

absent

STATE DEPARTMENT OF HEALTH

Charleston, West Virginia

January 24, 1966

Honorable Robert Bailey
Secretary of State
State of West Virginia
State Capitol
Charleston, West Virginia

Dear Sir:

Enclosed are two copies each of regulations issued by this Department regarding regulations for medical examination, regulations for Part I of the medical examination, regulations for medical reciprocity, regulations for chiroprody examination, and regulations for chiroprody-podiatry reciprocity. These regulations are designated Series IV of Chapter 16-1 of the West Virginia Administrative Regulations.

I hereby certify that the attached regulations are true and accurate copies of official regulations adopted by this Department on January 10, 1966.

Very truly yours,

N. H. Dyer, M. D., M. P. H.
State Director of Health

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
State Department of Health

FILING OF ADMINISTRATIVE REGULATIONS

References are to sections in West Virginia Administrative Regulation 16-1, Series IV.

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WEST VIRGINIA ADMINISTRATIVE REGULATIONS
State Department of Health

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References are to sections in W. Va. Adm. Reg. 16-1, Ser. IV

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WEST VIRGINIA ADMINISTRATIVE REGULATIONS
State Department of Health

FILED IN THE OFFICE
EDGAR F. HEISKELL III
SECRETARY OF STATE
THIS DATE 7/15/74

Chapter 16-1
Series IV
(1968)

Subject: Regulations Governing the Temporary Licensing of Foreign
Medical School Graduates in West Virginia

Section 1. General

- 1.01. Scope.--These regulations establish general rules for the
licensing of Foreign Medical School Graduates in West Virginia.
- 1.02. Authority.--These regulations are issued under authority of
West Virginia Code, Chapter 16-1, Article 3, Section 4.
- 1.03. Effective Date.--These regulations were adopted on April 8,
1968, to become effective immediately.
- 1.04. Filing Date.--These regulations were filed in the Office of
the Secretary of State June 18, 1968.
- 1.05. Certification.--These regulations were certified authentic
by the Secretary of State by certification number 17.

**Section 2. Regulations Governing the Issuance of Temporary Permits
to Physicians in West Virginia**

- 2.01. Right to Practice.--Graduates of medical schools as approved by
The Medical Licensing Board may obtain temporary permits to
practice medicine and surgery in hospitals operated by the

State of West Virginia and in privately-operated, approved hospitals in West Virginia by special permission from the Board.

2.02. Definition.--The term "approved hospital" shall be interpreted to mean a hospital approved by the Joint Commission on Accreditation of hospitals as meeting unconditionally its minimum requirements for general standardization.

2.03. Requirements.--

- (a) Original medical school diploma must be submitted for authentication and review by the Secretary. (No exceptions can be made). Photocopy is required for file.
- (b) All applicants who graduated from foreign medical schools, with the exception of those expecting to locate in State-operated hospitals, or those licensed in some other State in the United States, shall submit evidence of having passed the ECFMG examination given by the Educational Council for Foreign Medical Graduates. Original certificate is required and a photocopy retained for files.
- (c) Applicants are required to appear before the Medical Licensing Board for approval. Meetings are held four times a year: January, April, July and October.

Applications for temporary permits must be submitted to the Secretary fourteen days prior to a meeting.

Physicians arriving in West Virginia between sessions of the Board shall contact the Secretary of the Board concerning approval to work until the next regular meeting.

- (d) The following should accompany each application:
 - a. Photocopy of medical school diploma
 - b. Photocopy of ECFMG Certificate - if applicable
 - c. Small photograph of applicant
 - d. Fee of \$25 (Cashier's check or money order)
 - e. Letter as evidence of hospital employment, or
 - f. Letter as evidence of acceptance in approved internship or residency training program.
- (e) Applicants eligible for an annual renewal are required to submit a fee of \$10 with the application.
- (f) Applicants shall sign a contract agreeing to abide by the regulations of the Medical Licensing Board before assuming any duties.
- (g) Physicians must receive permission from the Board for a change of location and must notify the Board upon termination of services. Failure to comply will automatically suspend temporary permits.

2.04. Permanent Licenses.--Foreign medical school graduates who are not enrolled in approved training programs in

**teaching hospitals in this State shall apply for permanent
licensure in West Virginia as soon as possible not to exceed
one year from date of temporary permit.**

- 2.05. Interns and Residents in training in approved teaching
hospitals in West Virginia are not required to comply with
Section 2.04 of these regulations.**

Sec. 3.01.

Adm. Reg. 16-1
Series IV

Section 3. Regulations for Medical Examination

3.01. Qualifications.--

(a) **Medical Education.--**Graduation from a medical school as approved by the Medical Licensing Board of West Virginia, provided original diploma of graduation is presented with application to be authenticated by the Medical Licensing Board. (A photocopy of applicant's medical diploma must accompany application.)

3.02. Submission of Application.--All applications must be in the office of the Secretary of the Medical Licensing Board of West Virginia, State Office Building, 1800 Washington Street, Charleston, West Virginia 25305, ninety days prior to an examination. Examinations are given twice a year, in June and December, and the respective deadlines are March 1 for the June examination and September 1 for the December examination. The filing of an application does not entitle an applicant to practice. The only legal authority for practicing is certificate from the Medical Licensing Board.

3.03. Documents.--All documents submitted as evidence of eligibility for licensure must be properly signed and under the seal of the issuing authority. Copies of these documents become the

property of the State as part of the permanent records of the Medical Licensing Board and will not be returned.

- 3.04. Fee.**--A cashier's check or money order in the amount of \$100 must accompany each application, \$25 of which shall be retained by the Board in the event an application is withdrawn or rejected. A fee of \$100 is required for reexamination.

3.05. Rules of Examination.--

- (a) Bring soft lead pencils. Examination manuscripts are furnished by the Board.
- (b) After finishing each section, check to be sure your name is recorded on the front cover and the answer sheet.
- (c) One and one-quarter hours are allowed for each section.
- (d) Applicants are not permitted to leave the hall during an examination.
- (e) Upon finishing a section, applicants shall at once hand in their manuscripts to the examiner and retire from the room.
- (f) A general average of 75 percent entitles applicant to licensure in this State.

- 3.06. Disqualification of Applicant.**--Any applicant detected giving or receiving help either prior to, during, or after, the examination will be prevented from taking the examination, summarily

dismissed or disqualified. All fees will be forfeited and the Medical Licensing Board will consider the applicant thereafter ineligible for licensure by any means at any future date.

- 3.07. Reexamination.--An applicant is limited to taking two medical examinations in West Virginia (one examination and one reexamination). Physicians failing one examination must appear for the next examination conducted by the Board which will be held in six months.

Section 4. Regulations for Part I of the Medical Examination

4.01. Qualifications.--

- (a) Preliminary Education - At least two years, sixty-four semester hours, of academic work of collegiate grade in a standard college of arts and sciences of equal rank with the College of Arts and Sciences of West Virginia University. A certified transcript of premedical credits shall accompany application.
- (b) Medical Education - The medical school form on the application furnished by this office shall be completed by the dean, secretary or registrar of the college certifying that the applicant successfully completed the first two years of medical school. The seal of the college shall be affixed thereto.
- (c) Birth Certificate - Each application shall be accompanied by a certified copy of applicant's birth certificate or other satisfactory evidence of citizenship in the United States.

4.02. Submission of Application.--All applications must be in the office of the Secretary of the Medical Licensing Board one month prior to the examination. Blanks will be mailed upon request. No person will be admitted to the examination unless he presents a card of admission, which will be mailed to all acceptable applicants before the date of examination.

4.03. Documents.--All documents submitted as evidence of eligibility for admission to the examination become the property of the State as a part of the permanent records of the Medical Licensing Board. They will not be returned. All documents submitted as evidence must be under seal.

4.04. Fee.--A check or money order of twenty dollars (\$20.00) must accompany each application. The fee will not be returned after an application has been processed. An additional fee of five dollars (\$5.00) is required for a certificate of licensure after the applicant successfully completes Part II of the medical examination.

4.05. Rules of the Examination.—

- (a) Examination manuscripts are furnished by the Board.
- (b) Do not copy questions on manuscript. After finishing each branch, write name of subject and number on front cover. Do not sign your name.
- (c) Two hours are allowed for completion of each branch.
- (d) If information regarding an examination question is desired, call the attention of the examiner and ask the question so that all present may have the benefit of the information received.
- (e) Applicants are not permitted to leave the hall during an examination without the permission of the examiner.
- (f) Upon finishing a branch, applicants shall submit manuscripts to the examiner and retire from the room.
- (g) Applicants are examined in the following subjects: Anatomy and Embryology; Chemistry; Bacteriology, Public Health and Hygiene; Physiology; and Pathology.
- (h) A general average of 75 per cent is required with no single grade below 65 per cent.

4.06. Disqualification of Applicant.—Any applicant detected giving or receiving help will be summarily dismissed from the examination. All fees will be forfeited and the Medical Licensing Board will consider the applicant thereafter ineligible for licensure by any means at any future date.

Section 5. Regulations for Medical Reciprocity

5.01. Qualifications.--

- (a) Who May Apply.--Any applicant for a license to practice medicine and surgery in the State of West Virginia without examination is required to meet the following:
- Applicants from outside the State of West Virginia, licensed by written examination in some other state, or the District of Columbia, before June 1, 1968, will continue to be entitled to a West Virginia license by reciprocity in accordance with the procedures and policies in force at the time of their licensure, provided they meet all other requirements for licensure as otherwise required. Licensees (licensed after June 1, 1968) from other states or the District of Columbia, who have passed the FLEX examination with scores acceptable to the Medical Licensing Board of West Virginia (FLEX weighted average of 75.0 per cent or higher), and legally granted a license in said state from which endorsement is requested, or who are diplomates for the National Board of Medical Examiners of the United States of America and who meet all other requirements for licensure in the State of West Virginia, will be entitled to a West Virginia license without examination.
- (b) Preliminary Education.--At least two years, sixty-four semester hours, of academic work of collegiate grade in a

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standard college of arts and sciences of equal rank with the College of Arts and Sciences of West Virginia University. (A certified transcript of premedical education must accompany application.)

(c) Medical Education.--Graduation from a medical school as approved by the Medical Licensing Board of West Virginia, including graduation from a foreign medical school, provided original diploma of graduation is presented with application to be authenticated by the Medical Licensing Board, and provided further that graduate is a citizen of the United States, or can present evidence of his declaration of intention and shows progress toward becoming a citizen of the United States. (A photocopy of applicant's medical diploma must accompany application.)

(d) Birth Certificate.--Each application must be accompanied by a certified copy of applicant's birth certificate, other satisfactory documentary evidence of citizenship in the United States, or applicant's Declaration of Intention of becoming a citizen of the United States.

5.02. Submission of Application.--All applications must be in the office of the Secretary of the Medical Licensing Board of the West Virginia State Department of Health, one month before the date of the meeting at which license is sought. No application will be given consideration unless this regulation is observed.

- 5.03. Documents.--All documents submitted as evidence of eligibility for licensure must be under seal. They become the property of the State as a part of the permanent records of the Medical Licensing Board and will not be returned.
- 5.04. Fee.--Payment of a fee of \$100.00 to the Medical Licensing Board of West Virginia, twenty-five dollars of which shall be retained by the Board in the event an application is withdrawn or rejected. (Cashier's check or money order is preferred when sending fee.)
- 5.05. Personal Appearance.--All applicants for reciprocity are required to appear before the Medical Licensing Board in person at one of its regular meetings. Board meetings are held in January, April, July, and October.
- 5.06. Ad Interim Licenses.--The Secretary of the Medical Licensing Board is authorized to interview applicants for temporary licensure between sessions of the Board.
- 5.07. Disqualification of Applicant.--A reciprocity certificate will not be granted to an applicant who has failed to pass a written examination given by the Medical Licensing Board of West Virginia.

Section 6. Regulations for Chiropractic Examination

6.01. Qualifications.--

- (a) Age - Twenty-one years of age or over.
- (b) Character - Of good moral character.
- (c) Preliminary Education - Possessed of a minimum high school education recognized by the State Department of Education as being a proper standard, and at least two years (64 semester hours) of academic work of collegiate grade in a standard college of arts and sciences, so recognized as being a proper standard by the State Department of Education: Provided, That the requirement of two years of academic work of collegiate grade in a standard college of arts and sciences shall not apply to applicants who on or before June seventh, one thousand nine hundred fifty-seven, had been accepted and entered into an approved, accredited college of chiropractic, podiatry, or chiropractic-podiatry, pursued his studies and after said date received his degree.
- (d) Chiropractic-Podiatry Education - Graduation from a school of chiropractic or podiatry registered and approved by the West Virginia Medical Licensing Board.
- (e) Birth Certificate - Each application must be accompanied by a certified copy of applicant's birth certificate or other satisfactory documentary evidence of citizenship in the United States.

6.02. Submission of Application.--All applications must be in the office of the Secretary of the Medical Licensing Board of West Virginia, State Office Building, 1800 Washington Street, Charleston, West Virginia, one month prior to the examination. Blanks will be mailed upon request. No person will be admitted to the examination unless he presents a card of admission, which will

be mailed to all acceptable applicants whose papers are received one month before the date of the examination. The filing of an application does not entitle an applicant to practice. The only legal authority for practicing is a certificate from the Medical Licensing Board.

6.03. Documents.—All documents submitted as evidence of eligibility for licensure become the property of the State as a part of the permanent records of the Medical Licensing Board. They will not be returned. All documents submitted as evidence must be under seal.

6.04. Fee.—A check or money order of \$25.00, covering \$20.00 for examination and \$5.00 for certificate of licensure must accompany each application. The examination fee will not be returned if a certificate is refused, but applicant is entitled to reexamination without further cost at either the first or second succeeding examination conducted by the Board. However, one such reexamination shall exhaust this privilege under the original application.

6.05. Rules of the Examination.—

- (a) Examination manuscripts are furnished by the Board.
- (b) Do not copy questions on manuscript. After finishing each branch, write name of subject and number on front cover. Do not sign name.
- (c) Two hours are allowed for each branch.
- (d) If information regarding an examination question is desired, call the attention of the examiner, and ask the question so that all present may have the benefit of the information received.
- (e) Applicants are not permitted to leave the hall during an examination without the permission of the examiner.
- (f) Upon finishing a branch, applicants will at once hand in their manuscripts to the examiner and leave the room.

(g) Applicants are examined in the following subjects: General and Special Anatomy, Physiology, Hygiene and Sanitation, Physics, Chemistry, Biology, Embryology, Histology, Pathology, Physical Therapy, Bacteriology, Minor Surgery, Materia Medica and Therapeutics, Foot Orthopedics and Surgery, Dermatology and Syphilology, Roentgenology, Physical Diagnosis, Didactic and Clinical Chiropody-Podiatry.

(h) A general average of 75 per cent entitles applicant to licensure provided he does not fall below 65 per cent in any branch.

6.06. Disqualification of Applicant.—Any applicant detected giving or receiving help will be summarily dismissed from the examination. All fees will be forfeited and the Medical Licensing Board will consider the applicant thereafter ineligible for licensure by any means at any future date.

Section 7. Regulations for Chiroprody-Podiatry Reciprocity

7101. Qualifications.---

- (a) Age - Twenty-one years of age or over.
- (b) Character - Of good moral character.
- (c) Preliminary Education - Possessed of a minimum high school education recognized by the State Department of Education as being a proper standard and at least two years of academic work of collegiate grade in a standard college of arts and sciences, so recognized as being a proper standard by the State Department of Education: Provided,
Th That the requirement of two years of academic work of collegiate grade in a standard college of arts and sciences shall not apply to applicants who on or before June 7, 1957, had been accepted and entered into an approved, accredited college of chiroprody-podiatry, pursued his studies and after said date received a degree.
- (d) Chiroprody-Podiatry Education - Graduation from a school of chiroprody or podiatry registered and approved by the West Virginia Medical Licensing Board.
- (e) Examination - Satisfactory completion of an examination in another state, territory or foreign country having by law requirements of qualifications equal to the requirements of this State, which examining state or territory accords like privileges to licensees of this State. The general average of said examination shall be not less than 75 per cent.
- (f) Private Practice - Practice of chiroprody-podiatry for a period of at least five years in such state, territory or foreign country and in good standing in said state, territory or foreign country.

- (g) Birth Certificate - Each application must be accompanied by a certified copy of applicant's birth certificate or other satisfactory evidence of citizenship in the United States.

7.02. Submission of Application.--All applications must be in the office of the Secretary of the Medical Licensing Board one month before the date of the meeting at which licensure is sought. No application will be given consideration unless this regulation is observed.

7.03. Documents.--All documents submitted as evidence of eligibility for licensure must be under seal. They become the property of the State as part of the permanent records of the Medical Licensing Board and will not be returned.

7.04. Fee.--Payment of a fee of \$100.00 to the Medical Licensing Board of West Virginia.

7.05. Personal Appearance.--All applicants are required to appear before the Medical Licensing Board in person at one of its regular meetings.

Adm. Reg. 16-1
Series IV

Section 8. Regulations for Physicians's Assistants

**8.01. Employment of Assistants by Licensed Physician or Podiatrist;
Services that May Be Performed by Assistants.--**

A medical physician or a podiatrist licensed under Chapter 30 Article 3 of the Code of West Virginia may submit a job description to the Medical Licensing Board to employ a physician's assistant and delegate certain acts in a manner consistent with sound medical practice and with the protection of the health and safety of the patient in mind. Such services shall be limited to those which are educational, diagnostic, therapeutic or preventive in nature, but in no case shall they include the establishment of a final diagnosis or treatment plan for the patient, nor shall delegated acts include the prescribing or dispensing of drugs.

8.02. Submission of Application; Job Description.--

An application completed by the applicant and a job description written and signed by the physician or podiatrist listing in numerical order the duties which will be performed by the assistant must be in the office of the Secretary of the Medical Licensing Board of West Virginia, State Office Building, 1800 Washington Street, Charleston, West Virginia 25305, thirty days prior to a Board meeting. Meetings are held four times a year, in January, April, July and October. The filing of an

application and job description does not entitle a physician's assistant to certification. The only legal authority for such approval must be given by the Medical Licensing Board.

8.03. Ad Interim Certification.--

The Secretary of the Board may interview applicant and may issue temporary approval when credentials permit until the next regular meeting of the Board at which time applicant will either be issued or denied certification at the Board's discretion.

8.04. Fee.--A cashier's check or money order in the amount of \$50.00 must accompany each application. Certification must be renewed annually at a fee of \$5.00.

8.05. Requirements for Certification.--

- a. Graduation from an Educational Physician's Assistant Training Program as approved by the Board. (Photocopy of graduation certificate must accompany application.)
- b. Evidence of Certification by National Board of Medical Examiners of successfully passing the Certifying Examination for Primary Care Physician's Assistants. (Photocopy of examination result sheet must accompany application.)
- c. Other applicants as deemed qualified by the Board.

8.06. Certification of Assistant to Ophthalmologist Not Required or Permitted.--

Certification of an assistant to a physician practicing the specialty of ophthalmology shall neither be required nor permitted.

8.07. Limitation on Number of Assistants Employed.--

Within the realm of good medical practice, no physician or podiatrist shall be allowed to supervise more than two such assistants at any one time and at the description of the Board.

8.08. Responsibility to One Physician or Podiatrist When Employed in Group Practice.--

Partnerships, corporations, or associations consisting of physicians or podiatrists and organized in accordance with West Virginia law, in addition to physicians or podiatrists in solo practice, may employ assistants. The physician's assistant, however, must be responsible to only one physician or podiatrist in the organization or in solo practice.

8.09. Limitations on Scope of Duties of Physician's Assistant.--

No assistant shall perform any acts except as listed on the job description and approved by the Board. Assistants to medical physicians and podiatrists may not perform any service which the employing physician or podiatrist is not qualified to perform. Physician's assistants may not perform any of the following special examinations:

Rectal, pelvic, cystoscopic, proctosigmoidoscopic, ophthalmoscopic,
and any other endoscopic examinations.

8.10. Method of Performance.--

- a. The assistant must function in immediate proximity to the physician or podiatrist and be under his close supervision.
- b. The physician's assistant must wear an appropriate name tag with the designation of Mr., Miss, Mrs., or Mz. and surname plus PHYSICIAN'S ASSISTANT.
- c. A wallet size card of identification furnished by the Board must be carried by the certified physician's assistant.

8.11. Annual Report on Physician's Assistants Performance.--

The physician's assistant and the physician or podiatrist must submit annual signed reports, either individually or combined, as to the professional conduct, capabilities, and performance of those involved. This report must accompany application for recertification.

8.12. Termination of Certification.--

- a. The certification of an assistant shall be terminated by the Board when, after due notice and a hearing in accordance with the manner and form as prescribed by law for civil actions, it shall find:

- 1. that the assistant has held himself out or permitted another person to represent him as a licensed physician or podiatrist;**
- 2. that the assistant has in fact performed other than at the direction and under the supervision of a physician or podiatrist licensed by the Board;**
- 3. that the assistant has been delegated and performed a task or tasks beyond his competence and not in accordance with his job description as approved by the Board;**
- 4. that the assistant is an habitual user of intoxicants or drugs to such an extent that he is unable to safely perform as an assistant to the physician or podiatrist;**
- 5. that the assistant has been convicted in any court, state or federal, of any felony or other criminal offense involving moral turpitude;**
- 6. that the assistant has been adjudicated a mental incompetent or whose mental condition renders him unable to safely perform as an assistant to a physician or podiatrist;**
- 7. that the assistant has failed to comply with any of the provisions of these regulations;**

8. If an assistant discontinues working at the direction and under the supervision of the physician or podiatrist who submitted the job description under which the assistant is certified, such assistant and the physician or podiatrist shall so inform the Board and the assistant's certificate shall terminate until such time as a new application is submitted by the same or another physician or podiatrist and the assistant is certified by the Board.

8.13. Denial of Certification of Physician's Assistant.--

Whenever the Board determines that an applicant has failed to satisfy the Board that he should be certified, the Board shall immediately notify such applicant of its decision and indicate in what respect the applicant has so failed to satisfy the Board. Such applicant shall be given a formal hearing before the Board upon request of such applicant filed with or mailed by registered mail to the Secretary of the Board at Charleston, West Virginia, within ten days after receipt of the Board's decision, stating the reasons for such request. The Board shall within 20 days of receipt of such request notify such applicant of the time and place of a public hearing, which shall be held within a reasonable time. The burden of satisfying the Board of his qualifications for certification

shall be upon the applicant. Following such hearing, the Board shall determine on the basis of these regulations whether the applicant is qualified to be certified, and this decision of the Board shall be final as to that application.