WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1984

ENROLLED

SENATE BILL NO. 100

(By Mr.)

PASSED March 8, 1984

In Effect seventy days from Passage
ENROLLED

Senate Bill No. 100
(By Mr. Kaufman, By Request)

[Passed March 8, 1984; in effect ninety days from passage.]

AN ACT to amend and reenact section thirteen, article three, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the unauthorized practice of medicine, surgery and podiatry; penalties; setting forth exceptions; providing that the fitting or sale of prosthetic or orthotic devices, in accord with a prescription as required by this section, by duly certified practitioners and registered technicians in prosthetics and orthotics is exempted from medical licensure requirements; providing that any partnership, proprietorship or corporation employing such practitioners or technicians is exempted from medical licensure requirements; permitting such practitioners or technicians to make recommendations to certain specified persons; and excluding the services of a physician's assistant from the effect of this section.

Be it enacted by the Legislature of West Virginia:

That section thirteen, 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.

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

1 (a) A person shall not engage in the practice of medi-
2 cine 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 capac-
ity 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 of-
cicers of, a member of or employed by the armed forces
of the United States, the United States public health ser-
vice, 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 recog-
nized 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 recog-
nized by the board and who are in this state for periods
of not more than six months: Provided, That such indi-
viduals do not otherwise engage in the practice of medi-
cine or podiatry outside of the auspices of their sponsor-
ing 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 func-
tions in the course of training;

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

(9) The fitting or sale of a prosthetic or orthotic device
not involving any surgical procedure, in accord with a pre-
scription of a physician, osteopathic physician, or where
chiropractors or podiatrists are authorized by law to pre-
scribe such a prosthetic or orthotic device, in accord with
a prescription of a chiropractor or podiatrist, by a practi-
tioner or registered technician certified by the American
Board for Certification of Orthotics and Prosthetics in
either prosthetics or orthotics: Provided, That the sale of
any such prosthetic or orthotic device by a partnership,
proprietorship or corporation which employs such a prac-
titioner or registered technician who fitted such prosthetic
or orthotic device shall not constitute the unauthorized
practice of medicine: Provided, however, That such prac-
titioner or registered technician may, without a prescrip-
tion, make recommendation solely to a physician or
osteopathic physician or to a chiropractor or podiatrist
otherwise authorized by law to prescribe a particular
prosthetic or orthotic device, regarding any prosthetic
or orthotic device to be used for a patient upon a request
for such recommendation.

(c) This section shall not be construed as being in any
way a limitation upon the services of a physician's as-
sistant performed in accordance with 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

Donald Carella
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Todd C. Will
Clerk of the Senate

Donald L. Keagy
Clerk of the House of Delegates

Warren R. McGaw
President of the Senate

L. H. See, Jr.
Speaker House of Delegates

The within ... in approved ... this the ... day of March, 1984.

Governor