

HB 2524

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1997



# ENROLLED

HOUSE BILL No. 2524

(By Delegate S Facemyer, Jenkins,  
Capito and Beach )



Passed April 12, 1997

In Effect Ninety Days From Passage

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

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OFFICE OF THE CLERK  
SENATE OF WEST VIRGINIA

**ENROLLED**

**H. B. 2524**

(BY DELEGATES FACEMYER, JENKINS, CAPITO AND BEACH)

[Passed April 12, 1997; in effect ninety days from passage.]

AN ACT to amend and reenact section four, article three, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to expanding the definition of "practice of podiatry" by including the ankle; and restricting surgical procedures on ankles by podiatrists only upon being granted privileges to do so by a hospital's medical staff credentialing committee.

*Be it enacted by the Legislature of West Virginia:*

That section four, 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.**

**§30-3-4. Definitions.**

As used in this article:

1 (1) "Board" means the West Virginia board of med-  
2 icine established in section five of this article. Whenever  
3 any other provision of this code refers to the "medical  
4 licensing board of West Virginia", the reference shall be  
5 construed to mean and refer to the "West Virginia board  
6 of medicine" as created and established in this article.

7 (2) "Medical peer review committee" means a com-  
8 mittee of, or appointed by, a state or local professional

9 medical society, or a committee of, or appointed by, a  
10 medical staff of a licensed hospital, long-term care facility  
11 or other health care facility, or any health care peer review  
12 organization as defined in section one, article three-c of  
13 this chapter, or any other organization of professionals in  
14 this state formed pursuant to state or federal law and au-  
15 thorized to evaluate medical and health care services.

16 (3) "Practice of medicine and surgery" means the  
17 diagnosis or treatment of, or operation or prescription for,  
18 any human disease, pain, injury, deformity or other physi-  
19 cal or mental condition.

20 (4) "Practice of podiatry" means the examination,  
21 diagnosis, treatment, prevention and care of conditions  
22 and functions of the human foot and ankle by medical,  
23 surgical and other scientific knowledge and methods; with  
24 surgical treatment of the ankle authorized only when a  
25 podiatrist has been granted privileges to perform ankle  
26 surgery by a hospital's medical staff credentialing com-  
27 mittee based on the training and experience of the podia-  
28 trist; and medical and surgical treatment of warts and other  
29 dermatological lesions of the hand which similarly occur  
30 in the foot. When a podiatrist uses other than local anes-  
31 thesia, in surgical treatment of the foot, the anesthesia must  
32 be administered by, or under the direction of, an anes-  
33 thesiologist or certified registered nurse anesthetist authorized  
34 under the state of West Virginia to administer anesthesia.  
35 A medical evaluation shall be made by a physician of  
36 every patient prior to the administration of other than  
37 local anesthesia.

38 (5) "State director of health" means the state direc-  
39 tor of health or his or her designee, which designee shall  
40 act as secretary of the board and shall carry out any and  
41 all responsibilities assigned in this article to the secretary  
42 of the board.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Randy Spencer*  
Chairman Senate Committee

*Nick Fontana*  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Darrell B. Holmes*  
Clerk of the Senate

*Bryan M. Gray*  
Clerk of the House of Delegates

*Earl Ray Tomblin*  
President of the Senate

*[Signature]*  
Speaker of the House of Delegates

The within *is approved* this the *2nd*  
day of *May*, 1997.

*[Signature]*  
Governor

PRESENTED TO THE  
GOVERNOR

Date 4/25/97

Time 2:16pm