WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1980

ENROLLED
Committee Substitute for
SENATE BILL NO. 470

(By Mr. Hoffman)

PASSED March 8, 1980
In Effect July 1, 1980

APPROVED AND SIGNED BY THE GOVERNOR
Date 3-26-80
Time 9:30 a.m.
ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 470
(MR. HUFFMAN, original sponsor)

[Passed March 8, 1980; in effect July 1, 1980.]

AN ACT to repeal articles two-a, three-a and eleven, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and re-enact article three of said chapter, all relating to completely revising the law of this state on physicians and surgeons, podiatrists and assistants to physicians; establishing the West Virginia board of medicine in lieu of the medical licensing board of West Virginia and giving it certain broad powers and duties with respect to the licensing of the practices of medicine and surgery and podiatry and certifying of physician assistants in the state and to the disciplining of said practices and related matters; giving legislative findings, a certain purpose, short title and certain definitions; providing for the creation of the West Virginia board of medicine, transfer of powers and duties from the medical licensing board, appointment and terms of members, filling vacancies and removal of members; providing for the conduct of business of the board of medicine; relating to meetings, officers, compensation and expenses of the board; providing for the powers and duties of the board; providing for the state director of health to act as secretary of the board; requiring the maintenance of records; relating to the expungement, examination, confidentiality and release of records; prescribing criminal penalties for unauthorized disclosure of records; relating to the physician-patient privilege; prescribing qualifications for licenses to practice medicine and surgery and podiatry; providing for examinations, fees, educational training permits, temporary permits and for
the continuance of former licenses and permits; relating to endorsement of licenses to practice medicine and surgery and podiatry, fees and temporary licenses; providing for biennial renewal of licenses to practice medicine and surgery and podiatry, fees and inactive licenses; regulating the unauthorized practice of medicine and surgery and podiatry and prescribing criminal penalties and limitations; giving broad powers to the board of medicine to discipline physicians and podiatrists; providing for the disclosure of medical peer review committee information and reporting of professional malpractice and professional incompetence; requiring reporting to the board by hospital officer, professional societies, professional liability insurers and clerks of courts of record; relating to the independence of board action; prescribing the grounds for license denial and discipline of physicians and podiatrists; relating to investigations by the board and physical and mental examinations; providing for hearings and reporting by the board; relating to the suspension, revocation, termination and restriction of licenses to practice medicine and surgery and podiatry and the denial of applicants seeking to be so licensed, both after and before a hearing; relating to reapplication for license, civil and criminal immunity and the voluntary limitation of licenses; providing for medical corporations, podiatry corporations, applications for registration thereof, fees, notice to the secretary of state of issuance of certificate, action by secretary of state and rights and limitations generally; providing for the biennial registration of medical and podiatry corporations, when practice must cease, admissibility and effect of certificate signed by secretary of board, criminal penalties and severability; regulating the practice of physician assistants; providing certain definitions, rules and regulations by the board and annual reports regarding physician assistants; relating to certification, temporary certification, recertification, reciprocity, job descriptions and revocation or suspension of certification for physician assistants; prescribing responsibilities of supervising physicians, legal responsibilities for physician assistants, identification, limitations on employment and duties and fees; and prohibiting the unlawful use of title of physician assistant,
unlawful representation of physician assistant as a physician and criminal penalties therefor; and limiting application of the article for persons with the degree of doctor of osteopathy.

Be it enacted by the Legislature of West Virginia:

That articles two-a, three-a and eleven, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that article three of said chapter be amended and reenacted, all to read as follows:

ARTICLE 3. WEST VIRGINIA MEDICAL PRACTICE ACT.

§30-3-1. Legislative findings.
1 The Legislature hereby finds and declares that the practice of medicine and surgery and the practice of podiatry is a privilege and not a natural right of individuals. As a matter of public policy, it is necessary to protect the public interest through enactment of this article and to regulate the granting of such privileges and their use.

§30-3-2. Purpose.
1 The purpose of this article is to provide for the licensure and professional discipline of physicians and podiatrists and for the certification and discipline of physician assistants.

§30-3-3. Short title.
1 This article shall be known and may be cited as the “West Virginia Medical Practice Act.”

§30-3-4. Definitions.
1 As used in this article:
2 (1) "Board" means the West Virginia board of medicine established in section five of this article. Whenever any other provision of this code refers to the "medical licensing board of West Virginia", such reference shall be construed to mean and refer to the "West Virginia board of medicine" as created and established in this article.
(2) "Medical peer review committee" means a committee of or appointed by a state or local professional medical society, or a committee of or appointed by a medical staff of a licensed hospital, long-term care facility or other health care facility, or any health care peer review organization as defined in section one, article three-c of this chapter, or any other organization of professionals in this state formed pursuant to state or federal law and authorized to evaluate medical and health care services.

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

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

§30-3-5. West Virginia board of medicine created; transfer of powers and duties from medical licensing board; appointment and terms of members; vacancies; removal.

There is hereby created a medical licensing board to be known as the "West Virginia board of medicine." The West Virginia board of medicine shall assume, carry on and succeed to all the duties, rights, powers, obligations and liabilities heretofore belonging to or exercised by the medical licensing board of West Virginia. All the rules and regulations, orders, rulings, licenses, certificates, permits and other acts and under-
takings of the medical licensing board of West Virginia as heretofore constituted shall continue as those of the West Virginia board of medicine until they expire or are amended, altered or revoked. The board shall be the sole authority for the issuance of licenses to practice medicine and surgery and to practice podiatry and certificates for physician assistants in this state and shall be a regulatory and disciplinary body for the practice of medicine and surgery and the practice of podiatry and for physician assistants in this state.

The board shall consist of thirteen members. One member shall be the state director of health ex officio, with the right to vote as a member of the board. The other twelve members shall be appointed by the governor, with the advice and consent of the Senate. Eight of the members shall be appointed from among individuals holding the degree of doctor of medicine and two shall hold the degree of doctor of podiatric medicine. Each of these members must be duly licensed to practice his profession in this state on the date of his appointment and must have been licensed and actively practicing his profession for at least five years immediately preceding the date of his appointment. Two lay members shall be appointed to further represent health care consumers. Neither the lay members nor any person within the lay member's immediate family shall be a provider of or be employed by a provider of health care services. The state director of health's term shall continue for the period that he holds office as state director of health. Each other member of the board shall be appointed to serve a term of five years: Provided, That the members of the medical licensing board holding appointments on the effective date of this section shall continue to serve as members of the board of medicine until the expiration of their term unless sooner removed. Each term shall begin on the first day of October of the applicable year, and a member shall not be appointed to more than two consecutive full terms on the board.

Not more than four physicians, one podiatrist and one lay member appointed by the governor as members of the board shall belong to the same political party. A
person is not eligible for membership on the board who
is a member of any political party executive committee
or, with the exception of the state director of health,
who holds any public office or public employment under
the federal government or under the government of this
state or any political subdivision thereof or who is an
appointee or employee of the state board of health.

In making appointments to the board, the governor
shall, so far as practicable, select the members from
different geographical sections of the state. When a
vacancy on the board occurs and less than one year
remains in the unexpired term, the appointee shall be
eligible to serve the remainder of the unexpired term and
two consecutive full terms on the board.

No member may be removed from office except for
official misconduct, incompetence, neglect of duty or gross
immorality: Provided, That the expiration or revocation
of the professional license of a member of the board shall
be cause for his removal.

§30-3-6. Conduct of business of West Virginia board of medi-
cine; meetings; officers; compensation; expenses;
quorum.

1 Every two years the board shall elect from among
2 its members a president and vice-president. Regular
3 meetings shall be held as scheduled by the rules and
4 regulations of the board. Special meetings of the board
5 may be called by the joint action of the president and
6 vice-president or by any three members of the board
7 on seven days’ prior written notice by mail or, in
8 case of emergency, on two days’ notice by telephone.
9 With the exception of the state director of health, mem-
10 bers of the board shall receive one hundred dollars for
11 each day actually spent in attending the sessions of the
12 board or its committees. A board member shall be re-
13 imbursed for all reasonable and necessary expenses
14 actually incurred when a meeting is held in a location
15 that is removed from the member’s place of resi-
16 dence.
17 A majority of the membership of the board consti-
tutes a quorum for the transaction of business, and busi-
ness is transacted by a majority vote of a quorum, except
for disciplinary actions which shall require the affirm-
mative vote of not less than five members or a majority
vote of those present, whichever is greater.

Meetings of the board shall be held in public session,
except that the board may hold closed sessions to prepare,
approve, grade or administer examinations and dis-
ciplinary proceedings shall be held in closed sessions,
unless the party subject to discipline requests that the
hearing be held in public session.

§30-3-7. Power and duties of West Virginia board of medicine.

(a) The board, in accordance with the provisions of
this article, shall administer and supervise examinations
and determine qualifications of applicants for licenses
to practice medicine and surgery and to practice podiatry,
shall issue licenses to qualified applicants and shall regu-
late the professional conduct and discipline of such indi-
viduals. In carrying out its functions, the board may:

(1) Adopt such regulations as are necessary to carry
out the purposes of this article;

(2) Hold hearings and conduct investigations, sub-
poena witnesses and documents and administer oaths;

(3) Institute proceedings in the courts of this state
to enforce its subpoenas for the production of witnesses
and documents and its orders and to restrain and enjoin
violations of this article and of any regulations promul-
gated under it;

(4) Employ investigators, attorneys, hearing exam-
iners, consultants and such other employees as may be
necessary;

(5) Enter into contracts and receive and disburse
funds according to law;

(6) Establish and certify standards for the supervision
and certification of physician assistants;

(7) Authorize medical and podiatry corporations in
accordance with the provisions and subject to the limita-
tions of section fifteen of this article to practice medicine
and surgery or podiatry through duly licensed physicians
or podiatrists;

(8) Establish a fee, not to exceed fifty dollars, for
a reciprocal endorsement; and

(9) Perform such other duties as are set forth
in this article or otherwise provided for in this
code.

(b) The board shall submit an annual report of its
activities to the Legislature. The report shall include a
statistical analysis of complaints received, charges
investigated, charges dismissed after investigation, the
grounds for each such dismissal and disciplinary proceed-
ings and disposition.

§30-3-8. State director of health to act as secretary of the
board.

The state director of health, in addition to being a
member of the board, shall act as its secretary and shall
be in charge of its offices and responsible to the board
for the maintenance of the offices and the preparation
of application forms, licenses, reports and all other papers
or documents that may be required by the board in the
performance of its duties. He shall, together with the
president of the board, sign all licenses, reports and other
documents.

§30-3-9. Records of board; expungement; examination; con-
fidentiality; release of records; criminal penalties
for unauthorized disclosure; physician-patient priv-
ilege.

(a) The board shall maintain a permanent record of
the names of all physicians and podiatrists licensed or
otherwise lawfully practicing in this state and of all
persons applying to be so licensed to practice, along with
an individual historical record for each such individual
containing reports and all other information furnished
the board under this article or otherwise. Such record
may include, in accordance with rules established by
the board, additional items relating to the individual's
record of professional practice that will facilitate proper
review of such individual’s professional competence.
(b) Upon a determination by the board that any report
submitted to it is without merit, the report shall be
expunged from the individual’s historical record.
(c) A physician, podiatrist or applicant, or authorized
representative thereof, has the right, upon request, to
examine his own individual historical record maintained
by the board pursuant to this article and to place into
such record a statement of reasonable length of his own
view of the correctness or relevance of any information
existing in such record. Such statement shall at all times
accompany that part of the record in contention.
(d) A physician, podiatrist or applicant has the right
to seek through court action the amendment or exp-
pungement of any part of his historical record.
(e) A physician, podiatrist or applicant shall be pro-
vided written notice within thirty days of the placement
and substance of any information in his individual his-
torical record that pertains to him and that was not
submitted to the board by him.
(f) Except for information relating to biographical
background, education, professional training and prac-
tice, prior disciplinary action by any entity and informa-
tion contained on the licensure application, the board
shall expunge information in an individual’s historical
record unless it has initiated a proceeding for a hearing
upon such information within two years of the placing
of the information into the historical record.
(g) Any reports, information or records received and
maintained by the board pursuant to this article, including
any such material received or developed by the board
during any investigation or hearing, shall be strictly
confidential. The board may only disclose any such con-
fidential information in the following circumstances:
(1) In an examination or disciplinary hearing sanc-
tioned by the board or in any subsequent trial or appeal
of a board action or order;
(2) To physician or podiatrist licensing or disciplinary
authorities of other jurisdictions, medical peer review
50 committees, hospital governing bodies or other hospital
51 or medical staff committees located within or outside this
52 state which are concerned with granting, limiting or
53 denying a physician or podiatrist hospital privileges:
54 Provided, That the board shall include along with any
55 such disclosure an indication as to whether or not such
56 information has been substantiated;
57 (3) Pursuant to an order of a court of competent
58 jurisdiction; and
59 (4) To qualified personnel for bona fide research or
60 educational purposes, if personally identifiable informa-
61 tion relating to any patient or physician is first deleted.
62 (h) Orders of the board, except for private repri-
63 mands, relating to disciplinary action against a physician
64 or podiatrist are public information.
65 (i) Confidential information received, maintained or
66 developed by the board or disclosed by the board to
67 others as provided for in this article shall not under any
68 circumstances be available for discovery or court sub-
69 poena or be introduced into evidence in any medical
70 malpractice suit or other action for damages arising out
71 of the provision of or failure to provide health care ser-
72 vices.
73 (j) Any person who discloses confidential information
74 possessed by the board in violation of the provisions of
75 this article is guilty of a misdemeanor, and, upon con-
76 viction thereof, shall be fined not more than one thousand
77 dollars, or imprisoned in the county jail not more than
78 one year, or both fined and imprisoned.
79 (k) Any physician-patient privilege does not apply in
80 any investigation or proceeding by the board or by a
81 medical peer review committee or by a hospital govern-
82 ing board with respect to relevant hospital medical
83 records, while any of the aforesaid are acting within the
84 scope of their authority: Provided, That the disclosure
85 of any information pursuant to this provision shall not be
86 considered a waiver of any such privilege in any other
87 proceeding.
§30-3-10. Qualifications for license to practice medicine and surgery and to practice podiatry; examinations; fees; educational training permit; temporary permits; continuance of former licenses and permits.

(a) The board shall issue a license to practice medicine and surgery or to practice podiatry to any individual who is qualified to do so in accordance with the provisions of this article.

(b) For an individual to be licensed to practice medicine and surgery in this state, he must meet the following requirements:

1. He shall submit an application to the board on a form provided by the board and remit to the board an examination fee not to exceed two hundred fifty dollars, the amount of such fee to be set by the board. The application must, as a minimum, require a sworn and notarized statement that the applicant is of good moral character and that he is physically and mentally capable of engaging in the practice of medicine and surgery;

2. He must provide evidence of graduation and receipt of the degree of doctor of medicine or its equivalent from a school of medicine which is approved by the liaison committee on medical education or by the board;

3. He must submit evidence to the board of having completed a minimum of one year of graduate clinical training in a program approved by the board; and

4. He must pass an examination approved by the board, which examination can be related to a national standard. The examination shall be in the English language and be designed to ascertain an applicant's fitness to practice medicine and surgery. The board shall before the date of examination determine what will constitute a passing score: Provided, That the said board, or a majority of them, may accept in lieu of an examination of applicants, the certificate of the national board of medical examiners issued within the previous eight years, or diplomate certificate from an American specialty board: Provided, however, That any certificate or license to practice which is granted by the board by virtue of such diplomate certificate shall only be valid so long as the holder thereof main-
tains such diplomate certificate in good standing with the
applicable American specialty board and no longer and
such certification shall be limited to that specific specialty
in the practice of medicine and surgery in this state. If
an applicant fails to pass the examination on two occa-
sions, he shall successfully complete a course of study or
training, as approved by the board, designed to improve
his ability to engage in the practice of medicine and sur-
gery, before being eligible for reexamination.

(c) In addition to the requirements of subsection (b)
hereof, any individual who has received the degree of doc-
tor of medicine or its equivalent from a school of medicine
located outside of the United States, the Commonwealth
of Puerto Rico and Canada, to be licensed to practice
medicine in this state, must also meet the following addi-
tional requirements and limitations:

(1) He must be able to demonstrate to the satisfaction
of the board his ability to communicate in the English
language; and

(2) He must have fulfilled the requirements of the
educational council for foreign medical graduates for
certification before taking a licensure examination, in-
cluding the receipt of a passing score on the educational
council for foreign medical graduates examination; and

(3) An individual subject to the provisions of this
subsection shall not be awarded a temporary permit un-
less such individual was a bona fide resident of this
state for the six-month period preceding the filing of
his application for such temporary permit: Provided
further, That an individual subject to the provisions of
this subsection who did not hold a temporary permit
before June eight, one thousand nine hundred seventy-
ine, shall be ineligible for a temporary permit if he has
failed to pass the medical examination prescribed by
the board on two or more occasions.

(d) For an individual to be licensed to practice podiatry
in this state, he must meet the following requirements:

(1) He shall submit an application to the board on a
form provided by the board and remit to the board an
examination fee not to exceed two hundred fifty dollars,
the amount of such fee to be set by the board. The appli-
cation must, as a minimum, require a sworn and notarized
statement that the applicant is of good moral character
and that he is physically and mentally capable of en-
gaging in the practice of podiatric medicine;

(2) He must provide evidence of graduation and receipt
of the degree of doctor of podiatric medicine or its equiva-
 lent from a school of podiatric medicine which is approved
by the council of podiatry education or by the board;

(3) He must pass an examination approved by the
board, which examination can be related to a national
standard. The examination shall be in the English lan-
guage and be designed to ascertain an applicant's fitness to
practice podiatric medicine. The board shall before the
date of examination determine what will constitute a
passing score. If an applicant fails to pass the examina-
tion on two occasions, he shall successfully complete a
course of study or training, as approved by the board,
designed to improve his ability to engage in the practice
of podiatric medicine, before being eligible for reexamina-
tion.

(e) An individual meeting the requirements set forth
in subdivisions (1) and (2), subsection (b) and subdivi-
sions (1) and (2), subsection (c), if applicable, of this
section, may be granted an educational training permit to
practice medicine and surgery. Such permits shall author-
ize the permit holder to practice medicine and surgery
only under the supervision of a licensed physician in a
training program approved by the liaison committee on
graduate medical education or the board. The board may
fix and collect a fee not to exceed fifty dollars for this
class of permit.

(f) If the board determines that the public health in a
specified geographical area of the state requires such
action, the board may grant a temporary permit to an
individual who meets the requirements set forth in sub-
divisions (1) and (2), subsection (b) and subdivisions (1)
and (2), subsection (c), if applicable, of this section. Such
license shall be limited to the specified geographical area
and is limited for a period of not more than one year. The
board may fix and collect a fee not to exceed fifty dollars
for this class of temporary permit.

All licenses or temporary permits granted prior to
the effective date of this article and valid on the effec-
tive date of this article shall continue in full effect for
such term and under such conditions as provided by law
at the time of the granting of the license or temporary
permit: Provided, That any physician who has been
certified by the educational council for foreign medi-
cal graduates or who, as of the effective date of this
section, holds a temporary permit to practice in a pre-
scribed area, shall not when under the supervision of a
licensed physician be ineligible for a temporary license
permit to practice in any mental health or state-owned
facility and, in any hospital, clinic, physician’s office and
any other approved health care facility until July one, one
thousand nine hundred eighty-two, by virtue of his failure
to pass the medical examination prescribed by the board,
so long as such physician shall take said examination at
least once each year: Provided, however, That any such
physician granted a temporary permit who fails to pass
the medical examination prescribed by the board before
July one, one thousand nine hundred eighty-two, shall
be thereafter disqualified from obtaining any further
temporary permits in this state: Provided further, That
the provisions of subsection (d) of this section shall not
apply to any person legally entitled to practice chiropody
or podiatry in this state prior to June eleventh, one
thousand nine hundred sixty-five: And provided further,
That all persons licensed to practice chiropody prior to
June eleventh, one thousand nine hundred sixty-five,
shall be permitted to use the term “chiropody-podiatry”
and shall have the rights, privileges and responsibilities of
a podiatrist set out in this article.

§30-3-11. Endorsement of licenses to practice medicine and
surgery and podiatry; fees; temporary license.

(a) Any person seeking to be licensed to practice
medicine and surgery in this state who holds a valid
license to practice medicine and surgery attained under
requirements substantially similar to the requirements
of section ten of this article from another state, the District of Columbia, the Commonwealth of Puerto Rico or Canada and any person seeking to be licensed to practice podiatry in this state who holds a valid license to practice podiatry attained under requirements substantially similar to the requirements in section ten of this article from another state, territory or foreign country or the District of Columbia shall be issued a license to practice medicine and surgery or podiatry, as appropriate, in this state if he meets the following requirements:

1. He must submit an application to the board on forms provided by the board and remit a licensure fee, not to exceed one hundred fifty dollars, the amount of such fee to be set by the board. The application must, as a minimum, require a statement that the applicant is a licensed physician or podiatrist in good standing and indicate whether any medical disciplinary action has been taken against him in the past; and

2. He must demonstrate to the satisfaction of the board that he has the requisite qualifications to provide the same standard of care as a physician or podiatrist initially licensed in this state.

(b) The board may investigate the applicant and may request a personal interview to review the applicant's qualifications and professional credentials.

(c) The board may, at its discretion, grant a temporary permit to an individual applying for licensure under this section if the individual meets the requirements of subdivision (1), subsection (a) of this section. Such temporary permit shall only be valid until the board is able to meet and consider the endorsement request. The board may fix and collect a fee not to exceed fifty dollars for a temporary permit.

§30-3-12. Biennial renewal of license to practice medicine and surgery and podiatry; fee; inactive license.

(a) A license to practice medicine and surgery or podiatry in this state is valid for a term of two years and shall be renewed upon a receipt of a fee, not to ex-
ceed fifty dollars, as set by the board, and submission of an application on forms provided by the board.

(b) The board may renew, on an inactive basis, the license of a physician or podiatrist who is currently licensed to practice medicine and surgery or podiatry in, but is not actually practicing, medicine and surgery or podiatry in this state. A physician or podiatrist holding an inactive license shall not practice medicine and surgery or podiatry in this state, but he may convert his inactive license to an active one upon a request to the board that accounts for his period of inactivity to the satisfaction of the board. An inactive license may be obtained upon receipt of a fee, not to exceed fifty dollars, as set by the board, and submission of an application on forms provided by the board on an annual basis.

§30-3-13. Unauthorized practice of medicine and surgery and podiatry; criminal penalties; limitations.

(a) A person shall not engage in the practice of medicine and surgery or podiatry, hold himself out as qualified to practice medicine and surgery or podiatry or use any title, word or abbreviation to indicate to or induce others to believe that he is licensed to practice medicine and surgery or podiatry in this state unless he is actually licensed under the provisions of this article. Any person who violates the provisions of this subsection is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than ten thousand dollars, or imprisoned in the county jail not more than twelve months, or both fined and imprisoned.

(b) The provisions of this section do not apply to:

(1) Persons who are duly licensed health care providers under other pertinent provisions of this code and are acting within the scope of their license;

(2) Physicians or podiatrists licensed in other states or foreign countries who are acting in a consulting capacity with physicians or podiatrists duly licensed in this state, for a period of not more than three months;
(3) Persons holding licenses granted by another state or foreign country who are commissioned medical officers of, a member of or employed by the armed forces of the United States, the United States public health service, the veterans' administration of the United States, any federal institution or any other federal agency while engaged in the performance of their official duties;

(4) Any person providing first aid care in emergency situations;

(5) The practice of the religious tenets of any recognized church in the administration of assistance to the sick or suffering by mental or spiritual means;

(6) Visiting medical faculty engaged in teaching or research duties at a medical school or institution recognized by the board and who are in this state for periods of not more than six months: Provided, That such individuals do not otherwise engage in the practice of medicine or podiatry outside of the auspices of their sponsoring institutions;

(7) Persons enrolled in a school of medicine approved by the liaison committee on medical education or by the board, or persons enrolled in a school of podiatric medicine approved by the council of podiatry education or by the board, or engaged in graduate medical training in a program approved by the liaison committee on graduate medical education or the board who are performing functions in the course of training; and

(8) The fitting, recommending or sale of corrective shoes, arch supports or similar mechanical appliances in commercial establishments.

(c) This section shall not be construed as being in any way a limitation upon the services of a physician assistant performed in accordance with the provisions of this article.
§30-3-14. Professional discipline of physicians and podiatrists; disclosure of medical peer review committee information; reporting of professional malpractice and professional incompetence to board; reporting to board by hospital officer, professional societies, professional liability insurers, and clerks of courts of record; independence of board action; grounds for license denial and discipline of physicians and podiatrists; investigations; physical and mental examinations; hearings; sanctions; summary sanctions; reporting by the board; re-application; civil and criminal immunity; voluntary limitation of license.

(a) The board may independently initiate disciplinary proceedings as well as initiate disciplinary proceedings based on information received from medical peer review committees, physicians, podiatrists, hospital administrators, professional societies and others.

(b) Any medical peer review committee in this state shall, upon request of the board, disclose to the board information that may relate to the practice or performance of any physician or podiatrist known to that medical peer review committee.

Any medical peer review committee, any physician or podiatrist licensed to practice or otherwise lawfully practicing his profession within this state, any physician assistant and any other person may report to the board relevant facts about the conduct of any physician or podiatrist in this state which in the opinion of the medical peer review committee, physician, podiatrist, physician assistant amounts to professional malpractice or professional incompetence: Provided, That copies of requests for information from a medical peer review committee under the first paragraph of this subsection may be provided to the subject physician or podiatrist, and in such case the physician or podiatrist has fifteen days to comment on the requested information and his comments must be considered by the board, however, such notification shall not be given if the
board determines notification may jeopardize its investigation.

The chief executive officer of every hospital shall within sixty days after the completion of the hospital's formal disciplinary procedure and also after any resulting legal action, report in writing to the board the name of any member of the medical staff or any other physician or podiatrist practicing in the hospital whose hospital privileges have been revoked, restricted, reduced or terminated for any cause, including resignation, together with all pertinent information relating to such action. The chief executive officer shall also report any other formal disciplinary action taken against any physician or podiatrist by the hospital upon the recommendation of its medical staff relating to professional ethics, medical incompetence, medical malpractice, moral turpitude or drug or alcohol abuse. This paragraph does not apply to any temporary suspension for failure to maintain records on a timely basis or for failure to attend staff or section meetings.

Any professional society in this state comprised primarily of physicians or podiatrists which takes formal disciplinary action against a member relating to professional ethics, professional incompetence, professional malpractice, moral turpitude or drug or alcohol abuse, shall within sixty days of a final decision report in writing to the board the name of such member, together with all pertinent information relating to such action.

The filing of a report with the board pursuant to any provision of this article, any investigation by the board or any disposition of a case by the board does not preclude any action by a hospital, other health care facility or professional society comprised primarily of physicians or podiatrists to suspend, restrict or revoke the privileges or membership of such physician or podiatrist.

Every insurer providing professional liability insurance to a physician or podiatrist in this state shall submit to the board the following information within thirty days from any judgment, dismissal or settlement of a civil action involving the insured; the date of any
judge a conviction of a person
know to be a physician or podiatrist licensed or other-
wise lawfully practicing medicine and surgery or podiatry
in this state or applying to be so licensed of a felony
under the laws of this state, the clerk of the court of
record in which the conviction was entered shall forward
to the board a certified true and correct abstract of
record of the convicting court. The abstract shall in-
clude the name and address of such physician or podi-
atriest or applicant, the nature of the offense committed
and the final judgment and sentence of the court.

The board shall provide forms for filing reports pur-
suant to this section. Reports submitted in other forms
shall be accepted by the board.

(c) The board may deny an application for license or
other authorization to practice medicine and surgery
or podiatry in this state and may discipline a physician
or podiatrist licensed or otherwise lawfully practicing
in this state who, after a hearing, has been adjudged
by the board as unqualified due to any of the following
reasons:

(1) Attempts to obtain, obtaining, renewing or at-
tempting to renew a license to practice medicine and
surgery or podiatry by bribery, fraudulent misrepresenta-
tion or through known error of the board.

(2) Being found guilty of a crime in any jurisdiction,
which offense is a felony, involves moral turpitude or
directly relates to the practice of medicine. Any plea of
nolo contendere is a conviction for the purposes of this
subdivision.

(3) False or deceptive advertising.

(4) Aiding, assisting, procuring or advising any un-
authorized person to practice medicine and surgery or
podiatry contrary to law.

(5) Making or filing a report that the person knows
to be false; intentionally or negligently failing to file a report or record required by state or federal law; willfully impeding or obstructing the filing of a report or record required by state or federal law; or inducing another person to do any of the foregoing. Such reports and records as are herein covered mean only those that are signed in the capacity as a licensed physician or podiatrist.

(6) Requesting, receiving or paying directly or indirectly a payment, rebate, refund, commission, credit or other form of profit or valuable consideration for the referral of patients to any person or entity in connection with providing medical or other health care services or clinical laboratory services, supplies of any kind, drugs, medication or any other medical goods, services or devices used in connection with medical or other health care services.

(7) It is unprofessional conduct for any physician or podiatrist to refer a patient to any clinical laboratory in which the physician or podiatrist has a proprietary interest unless such physician or podiatrist discloses in writing such interest to the patient. Such written disclosure shall indicate that the patient may choose any clinical laboratory for purposes of having any laboratory work or assignment performed.

As used herein “proprietary interest” does not include an ownership interest in a building in which space is leased to a clinical laboratory at the prevailing rate under a lease arrangement that is not conditional upon the income or gross receipts of the clinical laboratory.

(8) Exercising influence within a patient-physician relationship for the purpose of engaging a patient in sexual activity.

(9) Making a deceptive, untrue or fraudulent representation in the practice of medicine and surgery or podiatry.

(10) Soliciting patients, either personally or by an agent, through the use of fraud, intimidation or undue influence.

(11) Failing to keep written records justifying the course of treatment of a patient, such records to include,
(12) Exercising influence on a patient in such a way as to exploit the patient for financial gain of the physician or podiatrist or a third party. Any such influence includes, but is not limited to, the promotion or sale of services, goods, appliances or drugs.

(13) Prescribing, dispensing, administering, mixing or otherwise preparing a prescription drug, including any controlled substance under state or federal law, other than in good faith and in a therapeutic manner in accordance with accepted medical standards and in the course of the physician's or podiatrist's professional practice.

(14) Performing any procedure or prescribing any therapy that, by the accepted standards of medical practice in the community, would constitute experimentation on human subjects without first obtaining full, informed and written consent.

(15) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities that the person knows or has reason to know he is not competent to perform.

(16) Delegating professional responsibilities to a person when the physician or podiatrist delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience or license to perform them.

(17) Violating any provision of this article or a rule or order of the board, or failing to comply with a subpoena or subpoena duces tecum issued by the board.

(18) Conspiring with any other person to commit an act or committing an act that would tend to coerce, intimidate or preclude another physician or podiatrist from lawfully advertising his services.

(19) Gross negligence in the use and control of prescription forms.

(20) Professional incompetence.

(21) The inability to practice medicine and surgery or
podiatry with reasonable skill and safety due to physical or mental disability, including deterioration through the aging process or loss of motor skill or abuse of drugs or alcohol. A physician or podiatrist adversely affected under this subdivision shall be afforded an opportunity at reasonable intervals to demonstrate that he can resume the competent practice of medicine and surgery or podiatry with reasonable skill and safety to patients. In any proceeding under this subdivision, neither the record of proceedings nor any orders entered by the board shall be used against the physician or podiatrist in any other proceeding.

(d) The board shall deny any application for a license or other authorization to practice medicine and surgery or podiatry in this state to any applicant who, and shall revoke the license of any physician or podiatrist licensed or otherwise lawfully practicing within this state who, is found guilty by any court of competent jurisdiction of any felony involving prescribing, selling, administering, dispensing, mixing or otherwise preparing any prescription drug, including any controlled substance under state or federal law, for other than generally accepted therapeutic purposes. Presentation to the board of a certified copy of the guilty verdict or plea rendered in the court is sufficient proof thereof for the purposes of this article. A plea of nolo contendere has the same effect as a verdict or plea of guilt.

(e) The board may refer any cases coming to its attention to an appropriate state committee of an appropriate professional organization for investigation and report. Any such report shall contain recommendations for any necessary disciplinary measures and shall be filed with the board within ninety days of any such referral. The recommendations shall be considered by the board and the case may be further investigated by the board. The board after full investigation shall take whatever action it deems appropriate, as provided herein.

(f) The investigating body, as provided for in subsection (e) of this section, may request and the board

under any circumstances may require a physician or
podiatrist or person applying for licensure or other
authorization to practice medicine and surgery or podi-
atriy in this state to submit to a physical or mental ex-
amination by a physician or physicians approved by the
board. A physician or podiatrist submitting to any such
examination has the right, at his expense, to designate
another physician to be present at the examination and
make an independent report to the investigating body
or the board. The expense of the examination shall be
paid by the board. Any individual who applies for or
accepts the privilege of practicing medicine and surgery
or podiatry in this state is deemed to have given his
consent to submit to all such examinations when re-
quested to do so in writing by the board and to have
waived all objections to the admissibility of the testi-
mony or examination report of any examining phy-
sician on the ground that the testimony or report is
privileged communication. If a person fails or refuses
to submit to any such examination under circumstances
which the board finds are not beyond his control, such
failure or refusal is prima facie evidence of his inability
to practice medicine and surgery or podiatry competently
and in compliance with the standards of acceptable and
prevailing medical practice.

(g) In addition to any other investigators it employs,
the board may appoint one or more licensed physicians
to act for it in investigating the conduct or competence
of a physician.

(h) In every disciplinary or licensure denial action
the board shall furnish the physician or podiatrist or
applicant with written notice setting out with particu-
larity the reasons for its action. Disciplinary and licen-
sure denial hearings shall be conducted in accordance
with the provisions of article five, chapter twenty-nine-a
of this code. However, hearings shall be heard upon sworn
testimony and the rules of evidence for trial courts of
record in this state shall apply to all such hearings. A
transcript of all hearings under this section shall be
made, and the respondent may obtain a copy of the
transcript at his expense. The physician or podiatrist
has the right to defend against any such charge by the introduction of evidence, the right to be represented by counsel, the right to present and cross-examine witnesses and the right to have subpoenas and subpoenas duces tecum issued on his behalf for the attendance of witnesses and the production of documents. Except for private reprimands, the board shall make all its final actions public. The order shall contain the terms of all action taken by the board.

(i) Whenever it finds any person unqualified because of any of the grounds set forth in subsection (c) of this section, the board may enter an order imposing one or more of the following:

(1) Deny his application for a license or other authorization to practice medicine and surgery or podiatry;

(2) Administer a public or private reprimand;

(3) Suspend, limit or restrict his license or other authorization to practice medicine and surgery or podiatry for not more than five years, including limiting the practice of such person to, or by the exclusion of, one or more areas of practice, including limitations on practice privileges;

(4) Revoke his license or other authorization to practice medicine and surgery or podiatry or to prescribe or dispense controlled substances;

(5) Require him to submit to care, counseling or treatment designated by the board as a condition for initial or continued licensure or renewal of licensure or other authorization to practice medicine and surgery or podiatry;

(6) Require him to participate in a program of education prescribed by the board; and

(7) Require him to practice under the direction of a physician or podiatrist designated by the board for a specified period of time.

(j) Notwithstanding the provisions of section eight, article one, chapter thirty of this code, if the board determines the evidence in its possession indicates that a physician’s or podiatrist’s continuation in practice or unrestricted practice constitutes an immediate danger to the
public, the board may take any of the actions provided for
subsection (i) of this section on a temporary basis and
without a hearing, if institution of proceedings for a hear-
ing before the board are initiated simultaneously with the
temporary action and begin within fifteen days of such ac-
tion. The board shall render its decision within five days of
the conclusion of a hearing under this subsection.

(k) Any person against whom disciplinary action is
taken pursuant to the provisions of this article has the
right of judicial review as provided in articles five and
six, chapter twenty-nine-a of this code. Except with
regard to an order of temporary suspension of a license
for six months or less, a person shall not practice
medicine and surgery or podiatry or deliver health care
services in violation of any disciplinary order revoking
or limiting his license while any such review is pend-
ing. Within sixty days the board shall report its final
action regarding restriction, limitation, suspension or
revocation of the license of a physician or podiatrist,
limitation on practice privileges or other disciplinary
action against any physician or podiatrist to all appro-
priate state agencies, appropriate licensed health facili-
ties and hospitals, insurance companies or associations
writing medical malpractice insurance in this state, the
American Medical Association, the American Podiatry
Association, professional societies of physicians or podi-
atrists in the state and any entity responsible for the
fiscal administration of medicare and medicaid.

(l) Any person against whom disciplinary action has
been taken under the provisions of this article shall at
reasonable intervals be afforded an opportunity to
demonstrate that he can resume the practice of medicine
and surgery or podiatry on a general or limited basis.
At the conclusion of a suspension, limitation or restric-
tion period, the physician or podiatrist has the right to
resume practice pursuant to the orders of the board: Pro-
vided, That for a revocation pursuant to subsection (d)
of this section a reapplication shall not be accepted for
a period of at least five years.

(m) Any entity, organization or person, including the
board, any member of the board, its agents or employees
and any entity or organization or its members referred
to in this article, any insurer, its agents or employees, a
medical peer review committee and a hospital govern-
ing board, its members or any committee appointed by
it acting without malice and without gross negligence
in making any report or other information available
to the board or a medical peer review committee pursu-
ant to law and any person, acting without malice and
without gross negligence who assists in the organization,
investigation or preparation of any such report or in-
formation or assists the board or a hospital governing
body or any such committee in carrying out any of its
duties or functions provided by law is immune from civil
or criminal liability, except that the unlawful disclosure
of confidential information possessed by the board is a
misdemeanor as provided for in this article.

(n) A physician or podiatrist may request in writing
to the board a limitation on or the surrendering of his
license to practice medicine and surgery or podiatry
or other appropriate sanction as provided herein. The
board may grant such request and if it considers it ap-
propriate, may waive the commencement or continua-
tion of other proceedings under this section. A physician
or podiatrist whose license is limited or surrendered or
against whom other action is taken under this subsection
has a right at reasonable intervals to petition for removal
of any restriction or limitation on or for reinstatement
of his license to practice medicine and surgery or
podiatry.

§30-3-15. Medical corporations; podiatry corporations; applica-
tion for registration; fees; notice to secretary of
state of issuance of certificate; action by secretary
of state; rights and limitations generally; biennial
registration; when practice to cease; admissibility
and effect of certificate signed by secretary of
board; criminal penalty; severability.

(a) When one or more physicians duly licensed to
practice medicine and surgery in this state or one or
more podiatrists duly licensed to practice podiatry in
this state wish to form a medical or podiatry corpora-
tion, respectively, such physician or physicians or podi-
6 a physician or podiatrist shall file a written application
7 therefore with the board on a form prescribed by it and
8 shall furnish proof satisfactory to the board that each
9 applicant is a duly licensed physician or podiatrist. A
10 fee, not to exceed five hundred dollars, the amount of
11 such fee to be set by the board, shall accompany each
12 application. Upon its determination that each applicant
13 is duly licensed, the board shall notify the secretary of
14 state that a certificate of authorization has been issued
15 to the person or persons making the application. When
16 the secretary of state receives such notification from
17 the board, he shall attach such authorization to the
18 corporation application and, upon compliance by the
19 corporation with the pertinent provisions of chapter
20 thirty-one of this code, shall notify the incorporators that
21 such corporation, through duly licensed physicians or
22 through duly licensed podiatrists, may engage in the prac-
23 tice of medicine and surgery or the practice of podiatry.

24 (b) A medical corporation may practice medicine and
25 surgery only through individual physicians duly licensed
26 to practice medicine and surgery in this state and a
27 podiatrist may practice podiatry only through indivi-
28 dual podiatrists duly licensed to practice podiatry in this
29 state, but such physicians or podiatrists may be em-
30 ployees rather than shareholders of such corporation,
31 and nothing herein contained shall be construed to re-
32 quire a license for or other legal authorization of any
33 individual employed by such corporation to perform
34 services for which no license or other legal authoriza-
35 tion is otherwise required. Nothing contained in this
36 article is meant or intended to change in any way the
37 rights, duties, privileges, responsibilities and liabilities
38 incident to the physician-patient or podiatrist-patient
39 relationship nor is it meant or intended to change in
40 any way the personal character of the physician-patient
41 or podiatrist-patient relationship. A corporation holding
42 such certificate of authorization shall register biennially,
43 on or before the thirtieth day of June, on a form pre-
44 scribed by the board, and shall pay an annual registration
45 fee not to exceed three hundred dollars, the amount of
46 such fee to be set by the board.
(c) A medical or podiatry corporation holding a certificate of authorization shall cease to engage in the practice of medicine and surgery or the practice of podiatry upon being notified by the board that any of its shareholders is no longer a duly licensed physician or podiatrist, or when any shares of such corporation have been sold or disposed of to a person who is not a duly licensed physician or podiatrist: Provided, That the personal representative of a deceased shareholder shall have a period, not to exceed twelve months from the date of such shareholder's death, to dispose of such shares; but nothing contained herein shall be construed as affecting the existence of such corporation or its right to continue to operate for all lawful purposes other than the practice of medicine and surgery or the practice of podiatry.

(d) No corporation shall practice medicine and surgery or any of its branches, or hold itself out as being capable of practicing medicine and surgery, or practice podiatry or hold itself out as being capable of practicing podiatry, without a certificate from the board; nor shall any corporation practice medicine and surgery or any of its branches or hold itself out as being capable of practicing medicine and surgery, or practice podiatry or hold itself out as being capable of practicing podiatry, after its certificate has been revoked, or if suspended, during the term of such suspension. A certificate signed by the secretary of the board to which is affixed the official seal of the board to the effect that it appears from the records of the board that no such certificate to practice medicine and surgery or any of its branches, or to practice podiatry, in the state has been issued to any such corporation specified therein or that such certificate has been revoked or suspended shall be admissible in evidence in all courts of this state and shall be prima facie evidence of the facts stated therein.

(e) Any officer, shareholder or employee of such corporation who participates in a violation of any provision of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not exceeding one thousand dollars.

(f) If any provision of this section is held to be invalid, such invalidity shall not affect the other provi-
§30-3-16. Physician assistants; definitions; board of medicine
rules and regulations; annual report; certification; temporary certification; recertification; reciprocity; job description required; revocation or suspension of certification; responsibilities of supervising physician; legal responsibility for physician assistants; identification; limitations on employment and duties; fees; unlawful use of title of "physician assistant"; unlawful representation of physician assistants as a physician; criminal penalties.

(a) As used in this section:

(1) "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, has passed the national certification examination and is qualified to perform direct patient care services under the supervision of the primary care physician;

(2) "Type B physician assistant" means an assistant to a 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;

(3) "Supervising physician" means a doctor of medicine or podiatry permanently licensed in this state who assumes legal and supervisory responsibility for the work or training of any physician assistant under his supervision;

(4) "Approved program" means an educational program for physician assistants approved and accredited by the American Medical Association or American Podiatric Association; and

(5) "Health care facility" means any licensed hospital, nursing home, extended care facility, state health or mental institution, clinic or physician's office.
(b) The board shall promulgate rules and regulations governing the extent to which physician assistants may function in this state. Such regulations shall provide that the physician assistant is limited to the performance of those services for which he is trained and that he performs only under the supervision and control of a physician permanently licensed in this state, but such supervision and control does not require the personal presence of the supervising physician at the place or places where services are rendered if the physician assistant's normal place of employment is on the premises of the supervising physician. The supervising physician may send the physician assistant off the premises to perform duties under his direction, but a separate place of work for the physician assistant shall not be established. In promulgating such rules and regulations, the board shall allow the physician assistant to perform those procedures and examinations submitted to it in the job description required by subsection (g) of this section. The board shall compile and publish an annual report that includes a list of currently certified physician assistants and their employers and location in the state; a list of approved programs; the number of graduates of such approved programs each year and the number of physician assistants from other states practicing in this state.

(c) The board shall certify as a Type A physician assistant any person who files an application and furnishes satisfactory evidence to it that he has met the following standards:

1. He is a graduate of an approved program of instruction in primary health care;
2. He has passed the examination for a primary care physician assistant and is certified by the national board of medical examiners; and
3. He is of good moral character.

The board may certify as a Type B physician assistant any person who files an application and furnishes satisfactory evidence to it that he has met the following standards:
(1) He is a graduate of an approved program in a recognized clinical specialty;

(2) He has received specialized training and experience from a physician adequate for him to perform patient services in that specialty; and

(3) He is of good moral character.

Certification of an assistant to a physician practicing the specialty of ophthalmology is not permitted or required under this section.

(d) When any graduate of an approved program submits an application to the board, accompanied by a job description in conformity with subsection (g) of this section, for a Type A physician assistant certificate, the board shall issue to such applicant a temporary certificate allowing such applicant 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 description for a Type B physician assistant certificate, the board may 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.

(e) Certification of a Type B physician assistant is subject to review and recertification annually for the five years following the first certification. Recertification requires a report from the supervising physician of a Type B physician assistant which must include a performance evaluation, a summary of experience or con-
continuing medical education and any proposed change in job description.

(f) The board may certify as a physician assistant in this state without examination any person who has been certified or licensed by examination in another state of the United States which has requirements substantially equivalent to the requirements of this section.

(g) Any physician applying to the board to supervise either a Type A or Type B physician assistant shall provide a job description that sets forth the range of medical services to be provided by such assistant. Before a physician assistant can be employed or otherwise use his skills, the supervising physician must obtain approval of the job description from the board. The board may revoke or suspend any certification of an assistant to a physician for cause, after giving such person an opportunity to be heard in the manner provided by sections eight and nine, article one of this chapter.

(h) The supervising physician is responsible for observing, directing and evaluating the work, records and practices of each physician assistant performing under his supervision. He shall notify the board in writing of any termination of his supervisory relationship with a physician assistant within ten days of the termination. The legal responsibility for any physician assistant remains with the supervising physician at all times, including occasions when the assistant under his direction and supervision, aids in the care and treatment of a patient in a health care facility. A health care facility is not legally responsible for the actions or omissions of the physician assistant unless the physician assistant is an employee of the facility.

(i) When functioning as a physician assistant, the physician assistant shall wear a name tag that identifies him and specifies his type of classification and the name of his supervising physician. 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.
(j) A supervising physician shall not supervise at any one time more than two physician assistants.

A physician assistant shall not sign any prescription. He shall not perform any service that his supervising physician is not qualified to perform. He shall not perform any service that is not included in his job description and approved by the board as provided for in this section.

The provisions of this section do not authorize any physician assistant to perform any specific function or duty delegated by this code to those persons licensed as chiropractors, dentists, dental hygienists, optometrists or pharmacists or certified as nurse anesthetists.

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

(l) It is unlawful for any person who is not certified by the board as a physician assistant to use the title of "physician assistant" or to represent to any other person that he is a physician assistant. Any person who violates the provisions of this subsection is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than two thousand dollars.

(m) It is unlawful for any physician assistant to represent to any person that he is a physician, surgeon or podiatrist. Any person who violates the provisions of this subsection is guilty of a felony, and, upon conviction thereof, shall be imprisoned in the penitentiary for not less than one nor more than two years, or be fined not more than two thousand dollars, or both fined and imprisoned.

§30-3-17. Limitation of article.

The practice of medicine and surgery by persons possessing the degree of doctor of osteopathy and authorized by the laws of this state to practice medicine and surgery shall in no way be affected by the provisions of this article.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis  
Chairman Senate Committee

Clarence E. Chrest Jr.  
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1980.

J. C. Wells  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

W. T. Brooks, Jr.  
President of the Senate

Jim Michael, Jr.  
Speaker House of Delegates

The within is approved this the 26

day of March, 1980.

Governor