

**WEST VIRGINIA LEGISLATURE**  
**REGULAR SESSION, 1990**

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SECRETARY OF STATE

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**ENROLLED**

**SENATE BILL NO.** 466

(By Senator Hulliday)

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**PASSED** March 9, 1990

In Effect from Passage

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OFFICE OF THE CLERK  
SENATE OF WEST VIRGINIA

**ENROLLED**  
**Senate Bill No. 466**  
(BY SENATOR HOLLIDAY)

[Passed March 9, 1990; in effect from passage.]

AN ACT to amend and reenact section four, article three, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the board of medicine and definitions permitting a designee of the director of health to be a member of the board and to act as its secretary.

*Be it enacted by the Legislature of West Virginia:*

That section four, article three, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, to read as follows:

**ARTICLE 3. WEST VIRGINIA MEDICAL PRACTICE ACT.**

**§30-3-4. Definitions.**

- 1 As used in this article:
- 2 (1) "Board" means the West Virginia board of
- 3 medicine established in section five of this article.
- 4 Whenever any other provision of this code refers to
- 5 the "medical licensing board of West Virginia," such
- 6 reference shall be construed to mean and refer to the
- 7 "West Virginia board of medicine" as created and
- 8 established in this article.

9       (2) "Medical peer review committee" means a  
10 committee of, or appointed by, a state or local profes-  
11 sional medical society, or a committee of, or appointed  
12 by, a medical staff of a licensed hospital, long-term  
13 care facility or other health care facility, or any health  
14 care peer review organization as defined in section  
15 one, article three-c of this chapter, or any other  
16 organization of professionals in this state formed  
17 pursuant to state or federal law and authorized to  
18 evaluate medical and health care services.

19       (3) "Practice of medicine and surgery" means the  
20 diagnosis or treatment of, or operation or prescription  
21 for, any human disease, pain, injury, deformity or  
22 other physical or mental condition.

23       (4) "Practice of podiatry" means the examination,  
24 diagnosis, treatment, prevention and care of conditions  
25 and functions of the human foot by medical, surgical  
26 and other scientific knowledge and methods; and  
27 medical and surgical treatment of warts and other  
28 dermatological lesions of the hand which similarly  
29 occur in the foot. When a podiatrist uses other than  
30 local anesthesia, in surgical treatment of the foot, such  
31 anesthesia must be administered by, or under the  
32 direction of, an anesthesiologist or certified nurse  
33 anesthetist authorized under the state of West Virginia  
34 to administer anesthesia. A medical evaluation shall be  
35 made by a physician of every patient prior to the  
36 administration of other than local anesthesia.

37       (5) "State director of health" means the state  
38 director of health or his or her designee, which  
39 designee shall act as secretary of the board and shall  
40 carry out any and all responsibilities assigned in this  
41 article to the secretary of the board.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Fredrick L. Parks*  
.....  
Chairman Senate Committee

*Bernard V. Kelly*  
.....  
Chairman House Committee

Originated in the Senate.

In effect from passage.

*Darrell E. Alpha*  
.....  
Clerk of the Senate

*Daniel J. Kipp*  
.....  
Clerk of the House of Delegates

*Willard F. Rudette*  
.....  
President of the Senate

*Willard F. Rudette*  
.....  
Speaker House of Delegates

The within is approved this the *20<sup>th</sup>* day of *March* 1990.

*Yaston Caperton*  
.....  
Governor

GOVERNOR

Date 3/14/90

Time 2:44 PM