WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1971

ENROLLED
COMMITTEE SUBSTITUTE FOR

HOUSE BILL No. 839

ORIGINATING IN THE COMMITTEE ON THE JUDICIARY

(By Mr. __________________________)

PASSED MARCH 11, 1971

In Effect Ninety Days From Passage
AN ACT to amend and reenact section two, article two-a, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact sections one and two, article three of said chapter; and to further amend said chapter by adding thereto a new article, designated article three-a, all relating to the establishment of qualifications and certification of assistants to licensed physicians; definition of terms; and fees.

Be it enacted by the Legislature of West Virginia:

That section two, article two-a, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as
amended, be amended and reenacted; that sections one and two, article three of said chapter be amended and reenacted; and that said chapter be further amended by adding thereto a new article, designated article three-a, all to read as follows:

ARTICLE 2A. MEDICAL LICENSING BOARD.


1 The medical licensing board of West Virginia shall assume, carry on, and succeed to all the duties, rights, powers, obligations and liabilities heretofore belonging to, exercised by, or assumed by the public health council, with regard to the licensure of physicians and surgeons and podiatrists.

7 The medical licensing board shall examine all qualified applicants for license to practice medicine and surgery, and podiatry and it shall license all such applicants who are qualified under applicable statutes and who pass any examination that may be required by statute or by any legally adopted rule or regulation. The board shall also have authority to authorize medical corporations in accordance with the provisions and subject to the limitations of article three of this chapter to prac-
tice medicine and surgery through duly licensed physi-
cians and surgeons.

The board shall have the power to make such exami-
nation of all applicants appearing before it for any type
of license as may be necessary to determine that the ap-
plicant is qualified. The board shall also have the power
to revoke or suspend any license or certificate of au-
thorization issued by it, for cause, after having given
the person whose license or medical corporation whose
certificate of authorization is sought to be revoked or
suspended, an opportunity to be heard in the manner
provided by section eight, article one, chapter thirty of
this code. It shall have the power to reinstate any license
or certificate of authorization revoked or suspended
by it.

The board is authorized and empowered to hold and
conduct hearings and investigations on the issuance, sus-
pension, revocation or reinstatement of licenses or cer-
tificates of authorization. The said board shall have the
power to hire, fix the compensation of, and discharge
such employees as are necessary for the performance of
the powers and duties vested in the said board by law.
The board shall have the power to certify and establish
standards for employment of assistants to licensed physi-
cians and licensed podiatrists.

ARTICLE 3. PHYSICIANS AND SURGEONS.

§30-3-1. Evidence of qualification to practice and license
required.

1 Any person practicing or offering to practice medicine
and surgery in this state, with the exception of an assis-
tant to a licensed physician or licensed podiatrist, shall
be required to submit evidence that he is qualified so
to practice, and shall be licensed as hereinafter provided.

§30-3-2. Who deemed practitioner; limitations of article.

1 The term “practice medicine and surgery,” as used in
this article, shall be construed to mean the treatment of
any human ailment or infirmity by any method. To
open an office for such purpose or to announce to the
public in any way a readiness to treat the sick or afflicted
shall be deemed to engage in the practice of medicine
and surgery within the meaning of this article: Provided,
That the provisions of this article, with the exceptions
of sections eight and ten, shall not apply to dentists, dental hygienists, nurses, optometrists, podiatrists, osteopathic physicians and surgeons, midwives, or chiropractors, regularly licensed or registered as such under the provisions of this chapter applicable to such professions and occupations, in the practice of their respective professions and occupations; nor to assistants to physicians or podiatrists; nor to physicians or surgeons living in other states and duly qualified to practice medicine therein who shall be called in consultation into this state by a physician or surgeon legally entitled to practice medicine and surgery in this state; nor to commissioned officers of the United States army, navy or marine hospital service when in the actual discharge of their duties as such; nor to the practice of the religious tenets of any church in the administration to the sick or suffering by mental or spiritual means, whether gratuitously or for compensation: Provided, however, That sanitary and public health laws shall be complied with: Provided further, That no practices shall be used which may be dangerous or detrimental to life or health and that no person shall
be denied the benefits of accepted medical and surgical practices.

ARTICLE 3A. ASSISTANTS TO PHYSICIANS.

§30-3A-1. Definition.

The term “assistant to a physician,” as used in this chapter, shall mean a person employed in a physician’s or podiatrist’s office, licensed hospital or any licensed health care institution who performs selected medical tasks and functions in accordance with an approved job description, and who possesses the qualifications which have been established for the described job. The assistant to a physician shall be under the supervision of a permanently licensed physician or podiatrist in West Virginia. Certification of an assistant to a physician practicing the specialty of ophthalmology shall neither be required nor permitted under this article.

§30-3A-2. Approval and certification by medical licensing board.

Approval of a job description and establishment of qualifications for employment as an assistant to a physician or podiatrist must be obtained from the medical licensing board. The medical licensing board shall certify
each qualified applicant for employment as an assistant to a physician or podiatrist upon submission of a job description, and shall provide for annual renewal of certification. The board shall have the power to revoke or suspend any certification of an assistant to a physician or podiatrist, for cause, after having given the person an opportunity to be heard in the manner provided by sections eight and nine, article one of this chapter.

§30-3A-3. Fees.

Each job description submitted by permanently licensed physician or physicians shall be accompanied by a fee of fifty dollars. A fee of five dollars shall be charged for each annual renewal of certification.

§30-3A-4. Limitation on scope of duties.

Assistants to physicians and podiatrists shall not sign prescriptions or perform any service which his employing physician or podiatrist is not qualified to perform.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 31st day of March, 1971.

Governor
PRESENTED TO THE GOVERNOR

Date 3/16/71
Time 1:25 p.m.