WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1976

ENROLLED
SENATE BILL NO. 168

(By Mr. [Signature] and [Signature])

PASSED [Signature] 1976

In Effect [Signature]

FILED IN THE OFFICE
JAMES R. McCARTNEY
SECRETARY OF STATE
THIS DATE 3/25/76

[Signature]
ENROLLED

Senate Bill No. 168
(By Mr. Hatfield and Mr. Jones)

[Passed March 11, 1976; in effect ninety days from passage.]

AN ACT to amend and reenact article three-a, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to physician assistants; providing for definitions; rules and regulations of the board; certification and classification of physician assistants; temporary certification; recertification; responsibilities of supervising physician; identification requirements; limitations on physician assistants; unlawful use of title of physician assistant; unlawful representation as physician; and providing criminal offenses and penalties.

Be it enacted by the Legislature of West Virginia:

That article three-a, 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 3A. ASSISTANTS TO PHYSICIANS.

§30-3A-1. Definitions.

1 As used in this article the following terms shall have the following meanings:
2 (a) "Board" means the medical licensing board of West Virginia.
3 (b) "Type 'A' physician assistant" means an assistant to a primary care physician who is a graduate of an approved program of instruction in primary health care, who has passed the national certification examination and is qualified to perform direct patient care services under the supervision of the primary care physician.
(c) "Type 'B' physician assistant" means an assistant to the physician who is a graduate of an approved program for instruction in a recognized clinical specialty or has received training from a physician adequate to qualify him to perform patient services in that specialty as defined by the supervising physician.

(d) "Supervising physician" means a doctor of medicine, or podiatry permanently licensed in West Virginia who assumes legal and supervisory responsibility for the work or training of any physician assistant in his employment.

(e) "Approved program" means an educational program for physician assistants approved and accredited by the American medical association, or American podiatry association.

(f) "Health care facility" means any licensed hospital, nursing home, extended care facility, state health or mental institutions, clinic or physician's office.

§30-3A-2. Medical licensing board; rules and regulations; limitations.

(a) The board shall promulgate rules and regulations governing the extent to which physician assistants may function within this state.

Such regulations shall provide:

(1) That the physician assistant shall be limited to the performance of those services for which he is trained; and

(2) That each physician assistant shall perform only under the supervision and control of a physician permanently licensed in this state, but such supervision and control shall not require the personal presence of the supervising physician at the place or places, where services are rendered: Provided, That the physician assistant's normal place of employment shall be on the premises of his supervising physician. The supervising physician may send the physician assistant off the premises of the supervising physician to perform duties at his direction, but no separate place of work for the physician assistant shall be established, other
than premises which are established by, and for the practice of the supervising physician.

(b) In promulgating such rules and regulations, the board shall allow the physician assistant to perform those procedures and examinations submitted to the board in the job description pursuant to section five of this article.

(c) In addition thereto, the board shall compile and publish an annual report that includes a list of currently certified physician assistants, their employers and location in the state; a list of approved programs; the number of graduates per year of such approved programs and the number of physician assistants from other states practicing in West Virginia.

§30-3A-3. Certification.

(a) The board shall certify as a Type A physician assistant any person who files an application and furnishes evidence to the board that he has met the following standards for qualification for the type of physician assistant certificate for which he has applied:

(1) Shall be a graduate of an approved program of instruction in primary health care, and

(2) Shall successfully have passed the examination for a primary care physician assistant and be certified by the national board of medical examiners, and

(3) Shall be of good moral character.

(b) The board may certify as a Type B physician assistant any person who files an application and furnishes evidence to the board that he has met the following standards for qualification for the type of physician assistant certificate for which he has applied:

(1) Shall be a graduate of an approved program in a recognized clinical specialty, or

(2) Shall have received specialized training and experience from a physician adequate for him to perform patient services in that specialty, and

(3) Shall be of good moral character.

(c) Certification of an assistant to a physician prac-
ticating the specialty of ophthalmology shall neither be
required nor permitted under this article.

§30-3A-3a. Temporary certification.

When any graduate of an approved program submits an
application to the board, accompanied by a job description
in conformity with section five of this article, for a Type
A physician assistant certificate, the board shall issue to
such applicant a temporary certificate allowing such ap-
plicant to function as a Type A physician assistant for
the period of one year. Said temporary certificate may be
renewed for one additional year upon the request of the
supervising physician. A Type A physician assistant
who has not been certified as such by the national
board of medical examiners will be restricted to
work under the direct supervision of the supervising
physician.

When any person who meets the qualifications for a
Type B physician assistant as defined in this section and
who submits an application accompanied by a job descrip-
tion for a Type B physician assistant certificate, the board
can certify such applicant as a Type B physician assistant
for a period of four months. Upon expiration of the four-
month temporary certification, the board may certify the
applicant as a Type B physician assistant. During the
period of temporary certification, the Type B physician
assistant shall be restricted to work under the direct
supervision of the supervising physician.

As of the effective date of this article, any person
holding a valid certificate from the board allowing such
person to practice as a physician assistant within this
state shall be eligible for certification for a period of one
year as a Type A or Type B physician assistant depending
upon such person's education, training or experience, as
determined by the board.

§30-3A-3b. Recertification.

Certification of a Type B physician assistant shall be
subject to review and recertification annually for the
first five years following the first certification. Such
recertification shall require the supervising physician
of a Type B physician assistant to report to the board
on the status of the Type B physician assistant.
This report shall include a performance evaluation,
a summary of experience or continuing medical edu-
cation, and any proposed changes in job description.

§30-3A-4. Reciprocity.

The board may certify as a physician assistant in this
state, without examination, any person who has been so
certified or licensed by examination in another state of the
United States which has requirements substantially equiv-
alent to the requirements contained in this article.


Any supervising physician making application to the
medical licensing board to employ either a Type A or Type
B physician assistant shall provide a job description which
shall set forth the range of medical services to be provided
by such assistant. Before employing a physician assistant
the supervising physician must obtain approval of the job
description from the board. The board shall have the
power to revoke or suspend any certification of an assis-
tant to a physician or podiatrist, for cause, after having
given the person an opportunity to be heard in the man-
er provided by sections eight and nine, article one,
chapter thirty of this code.


The supervising physician is responsible for observing,
directing and evaluating the work, records and practices
performed by the physician assistant pursuant to this
article. The supervising physician shall notify the medical
licensing board, in writing, of any termination of the
employment of his physician assistant within ten days of
said termination. The legal responsibility for any physi-
cian assistant shall remain that of the employing physician
or physicians at all times including occasions when the
assistant, under the direction and supervision of the
employing physician or physicians, aids in the care and
treatment of patients in health care facilities. Such
health care facilities shall not be legally responsible for

(a) When functioning as a physician assistant, the physician assistant shall wear a name tag which identifies the physician assistant as a physician assistant and which also specifies the type of classification of such assistant and the name of his supervising physician.

(b) A two and one-half by three and one-half inch card of identification shall be furnished by the board upon certification of the physician assistant and shall specify the type of classification.

§30-3A-8. Limitations on employment of physician assistants.

(a) A supervising physician shall not employ at any one time more than two physician assistants.

(b) Physician assistants shall not sign prescriptions. He shall not perform any service which his employing supervising physician is not qualified to perform. Further, he shall not perform any service which is not included in his job description and approved as provided in section five of this article.

(c) Nothing in this article shall be construed to authorize physician assistants to perform those specific functions and duties delegated by law to those persons licensed as chiropractors, dentists, dental hygienists, optometrists, pharmacists, or certified as nurse anesthetists.


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

§30-3A-10. Unlawful use of title of "Physician Assistant"; penalty.

It shall be unlawful for any person who is not certified by the board as a physician assistant to use the title of
§30-3A-11. Unlawful representation of physician assistant as a physician; penalty.

It shall be unlawful for any physician assistant, as defined in sections one-(b) and one-(c) of this article, to represent to any person that he is a physician or surgeon. Any person who shall violate the provisions of this section shall be guilty of a felony, and, upon conviction thereof, shall be confined in the penitentiary for not less than one nor more than two years, or be fined in an amount not to exceed two thousand dollars.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

J. Hill
Clerk of the Senate

Clerk of the House of Delegates

W. J. Barlow
President of the Senate

Speaker House of Delegates

The within approved this the 24th day of March, 1976

Governor
PRESENTED TO THE
GOVERNOR

Date 3/18/76
Time 2:25 p.m.