

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1965



ENROLLED

HOUSE BILL No. 719

(By Mr. Speaker, Mr. White.)



PASSED March 13, 1965

In Effect ninety days from Passage

#719


FILED IN THE OFFICE OF
JOE F. BURDETT
SECRETARY OF STATE
THIS DATE 3-19-65

ENROLLED
House Bill No. 719
(By MR. SPEAKER, MR. WHITE)

[Passed March 13, 1965; in effect ninety days from passage.]

AN ACT to amend and reenact sections one, two, three, four, five and six, article eleven; and to further amend said article by adding thereto five new sections, designated sections seven, eight, nine, ten and eleven, all of chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the licensing of chiropody-podiatry.

Be it enacted by the Legislature of West Virginia:

That sections one, two, three, four, five and six, article eleven, be amended and reenacted; and that said article be further amended by adding thereto five new sections, desig-

nated sections seven, eight, nine, ten and eleven, all of chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, to read as follows:

Article 11. Chiropodists-Podiatrists.

Section 1. Chiropody-Podiatry; License Required.—It

2 shall be unlawful for any person to practice or offer to
3 practice in this state the branch of medicine known as
4 chiropody-podiatry, as hereinafter defined, unless duly
5 licensed so to do by the medical licensing board of this
6 state, after examination conducted by such board, the
7 members of which shall be members of the licensing
8 board and include the chiropodist-podiatrist members,
9 under rules and regulations prepared and promulgated
10 by it, except as hereinafter provided: *Provided, however,*
11 *That the provisions of this section shall not apply to any*
12 *person legally entitled to practice chiropody or podiatry*
13 *in this state at the time of the adoption of this article:*
14 *And provided further,* *That all persons now licensed to*
15 *practice chiropody shall be permitted to use the term*
16 *“chiropody-podiatry” and shall have all the rights and*
17 *privileges as defined in this article.*

Sec. 2. Definition of Chiropody-Podiatry; Use of Title

2 **“Doctor.”**—For the purpose of this article “chiropody-
3 podiatry” shall mean the medical, mechanical or surgi-
4 cal treatment of the ailments of the human hand or
5 foot, except the amputation of the foot, hand, toes or
6 fingers, without the use of anaesthetics other than local.
7 It shall also include the fitting or recommending of appli-
8 ances, devices or shoes for the correction or relief of
9 hand or foot ailments.

10 Licensees under this article shall not use the title
11 “doctor,” except in connection with the word chiropody
12 or chiropodists or podiatry or podiatrists, or the initials
13 of the college degree held by the practitioner.

Sec. 3. Qualifications of Applicant for License.—An

2 applicant for license shall furnish to the medical licensing
4 board satisfactory proof that he is: (a) Twenty-one years
5 of age or over; (b) of good moral character; (c) a gradu-
6 ate of a school of chiropody or podiatry registered and
7 approved by the West Virginia medical licensing board
8 or that he has taken and passed the examination in an-
9 other state, territory or foreign country having by law

10 requirements of qualifications equal to the requirements
11 of this state; has been in the practice of chiropody or
12 podiatry for a period of at least five years in such state,
13 territory or foreign country and is at the time of applica-
14 tion and examination in good standing in said state, terri-
15 tory or foreign country; (d) possessed of a minimum
16 high school education recognized by the state department
17 of education as being a proper standard and at least two
18 years of academic work of collegiate grade in a standard
19 college of arts and sciences, so recognized as being a
20 proper standard by the state department of education:
21 *Provided*, That the requirement of two years of academic
22 work of collegiate grade in a standard college of arts and
23 sciences shall not apply to applicants who on or before
24 June seventh, one thousand nine hundred fifty-seven, had
25 been accepted and entered into an approved, accredited
26 college of chiropody, podiatry, or chiropody-podiatry,
27 pursued his studies and after said date received his de-
28 gree.

Sec. 4. Examination and License; Issuance of License;

2 **Reciprocity.**—The medical licensing board shall conduct

3 examinations for license to practice chiropody-podiatry
4 at the times and places designated by it for conducting
5 examinations for licenses to practice medicine. Exami-
6 nations shall be in english, and in writing, and shall be
7 of a scientific and practical character. They shall cover
8 the subjects of general and special anatomy, physiology,
9 hygiene and sanitation, physics, chemistry, biology, em-
10 bryology, histology, pathology, physical therapy, bacteri-
11 ology, minor surgery, materia medica and therapeutics,
12 foot orthopedics and surgery, dermatology and syphilol-
13 ogy, roentgenology, physical diagnosis, didactic and clini-
14 cal chiropody-podiatry. Upon the successful completion
15 of such examination by an applicant, the medical licens-
16 ing board shall issue to such applicant a license to practice
17 "chiropody-podiatry": *Provided, however,* That the said
18 board or a majority thereof, may accept in lieu of an
19 examination of applicants under this article, the certifi-
20 cate of license to practice chiropody or podiatry or chiro-
21 pody-podiatry legally granted by the licensing authority
22 of another state, territory or any foreign country whose
23 standard of qualifications for the practice of chiropody

24 or podiatry or chiropody-podiatry is equivalent to that
25 of this state, and provided such state or territory accords
26 like privileges to licensees of this state, may grant to such
27 applicant a certificate of license to practice chiropody-
28 podiatry in this state.

Sec. 5. Offenses; Penalties.—(a) Whoever, not being
2 lawfully authorized to practice chiropody, podiatry, or
3 chiropody-podiatry within the state of West Virginia,
4 holds himself out as a practitioner of chiropody, podiatry,
5 or chiropody-podiatry or in any way advertises himself
6 as such, or practices or attempts to practice such profes-
7 sion or professions; (b) or whoever obtains or attempts
8 to obtain a license or permit to practice in the profession
9 by fraudulent misrepresentation or in any way contrary
10 to the provisions of this article, shall be guilty of a mis-
11 demeanor, and, upon conviction, shall be fined not less
12 than one hundred dollars nor more than one thousand
13 dollars; (c) or whoever practices or attempts to practice
14 chiropody, podiatry, or chiropody-podiatry under a false
15 or assumed name, or under a name other than that under
16 which he has a license to practice chiropody, podiatry, or

17 chiropody-podiatry; or (d) whoever impersonates another
18 practitioner of like or different name; (e) or whoever
19 lends his name or has professional connections with any-
20 one convicted of any offense, as herein provided; or who-
21 ever violates any of the provisions of this article for which
22 no specific penalty is provided herein shall be guilty of a
23 misdemeanor, and, upon conviction thereof, shall be fined
24 not less than fifty dollars nor more than two hundred
25 dollars, or confined in the county jail not less than one
26 nor more than four months, or both, for each and every
27 offense, and in addition, the medical licensing board shall
28 suspend or revoke his license for an indefinite period, but
29 for not less than six months. For any and all misdemea-
30 nors under this article justices of the peace shall have con-
31 current jurisdiction with circuit and criminal courts for
32 the enforcement thereof.

33 A person so convicted shall not be entitled to any fee
34 for services rendered, and, if a fee has been paid, the
35 patient or guardian or heir may recover the same as debts
36 of like amount are now recovered by law.

Sec. 6. Limitations and Application of Article.—Nothing contained in this article shall be construed to prevent physicians and surgeons legally practicing in this state from practicing chiropody, podiatry or chiropody-podiatry as a branch of their medical and surgical practice; nor to prevent physicians and surgeons of the United States army, air force, navy or marine hospital service from practicing chiropody-podiatry in the actual discharge of their duties as such; nor to prevent chiropodists or podiatrists living in other states and duly qualified to practice chiropody or podiatry therein from being called in consultation into this state by a chiropodist-podiatrist already entitled to practice chiropody-podiatry in this state; nor to prohibit the fitting, recommending or sale of corrective shoes, arch supports or similar mechanical appliances in commercial establishments: *Provided, however,* That chiropodists-podiatrists licensed hereunder shall have the same rights and privileges of physicians and surgeons of other schools of medicine insofar and insofar only as pertains to the medical, mechanical or surgical treatment of ailments of the human hand or foot.

Sec. 7. Fees.—The medical licensing board shall be
2 entitled to charge and collect the following fees in addi-
3 tion to those provided in article one of this chapter, for
4 granting to a licensed chiropodist-podiatrist from another
5 state, territory or foreign country, a license to practice
6 chiropody-podiatry in this state, under the provisions of
7 section four of this article, one hundred dollars, which
8 must accompany application; for reciprocal endorsement,
9 ten dollars.

Sec. 8. Refusal to Issue; Suspension or Revocation of
2 **License.**—The medical licensing board may refuse to grant
3 a license to a person convicted of a felony or guilty of
4 gross immorality or addicted to drunkenness or the habit-
5 ual use of narcotic drugs, and may by legal proceedings,
6 as provided in article one of this chapter suspend, or
7 revoke a license for like cause, or for malpractice, or for
8 fraud in procuring the license, but no such refusal, sus-
9 pension or revocation shall be ordered by reason of the
10 individual belonging to or practicing in any particular
11 school or system of chiropody or podiatry: *Provided,*
12 *however,* That malpractice as herein used means bad,

13 wrong or injudicious treatment of a patient, profession-
14 ally and in respect to the particular disease or injury,
15 resulting in injury, unnecessary suffering, or death to
16 the patient and proceeding from ignorance, carelessness,
17 want of professional skill, gross disregard of established
18 rules or principles, neglect, or a malicious or criminal
19 intent.

Sec. 9. Biennial Renewal of License.—Every person
2 who on or before the thirty-first day of August, one
3 thousand nine hundred sixty-five, is licensed as a podia-
4 trist to practice chiropody-podiatry in this state, shall,
5 on or before the said thirty-first day of August, one thou-
6 sand nine hundred sixty-five, make application to the
7 medical licensing board for registration, and shall be
8 registered by the said board, as a holder of such license,
9 which registration shall be for the period ending on the
10 thirtieth day of June, one thousand nine hundred sixty-
11 seven. On or before the said thirtieth day of June, one
12 thousand nine hundred sixty-seven and biennially there-
13 after, on or before the thirtieth day of June of each bi-
14 ennial period, every person licensed as a chiropodist-

15 podiatrist in this state, shall apply to the said board for
16 registration, or a renewal of registration, as such license
17 holder: *Provided*, That no registration shall be required
18 of any holder of a certificate of licensure for the biennial
19 period, or any portion thereof, during which such certifi-
20 cate is issued. Each applicant for registration or renewal
21 thereof shall remit to the board, with his application, a
22 fee of ^ffive dollars.

23 The failure of any person to comply with the provisions
24 of this section after receiving thirty days' notice from the
25 medical licensing board, which shall be served by de-
26 positing in the United States mail, addressed to the mail-
27 ing address of the licensee shall operate automatically,
28 and without further proceedings, to cancel the certificate
29 of such person, and the license issued thereunder. Con-
30 tinued practice by any such person after such cancella-
31 tion of his certificate and license shall constitute prac-
32 ticing without a license, and any person so practicing
33 shall be subject to all the penalties provided by law for
34 practicing without a license.

35 Any certificate and license cancelled pursuant to the

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36 provisions of this section, and not for any other reason,
37 shall be reinstated by the said board upon submission to it
38 of an application for registration by the person whose
39 certificate has been cancelled, together with current and
40 delinquent fees, and ten dollars reinstatement fee.

Sec. 10. Separability Clause.—The terms of this article
2 are declared to be separable; and should any word, phrase,
3 sentence, or section be declared unconstitutional or other-
4 wise invalid, the remainder of this article shall not be
5 thereby affected, but shall remain in full force and effect.

Sec. 11. Repealer Clause.—All articles or parts of ar-
2 ticles in conflict with this article are hereby repealed to
3 the extent of such conflict.

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

Clay Parker
Chairman Senate Committee

James W. Loop
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard Meyer
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard W. Benson
President of the Senate

H. Sloan White
Speaker House of Delegates

The within *approved* this the *19*
day of *March*, 1965.

Hullett C. Smith
Governor

