a medical school accredited by the LCME at the time of the applicant's attendance at that school.

3.2. Evidence of graduation and receipt of a degree of doctor of medicine or its equivalent from a medical school located in the United States, the Commonwealth of Puerto Rico or Canada which is not accredited by the LCME at the time of the applicant's attendance at that school shall be a basis for denying an application for a license or permit.

§11-2-4. Schools located outside of the United States, Puerto Rico or Canada.

4.1. Any applicant who has graduated from a medical school located outside the United States, the Commonwealth of Puerto Rico or Canada, and who seeks to become authorized to practice medicine and surgery by either a license, a temporary permit, an educational training permit or a license by reciprocal endorsement, shall be solely responsible for acquiring and presenting to the Board all information required by it for licensure.

4.2. The applicant from a medical school located outside the United States, the Commonwealth of Puerto Rico or Canada shall provide, on a verified form provided by the Board, certain information regarding the foreign medical school from which the applicant has graduated. The information shall include, in part:

(a) Whether the medical school is legally recog-

nized and authorized by the jurisdiction in which it confers a degree of doctor of medicine, or its equivalent;

(b) Whether the medical school is part of any other institution, and, if so, a description of the medical school's relationship with that institution;

(c) Whether the medical school is a proprietary or nonprofit institution;

(d) The total number of months required to complete the medical school's program;

(e) A list of each hospital, institution, facility or program where the applicant received clinical education, listing each clinical clerkship with the appropriate hospital, institution, facility or program;

(f) A list of all graduate degree programs offered by the medical school;

(g) A description of the curriculum and program of studies at the medical school;

(h) Whether the medical school has any full-time faculty members, and, if so, the approximate numbers;

(i) The number of students at the medical school;

(j) A description of the standards and methods for selecting students matriculating at the medical school;

(k) A description of the medical school's physical plant, including the number of campuses, library facilities, laboratories and classrooms;

(l) The names and locations of all hospitals, institutions, facilities or programs providing clinical education to the medical school's medical students; and

(m) Whether the applicant, since graduation from the medical school, has fulfilled all requirements of the ECFMG for certification.

4.3. Certification of an applicant by the ECFMG based upon passage of the FMGEMS on or after July

24, 1984, but not before that date, shall be sufficient for the Board to approve the individual applicant's degree of doctor of medicine or its equivalent from any medical school located outside of the United States, the Commonwealth of Puerto Rico or Canada.

4.4. Any applicant, whose certification by the ECFMG is for a limited period, shall maintain the ongoing validity of that certification in order to be eligible for licensure. The failure to maintain the current validity of that certification shall be a basis for denying an application for a license or permit, and shall be a basis for revoking an existing license or permit.

4.5. Approval of any individual applicant for a medical license or permit based, in part, upon that applicant's passage of the FMGEMS on or after July 24, 1984, shall not constitute the approval of the applicant's foreign medical school for any other individual applicant. Each applicant must individually demonstrate his compliance with Section 4 herein to be granted a license or permit.

4.6. The Board may, at any time, determine whether it will require additional information relating to the applicant or to the foreign medical school in question. The Board may solicit information directly from the foreign medical school and any institution, hospital, facility or program with which that school is affiliated. The Board may also require an on-site visit of the school by the Board's designated representatives. The costs of such an on-site visit shall be the sole responsibility of the applicant and/or the foreign medical school being considered. At any time, the applicant may supply the Board with any additional information relevant to the evaluation.

4.7. The Board shall evaluate the information supplied pursuant to Section 4.1, Section 4.2 and Section 4.6 of these rules by all applicants who have not taken and passed the FMGEMS on or after July 24, 1984, in order to determine whether the applicant's foreign medical school has standards for graduation which are equivalent to those established by the LCME. If the foreign medical school's standards are equivalent to those established by the LCME, the Board shall approve the medical school for licensing purposes. If the Board determines that the foreign medical school from which the applicant has graduated fails to meet standards for graduation equivalent to those estab-

lished by the LCME, the Board shall give written notice to the applicant, together with a brief statement of the basis for the Board's decision.

§11-2-5. Hearings.

5.1. Any applicant who seeks to become authorized to practice medicine and surgery by either a license, a temporary permit, an educational training permit or a license by a reciprocal endorsement, and who is denied such a license or permit, may within thirty (30) days after receipt of such denial request an opportunity to present additional evidence to the Board at a hearing. All such hearings shall be conducted in accordance with the provisions of West Virginia Code section one, article five, chapter twenty-nine-a et seq

5.2. If more than one applicant for licensure has graduated from a single foreign medical school which the Board has determined fails to meet equivalent standards for graduation, one (1) hearing may be held for each such medical school.

5.3. The Board may not evaluate a single medical school more than once in any twelve (12) month period.

5.4. The Board may, at any time, choose to reevaluate any foreign medical school which it has previously approved in order to determine whether approval of that medical school should continue or be withdrawn. The procedures and standards for reevaluating any previously approved medical school shall be identical to those previously set forth herein.

**TITLE 11
LEGISLATIVE RULES
WEST VIRGINIA BOARD OF MEDICINE**

**SERIES 2
BOARD OF MEDICINE APPROVAL OF MEDICAL SCHOOLS
NOT ACCREDITED BY THE LIAISON COMMITTEE
ON MEDICAL EDUCATION**

§11-2-1. General.

1.1. Scope. -- These rules are issued in order to provide standards for the Board of Medicine's approval of medical schools for purposes of physician licensure as required by the West Virginia Code subdivision (2), subsection (b), section ten, article three, chapter thirty.

1.2. Authority. -- W. Va. Code §30-3-10(b)(2) and §30-3-7(a)(1)

1.3. Filing Date. -- April 28, 1986

1.4. Effective Date. -- April 28, 1986

§11-2-2. Definitions.

2.1. Liaison Committee on Medical Education (LCME). -- The LCME is a national organization which accredits medical schools located in the United States, the Commonwealth of Puerto Rico and Canada.

2.2. Educational Commission for Foreign Medical Graduates (ECFMG). -- The ECFMG is a national organization which certifies the basic English language skills and the fundamental medical education and training of individuals who attended schools outside the United States, the Commonwealth of Puerto Rico and Canada.

2.3. Foreign Medical Graduates Examination in the Medical Sciences (FMGEMS). -- The FMGEMS is the name of a comprehensive examination of medical knowledge first offered by the ECFMG on July 24, 1984.

§11-2-3. Schools located in the United States, Puerto Rico or Canada.

3.1. Any applicant who has graduated from a medical school located in the United States, the Commonwealth of Puerto Rico or Canada, and who seeks to become authorized to practice medicine and surgery by either a license, a temporary permit, an educational training permit or a license by reciprocal endorsement, must provide evidence of graduation and receipt of the degree of doctor of medicine or its equivalent from a medical school accredited by the LCME at the time of the applicant's attendance at that school.

3.2. Evidence of graduation and receipt of a degree of doctor of medicine or its equivalent from a medical school located in the United States, the Commonwealth of Puerto Rico or Canada which is not accredited by the LCME at the time of the applicant's attendance at that school shall be a basis for denying an application for a license or permit.

§11-2-4. Schools located outside of the United States, Puerto Rico or Canada.

4.1. Any applicant who has graduated from a medical school located outside the United States, the Commonwealth of Puerto Rico or Canada, and who seeks to become authorized to practice medicine and surgery by either a license, a temporary permit, an educational training permit or a license by reciprocal endorsement, shall be solely responsible for acquiring and presenting to the Board all information required by it for licensure.

4.2. The applicant from a medical school located outside the United States, the Commonwealth of Puerto Rico or Canada shall provide, on a verified form provided by the Board, certain information regarding the foreign medical school from which the applicant has graduated. The information shall include, in part:

(a) Whether the medical school is legally recog-

nized and authorized by the jurisdiction in which it confers a degree of doctor of medicine, or its equivalent;

(b) Whether the medical school is part of any other institution, and, if so, a description of the medical school's relationship with that institution;

(c) Whether the medical school is a proprietary or nonprofit institution;

(d) The total number of months required to complete the medical school's program;

(e) A list of each hospital, institution, facility or program where the applicant received clinical education, listing each clinical clerkship with the appropriate hospital, institution, facility or program;

(f) A list of all graduate degree programs offered by the medical school;

(g) A description of the curriculum and program of studies at the medical school;

(h) Whether the medical school has any full-time faculty members, and, if so, the approximate numbers;

(i) The number of students at the medical school;

(j) A description of the standards and methods for selecting students matriculating at the medical school;

(k) A description of the medical school's physical plant, including the number of campuses, library facilities, laboratories and classrooms;

(l) The names and locations of all hospitals, institutions, facilities or programs providing clinical education to the medical school's medical students, and

(m) Whether the applicant, since graduation from the medical school, has fulfilled all requirements of the ECFMG for certification.

4.3. Certification of an applicant by the ECFMG based upon passage of the FMGEMS on or after July

24, 1984, but not before that date, shall be sufficient for the Board to approve the individual applicant's degree of doctor of medicine or its equivalent from any medical school located outside of the United States, the Commonwealth of Puerto Rico or Canada.

4.4. Any applicant, whose certification by the ECFMG is for a limited period, shall maintain the ongoing validity of that certification in order to be eligible for licensure. The failure to maintain the current validity of that certification shall be a basis for denying an application for a license or permit, and shall be a basis for revoking an existing license or permit.

4.5. Approval of any individual applicant for a medical license or permit based, in part, upon that applicant's passage of the FMGEMS on or after July 24, 1984, shall not constitute the approval of the applicant's foreign medical school for any other individual applicant. Each applicant must individually demonstrate his compliance with Section 4 herein to be granted a license or permit.

4.6. The Board may, at any time, determine whether it will require additional information relating to the applicant or to the foreign medical school in question. The Board may solicit information directly from the foreign medical school and any institution, hospital, facility or program with which that school is affiliated. The Board may also require an on-site visit of the school by the Board's designated representatives. The costs of such an on-site visit shall be the sole responsibility of the applicant and/or the foreign medical school being considered. At any time, the applicant may supply the Board with any additional information relevant to the evaluation.

4.7. The Board shall evaluate the information supplied pursuant to Section 4.1, Section 4.2 and Section 4.6 of these rules by all applicants who have not taken and passed the FMGEMS on or after July 24, 1984, in order to determine whether the applicant's foreign medical school has standards for graduation which are equivalent to those established by the LCME. If the foreign medical school's standards are equivalent to those established by the LCME, the Board shall approve the medical school for licensing purposes. If the Board determines that the foreign medical school from which the applicant has graduated fails to meet standards for graduation equivalent to those estab-

lished by the LCME, the Board shall give written notice to the applicant, together with a brief statement of the basis for the Board's decision.

§11-2-5. Hearings.

5.1. Any applicant who seeks to become authorized to practice medicine and surgery by either a license, a temporary permit, an educational training permit or a license by a reciprocal endorsement, and who is denied such a license or permit, may within thirty (30) days after receipt of such denial request an opportunity to present additional evidence to the Board at a hearing. All such hearings shall be conducted in accordance with the provisions of West Virginia Code section one, article five, chapter twenty-nine-a et seq

5.2. If more than one applicant for licensure has graduated from a single foreign medical school which the Board has determined fails to meet equivalent standards for graduation, one (1) hearing may be held for each such medical school.

5.3. The Board may not evaluate a single medical school more than once in any twelve (12) month period.

5.4. The Board may, at any time, choose to reevaluate any foreign medical school which it has previously approved in order to determine whether approval of that medical school should continue or be withdrawn. The procedures and standards for reevaluating any previously approved medical school shall be identical to those previously set forth herein.