

## Chapter 30. Professions and Occupations

Art.

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3. Physicians and Surgeons.
11. Chiropodists.
15. Midwives.
16. Chiropractors.

### ARTICLE 1. GENERAL PROVISIONS APPLICABLE TO ALL STATE BOARDS OF EXAMINATION OR REGISTRATION REFERRED TO IN THIS CHAPTER.

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§ 2837. [1] **In General.**—Unless otherwise specially provided, every board of examination or registration referred to in this chapter including the state public health council, shall conform to the requirements prescribed in the following sections of this article.

§ 2838. [2] **Oath.**—Every person appointed as a member of any board referred to in this article, before proceeding to exercise the authority or discharge the duties of the office, shall take the oath prescribed by section five of article four of the state Constitution, and shall file the certificate thereof with the secretary of state.

§ 2839. [3] **Officers; Bond of Secretary.**—Every such board shall elect annually from its members a president and a secretary who shall hold their offices for one year and until their successors are elected: Provided, that the state board of law examiners and the state board of examiners for nurses may each elect a secretary from outside its membership. The

and resulting from his employment in one of the institutions, shall be eligible for free treatment in a state-supported institution for the treatment of the disease. He shall also receive, from the funds appropriated to the institution in which he was employed, seventy-five percent of his monthly salary, but in no event more than one hundred dollars per month, for a period not to exceed thirty months.

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secretary shall execute a surety bond conditioned as required by law, which bond shall be approved by the attorney general as to form and by the auditor as to sufficiency, and, when so approved, shall be filed and recorded in the office of the secretary of state. The premium on said bond shall be regarded a proper and necessary expense of the board.

§ 2840. [4] **Official Seal; Rules and Regulations.**—Every such board shall adopt an official seal which shall be affixed to all licenses or certificates of registration issued by it, and shall make such rules and regulations, not inconsistent with law, as are necessary to regulate its proceedings and to carry out the purposes and enforce the provisions of this chapter applicable to such board.

§ 2841. [5] **Meetings; Quorum; Power to Compel Attendance of Witnesses and to Take Testimony.**—Every such board shall hold at least two meetings each year, at such times and places as it may prescribe by rule, for the examination of applicants who desire to practice their respective professions or occupations in this State, and for the transaction of such other business as may legally come before it. The board may hold such additional meetings as may be necessary, which shall be called by the secretary at the direction of the president or upon the written request of any three members. A majority of the members of the board shall constitute a quorum for the transaction of its business. The board shall have power to compel the attendance of witnesses and to take testimony and proof concerning any matter within its jurisdiction, and for such purposes the president and secretary of the board shall have the power to administer oaths.

§ 2842. [6] **Application for License or Registration; Examination Fee; Reexamination.**—Every applicant for license or registration under the provisions of this chapter shall apply therefor in writing to the proper board at least ten days before the date of any examination to be conducted by such board, and shall transmit with his application an examination fee of twenty dollars, unless a different fee is specially provided by law, which sum the board is authorized to charge for an examination or investigation into such applicant's qualifications to practice. An applicant failing to pass an examination satisfactory to the board shall, at either the first or second succeeding examination conducted by the board, be entitled to a reexamination without further cost, but one such reexamination shall exhaust his privilege under his original application.

§ 2843. [7] **Contents of License or Certificate of Registration; Fee.**—Every license or certificate of registration issued by such board shall bear a serial number, the full name of the applicant, the date of issuance, the seal of the board, and shall be signed by a majority of the members and attested by its president and secretary. Unless otherwise specially provided, the board shall charge a fee of five dollars for every license or certificate of registration issued by it, and a fee of five dollars for every duplicate thereof, which fee shall be paid before such license or certificate of registration, or duplicate, is issued: Provided, that an applicant for registration as nurse shall be granted a certificate of registration on passing the examination of said board, without any charge therefor. No

license or certificate of registration granted or issued under the provisions of this chapter shall be assignable.

§ 2844. [8] **Proceedings for Suspension or Revocation of License or Registration; Effect of Suspension or Revocation; Transcript; Report.**—Except as otherwise provided for the suspension or annulment of the license of an attorney, in all proceedings before a board for the suspension or revocation of any certificate, license, registration or authority issued by it, a statement of the charges against the holder thereof and a notice of the time and place of hearing shall be served upon such person as a notice is served under section one, article two, chapter fifty-six (§ 5519) of this Code, at least thirty days prior to the hearing, and he may appear with witnesses and be heard in person, by counsel, or both. The board may take such oral or written proof, for or against the accused, as it may deem advisable. If upon such hearing the board finds that the charges are true, it may suspend or revoke the certificate, license, registration or authority, and such suspension or revocation shall take from the person all rights and privileges acquired thereby. A stenographic report of each proceeding to suspend or revoke a certificate, license, registration or authority shall be made at the expense of the board, and a transcript thereof retained in its files. The board shall make a written report of its findings, which shall constitute part of the record, and a copy thereof shall be filed with the secretary of state.

§ 2845. [9] **Review by Circuit Court and Supreme Court of Board's Refusal to Issue, Suspension or Revocation of License or Registration.**—A person, not an applicant for or holder of a license to practice law, who has been refused a license or registration for any cause other than failure to pass the examination given by the board, or whose certificate, license, registration or authority has been suspended or revoked, may, within thirty days after the decision of the board, present his petition in writing to the circuit court of the county in which such person resides, or to the judge of such court in vacation, praying for the review and reversal of such decision. Before presenting his petition to the court or judge, the petitioner shall mail copies thereof to the president and secretary, respectively, of the board. Upon receipt of such copy the secretary shall forthwith transmit to the clerk of such court the record of the proceeding before the board. The court or judge shall fix a time for the review of said proceeding at his earliest convenience. Notice in writing of the time and place of such hearing shall be given to the president and secretary of the board at least ten days before the date set therefor. The court or judge shall, without a jury, hear and determine the case upon the record of the proceedings before the board. The court or judge may enter an order affirming, revising, or reversing the decision of the board if it appears that the decision was clearly wrong. Prior to the entry of such order, no order shall be made or entered by the court to stay or supersede any suspension, revocation or cancellation of any such certificate, license, registration or authority. The judgment of the circuit court may be reviewed upon appeal in the supreme court of appeals.

§ 2846. [10] **Disposition of Moneys; Report to Auditor.**—The secretary of every such board shall receive and account for all moneys derived by virtue of the provisions of this chapter applicable to such board, and

shall pay them into the state treasury monthly, on or before the tenth day of the month succeeding the month in which such moneys were received. He shall also, on the first day of January and July in each year, or within five days thereafter, certify to the state auditor a detailed statement of all such moneys received by him during the preceding six months.

§ 2847. [11] **Compensation of Members; Expenses.**—Each member of every such board shall receive ten dollars for each day actually spent in attending the sessions of the board, or of its committees, and in necessary travel, and shall be reimbursed for all actual and necessary expenses incurred in carrying out the provisions of this chapter applicable to such board. The secretary shall receive such salary as may be prescribed by the board, but in proceedings relative to the fixing of his salary the secretary shall have no vote. All authorized compensation and all expenses certified by the board as properly and necessarily incurred in the discharge of its duties shall be paid out of the state treasury, from funds appropriated for that purpose, on warrants of the state auditor issued on requisitions signed by the president and secretary of the board.

§ 2848. [12] **Record of Proceedings; Register of Applicants; Certified Copies of Records Prima Facie Evidence; Report to Governor.**—The secretary of every such board shall keep a record of its proceedings and a register of all applicants for license or registration, showing for each the date of his application, his name, age, educational and other qualifications, place of residence, whether an examination was required, whether the applicant was rejected or a certificate of license or registration granted, the date of such action, the license or registration number, all renewals of such license or registration, if required, and any suspension or revocation thereof. The books and register of the board shall be open to public inspection at all reasonable times, and such books and register, or a copy of any part thereof, certified by the secretary and attested by the seal of the board, shall be prima facie evidence of all matters recorded therein.

On or before the first day of January of each year in which the legislature meets in regular session the board shall submit to the governor a report of its transactions for the preceding two years, together with an itemized statement of its receipts and disbursements, and a full list of the names of all persons licensed or registered by it during such period, certified by the president and the secretary. A copy of the report shall be filed with the secretary of state.

§ 2849. [13] **Roster of Licensed or Registered Practitioners.**—The secretary of every such board shall also prepare and maintain a complete roster of the names and office addresses of all persons licensed, or registered, and practicing in this State the profession or occupation to which such board relates, arranged alphabetically by name and also by the counties in which their offices are situated. The board may call for and require a registration whenever it deems it necessary or expedient to secure an accurate roster.

§ 2849. [14] **Remission of Certain Fees.**—Every board of examination or registration referred to in this chapter is hereby authorized, under

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such rules and regulations as may be adopted by each board, to remit all annual license or annual registration fees required to be paid by any licensee or registrant under its supervision during such time as such licensee or registrant is serving with the armed forces of the United States of America, and to retain the name of such licensee or registrant in good standing on the roster of said board during said time.

N. H. DYER, M.D., M.P.H.  
STATE DIRECTOR OF HEALTH



# State of West Virginia

DEPARTMENT OF HEALTH

CHARLESTON 25305

November 28, 1967

Honorable Robert D. Bailey  
Secretary of State  
State Capitol  
Charleston, West Virginia 25305

Dear Mr. Bailey:

Enclosed are two copies of a Reference Page and two copies of Index Pages for The Public Health Laws of West Virginia and a Manual of Regulations of the West Virginia Board of Health. These Laws and Regulations are filed in the Odd Size File as item number 3.

Sincerely yours,

A handwritten signature in cursive script that reads "N. H. Dyer".

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

FILED IN THE OFFICE  
ROBERT D. BAILEY  
SECRETARY OF STATE  
THIS DATE 11/28/67