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December 18, 1985

Honorable Ken Hechler
Secretary of State
West Virginia State Capitol Complex
Charleston, West Virginia 25301

FILED
DEC 18 1985

NOTICE OF RULE MODIFICATION

LEGISLATIVE RULE: "Board of Medicine Approval of Medical Schools Not Accredited by the Liaison Committee Medical Education"

The above titled emergency legislative rule has been modified as a result of comments by the Legislative Rule-Making Review Committee and the attached modifications have been incorporated into the above rule title and filed in the Secretary of State's office on December 18, 1985.

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WEST VIRGINIA EMERGENCY LEGISLATIVE RULES
WEST VIRGINIA BOARD OF MEDICINE
CHAPTER 30-3
SERIES II

Title: Approval of Medical Schools for Purposes of Physician Licensure

Section 25. Approval of Medical Schools for Purposes of Physician Licensure

25.1. 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 West Virginia Code §30-3-10(b)(2).

25.2. Authority - These legislative rules are issued under the authority of and are related to West Virginia Code §30-3-10(b)(2) and West Virginia Code §30-3-7(a)(1).

25.3. Filing Date - December 18, 1985.

25.4. Effective Date - December 18, 1985.

25.5. The Liaison Committee on Medical Education is a national organization which accredits medical schools located in the United States, the Commonwealth of Puerto Rico, and Canada. The Educational Commission for Foreign Medical Graduates 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. The Foreign Medical Graduates Examination in the Medical Sciences is the name of the examination first offered by the Educational Commission for Foreign Medical Graduates on July 24, 1984.

25.6. 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

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from a medical school accredited by the Liaison Committee on Medical Education.

25.7. 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 Liaison Committee on Medical Education shall be a basis for denying an application for a license or permit.

25.8. 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.

25.9. 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 medical school from which the applicant has graduated. The information shall include, in part:

a. whether the medical school is legally recognized 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 non-profit institution;

d. the total number of months required to complete the medical school's program;

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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 number;

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 Educational Commission for Foreign Medical Graduates for certification.

25.10. Certification of an applicant by the Educational Commission for Foreign Medical Graduates based upon passage of the Foreign Medical Graduates Examination in the Medical Sciences on or after July 24, 1985, 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.

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25.11. Any applicant, whose certification by the Educational Commission for Foreign Medical Graduates 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.

25.12. Approval of any individual applicant for a medical license or permit based, in part, upon that applicant's passage of the Foreign Medical Graduates Examination in the Medical Sciences on or after July 24, 1985, shall not constitute the approval of the applicant's medical school for any other individual applicant. Each applicant must individually demonstrate his compliance with Section 25 to be granted a license or permit.

25.13. The Board may, at any time, determine whether it will require additional information relating to the applicant or to the medical school in question. The Board may solicit information directly from the medical school and any institution, hospital, facility, or program with which the medical school is affiliated. The Board may also require an on-site visit of the medical 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 medical school being considered. At any time, the applicant may supply the Board with any additional information relevant to the evaluation.

25.14. The Board shall evaluate the information supplied pursuant to Section 25.8, Section 25.9, and Section 25.13 by all applicants who have not passed the Foreign Medical Graduates Examination in the Medical Sciences on or after July 24, 1985, in order to determine whether the applicant's medical school has standards for graduation which are equivalent to those established by the Liaison Committee on Medical Education. If the medical school's standards are equivalent to those established by the Liaison Committee on Medical Education, the Board shall approve the medical school for licensing purposes.

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If the Board determines that the medical school from which the applicant has graduated fails to meet standards for graduation equivalent to those established by the Liaison Committee on Medical Education, the Board shall give written notice to the applicant, together with a brief statement of the basis for the Board's decision.

25.15. 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 §29A-5-1 et seq.

25.16. If more than one applicant for licensure has graduated from a single 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.

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

25.18. The Board may, at any time, choose to re-evaluate any 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 re-evaluating any previously approved medical school shall be identical to those previously set forth herein.