WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1983

ENROLLED
SENATE BILL NO. 75

(By Mr. ...)

PASSED March 3, 1983
In Effect ninety days from Passage
ENROLLED
Senate Bill No. 75
(By Mr. Ash, Mr. Davis and Mr. Harman)

[Passed March 3, 1983; in effect ninety days from passage.]

AN ACT to amend and reenact section sixteen, article three, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to physician assistants; definition of Type B physician assistants and approved programs; certification of Type A and B physician assistants; temporary certification.

Be it enacted by the Legislature of West Virginia:
That section sixteen, article three, 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 3. WEST VIRGINIA MEDICAL PRACTICE ACT.

§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 assistant as a physician; criminal penalties.

1 (a) As used in this section:
2 (1) "Type A physician assistant" means an assistant to a
3 primary care physician who is a graduate of an approved
(2) "Type B physician assistant" means an assistant to a physician who is a graduate of an approved program of instruction in a recognized nonprimary care clinical specialty or is a graduate of an approved program of instruction in primary health care and has either received additional post-graduate training in a recognized nonprimary care clinical specialty or has received additional 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 committee on allied health education and accreditation on behalf of the American Medical 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 administered by the National Board of Medical Examiners on behalf of the National Commission on Certification of Physician Assistants; 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 of good moral character;
2. He is a graduate of an approved program of instruction in a recognized nonprimary care clinical specialty or is a graduate of an approved program of instruction in primary health care and has either received additional post-graduate training in a recognized nonprimary care clinical specialty or has received additional training from a physician adequate to qualify him to perform patient services in that specialty as defined by the supervising physician; or
3. He has been previously certified by the board as a Type B physician assistant prior to the first day of July, one thousand nine hundred eighty-three.

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 on behalf of the National Commission
on Certification of Physician Assistants 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. The Type B
physician assistant will be restricted to work under the
direct supervision of the supervising physician until he has
passed either the examination for surgical assistants or the
examination for primary care physician assistants
administered by the National Board of Medical Examiners
on behalf of the National Commission on Certification of
Physician Assistants.

(e) Certification of a Type B physician assistant is
subject to review and recertification after every three-year
period 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 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
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.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James E. Davis
Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Landis C. Wicks
Clerk of the Senate

Donald L. Kapp
Clerk of the House of Delegates

Wm. M. McBroom
President of the Senate

John H. D. Lee
Speaker House of Delegates

The within is approved this the 16th day of May, 1983.

Governor