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

FILED IN THE OFFICE OF
JOE F. BURBETT
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 ar-
ticle 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

shall be unlawful for any person to practice or offer to
practice in this state the branch of medicine known as
chiropody-podiatry, as hereinafter defined, unless duly
licensed so to do by the medical licensing board of this
state, after examination conducted by such board, the
members of which shall be members of the licensing
board and include the chiropodist-podiatrist members,
under rules and regulations prepared and promulgated
by it, except as hereinafter provided: *Provided, however,*

That the provisions of this section shall not apply to any
person legally entitled to practice chiropody or podiatry
in this state at the time of the adoption of this article:

*And provided further,* That all persons now licensed to
practice chiropody shall be permitted to use the term
"chiropody-podiatry" and shall have all the rights and
privileges as defined in this article.
Sec. 2. Definition of Chiropody-Podiatry; Use of Title

"Doctor."—For the purpose of this article “chiropody-podiatry” shall mean the medical, mechanical or surgical treatment of the ailments of the human hand or foot, except the amputation of the foot, hand, toes or fingers, without the use of anaesthetics other than local. It shall also include the fitting or recommending of appliances, devices or shoes for the correction or relief of hand or foot ailments.

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

Sec. 3. Qualifications of Applicant for License.—An applicant for license shall furnish to the medical licensing board satisfactory proof that he is: (a) Twenty-one years of age or over; (b) of good moral character; (c) a graduate of a school of chiropody or podiatry registered and approved by the West Virginia medical licensing board or that he has taken and passed the examination in another state, territory or foreign country having by law
requirements of qualifications equal to the requirements
of this state; has been in the practice of chiropody or
podiatry for a period of at least five years in such state,
territory or foreign country and is at the time of applica-
tion and examination in good standing in said state, terri-
tory or foreign country; (d) 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, 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 chiropody, podiatry, or chiropody-podiatry,
pursued his studies and after said date received his de-
gree.

Sec. 4. Examination and License; Issuance of License;
Reciprocity.—The medical licensing board shall conduct
examinations for license to practice chiropody-podiatry at the times and places designated by it for conducting examinations for licenses to practice medicine. Examinations shall be in English, and in writing, and shall be of a scientific and practical character. They shall cover the subjects of 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. Upon the successful completion of such examination by an applicant, the medical licensing board shall issue to such applicant a license to practice "chiropody-podiatry": Provided, however, That the said board or a majority thereof, may accept in lieu of an examination of applicants under this article, the certificate of license to practice chiropody or podiatry or chiropody-podiatry legally granted by the licensing authority of another state, territory or any foreign country whose standard of qualifications for the practice of chiropody
or podiatry or chiropody-podiatry is equivalent to that of this state, and provided such state or territory accords like privileges to licensees of this state, may grant to such applicant a certificate of license to practice chiropody-

Sec. 5. Offenses; Penalties.—(a) Whoever, not being lawfully authorized to practice chiropody, podiatry, or chiropody-podiatry within the state of West Virginia, holds himself out as a practitioner of chiropody, podiatry, or chiropody-podiatry or in any way advertises himself as such, or practices or attempts to practice such profession or professions; (b) or whoever obtains or attempts to obtain a license or permit to practice in the profession by fraudulent misrepresentation or in any way contrary to the provisions of this article, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than one hundred dollars nor more than one thousand dollars; (c) or whoever practices or attempts to practice chiropody, podiatry, or chiropody-podiatry under a false or assumed name, or under a name other than that under which he has a license to practice chiropody, podiatry, or
chiroprody-podiatry; or (d) whoever impersonates another practitioner of like or different name; (e) or whoever lends his name or has professional connections with anyone convicted of any offense, as herein provided; or whoever violates any of the provisions of this article for which no specific penalty is provided herein shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars nor more than two hundred dollars, or confined in the county jail not less than one nor more than four months, or both, for each and every offense, and in addition, the medical licensing board shall suspend or revoke his license for an indefinite period, but for not less than six months. For any and all misdemeanors under this article justices of the peace shall have concurrent jurisdiction with circuit and criminal courts for the enforcement thereof.

A person so convicted shall not be entitled to any fee for services rendered, and, if a fee has been paid, the patient or guardian or heir may recover the same as debts 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 entitled to charge and collect the following fees in addition to those provided in article one of this chapter, for granting to a licensed chiropodist-podiatrist from another state, territory or foreign country, a license to practice chiropody-podiatry in this state, under the provisions of section four of this article, one hundred dollars, which must accompany application; for reciprocal endorsement, ten dollars.

Sec. 8. Refusal to Issue; Suspension or Revocation of License.—The medical licensing board may refuse to grant a license to a person convicted of a felony or guilty of gross immorality or addicted to drunkenness or the habitual use of narcotic drugs, and may by legal proceedings, as provided in article one of this chapter suspend, or revoke a license for like cause, or for malpractice, or for fraud in procuring the license, but no such refusal, suspension or revocation shall be ordered by reason of the individual belonging to or practicing in any particular school or system of chiropody or podiatry: Provided, however, That malpractice as herein used means bad,
wrong or injudicious treatment of a patient, profession-
ally and in respect to the particular disease or injury,
resulting in injury, unnecessary suffering, or death to
the patient and proceeding from ignorance, carelessness,
want of professional skill, gross disregard of established
rules or principles, neglect, or a malicious or criminal
intent.

Sec. 9. Biennial Renewal of License.—Every person
who on or before the thirty-first day of August, one
thousand nine hundred sixty-five, is licensed as a podia-
trist to practice chiropody-podiatry in this state, shall,
on or before the said thirty-first day of August, one thou-
sand nine hundred sixty-five, make application to the
medical licensing board for registration, and shall be
registered by the said board, as a holder of such license,
which registration shall be for the period ending on the
thirtieth day of June, one thousand nine hundred sixty-
seven. On or before the said thirtieth day of June, one
thousand nine hundred sixty-seven and biennially there-
after, on or before the thirtieth day of June of each bi-
ennial period, every person licensed as a chiropodist-
podiatrist in this state, shall apply to the said board for registration, or a renewal of registration, as such license holder: Provided, That no registration shall be required of any holder of a certificate of licensure for the biennial period, or any portion thereof, during which such certificate is issued. Each applicant for registration or renewal thereof shall remit to the board, with his application, a fee of five dollars.

The failure of any person to comply with the provisions of this section after receiving thirty days' notice from the medical licensing board, which shall be served by depositing in the United States mail, addressed to the mailing address of the licensee shall operate automatically, and without further proceedings, to cancel the certificate of such person, and the license issued thereunder. Continued practice by any such person after such cancellation of his certificate and license shall constitute practicing without a license, and any person so practicing shall be subject to all the penalties provided by law for practicing without a license.

Any certificate and license cancelled pursuant to the
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.

C. Ray Parker
Chairman Senate Committee

James W. Loop
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. Howard Helvey
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard Helvey
President of the Senate

N. Leon White
Speaker House of Delegates

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

Helen C. Smith
Governor