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**WEST VIRGINIA LEGISLATURE** WEST VIRGINIA  
**EIGHTIETH LEGISLATURE** SECRETARY OF STATE  
**REGULAR SESSION, 2011**

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**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 570**

(SENATORS BROWNING, LAIRD, WILLIAMS, PALUMBO,  
FOSTER AND PLYMALE, ORIGINAL SPONSORS)

[PASSED MARCH 12, 2011; IN EFFECT NINETY DAYS FROM PASSAGE.]

SB570

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OFFICE OF THE  
SECRETARY OF STATE

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COMMITTEE SUBSTITUTE

FOR

# Senate Bill No. 570

(SENATORS BROWNING, LAIRD, WILLIAMS, PALUMBO,  
FOSTER AND PLYMALE, *original sponsors*)

[Passed March 12, 2011; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-29-1, §29-29-2, §29-29-3, §29-29-4, §29-29-5, §29-29-6 and §29-29-7, all relating to creating an exemption from licensing for nonprofit youth volunteers; exempting certain volunteers for nonprofit youth organizations from licensing, certification and permitting; exempting certain medical service professionals; exempting certain law-enforcement officers; exempting certain emergency medical service professionals; stating duties of the nonprofit youth organization; providing for the revocation of permits; and defining liability of the volunteers and the nonprofit youth organizations.

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

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §29-29-1, §29-29-2, §29-29-3, §29-29-4, §29-29-5, §29-29-6 and §29-29-7, all to read as follows:

**ARTICLE 29. VOLUNTEER FOR NONPROFIT YOUTH ORGANIZATIONS ACT.**

**§29-29-1. Short title.**

- 1 This article shall be known as and may be cited to as the
- 2 “Volunteer for Nonprofit Youth Organizations Act”.

**§29-29-2. Legislative purpose.**

- 1 The Legislature finds that:
  - 2 (1) Adventure and recreational activities attractive to
  - 3 nonprofit youth organizations interested in training and
  - 4 inspiring young people from other parts of the United States
  - 5 and throughout the world will contribute significantly to the
  - 6 economy of West Virginia, and enhance the state’s reputation
  - 7 as a place to visit and transact business; and
  - 8 (2) Nonprofit youth organizations must rely on volunteers
  - 9 to staff and support their events and programs and that some
  - 10 of the volunteers are medical, nursing, emergency medical
  - 11 service and law-enforcement professionals authorized to
  - 12 practice in other states. Because of the large number of
  - 13 volunteers required to support those events and programs,
  - 14 the benefits these events and programs provide to youth, the
  - 15 multicounty areas those events and programs may cover and
  - 16 the number of agencies potentially involved in granting
  - 17 authorizations to practice for those volunteers to provide
  - 18 those services in this state, it is in the state’s best interest to
  - 19 provide a streamlined system to permit those volunteers to
  - 20 practice for the periods of time they engage in volunteer
  - 21 work at those events and programs.

**§29-29-3. Definitions.**

- 1 As used in this article:
  - 2 (a) “Applicant” means any emergency medical service
  - 3 applicant, law-enforcement applicant or medical services

4 applicant, that is registered as a volunteer of the nonprofit  
5 organization, making application for a nonprofit volunteer  
6 permit under the provisions of this article.

7 (b) “Appropriate licensing agency” means the board,  
8 department, division or other agency in each jurisdiction  
9 charged with the licensing, certification or permitting of  
10 persons performing services of the nature and kind described  
11 or duties provided for in this article.

12 (c) “Emergency medical service applicant” means a person  
13 authorized to provide emergency medical services in West  
14 Virginia, or in another state who but for this article would be  
15 required to obtain a certification from the Commissioner of  
16 the Bureau for Public Health pursuant to article eight,  
17 chapter sixteen of this code to perform emergency medical  
18 services in this state.

19 (d) “Law-enforcement applicant” means a person autho-  
20 rized to work as a law-enforcement officer in West Virginia,  
21 or in another state who but for this article would be required  
22 to obtain authorization pursuant to article twenty-nine,  
23 chapter thirty of this code to work as a law-enforcement  
24 officer in this state: *Provided*, That any person authorized to  
25 work as a law-enforcement officer in another state shall have  
26 completed a training program approved by the governing  
27 authority of a political subdivision in order to work as a law-  
28 enforcement officer in that state.

29 (e) “Medical services applicant” means a person authorized  
30 to provide medical services in West Virginia, or in another  
31 state who but for this article would be required to obtain  
32 authorization to practice in this state, and who is a:

33 (1) Practitioner of medicine or surgery as defined in article  
34 three, chapter thirty of this code;

35 (2) Physician assistant as defined in section three, article  
36 three, chapter thirty of this code;

37 (3) Dentist or dental assistant as defined in article four,  
38 chapter thirty of this code;

39 (4) Nurse as defined in article seven or seven-a, chapter  
40 thirty of this code;

41 (5) Osteopathic physician or surgeon as defined in article  
42 fourteen, chapter thirty of this code;

43 (6) Osteopathic physician assistant as defined in article  
44 fourteen-a, chapter thirty of this code; and

45 (7) Physical therapist as defined in article twenty, chapter  
46 thirty of this code;

47 (f) "Nonprofit volunteer permit" or "permit" means a  
48 permit issued to an applicant pursuant to the provisions of  
49 this article.

50 (g) "Nonprofit volunteer permittee" or "permittee" means  
51 a person holding a nonprofit volunteer permit issued under  
52 the provisions of this article.

53 (h) "Nonprofit youth organization" or "organization"  
54 means any nonprofit organization, including any subsidiary,  
55 affiliated or other related entity within its corporate or  
56 business structure, that has been chartered by the United  
57 States Congress to help train young people to do things for  
58 themselves and others, and that has established an area of at  
59 least six thousand contiguous acres within West Virginia in  
60 which to provide adventure or recreational activities for  
61 these young people and others.

62 (i) "Nonprofit volunteer organization medical director"  
63 means an individual licensed in West Virginia as a practitio-  
64 ner of medicine or surgery pursuant to article three, chapter  
65 thirty of this code, or an individual licensed in West Virginia  
66 as a osteopathic physician or surgeon pursuant to article  
67 fourteen, chapter thirty of this code, that has been desig-  
68 nated by the nonprofit volunteer organization to serve as the

69 medical director for an event or program offered by the  
70 organization.

**§29-29-4. Exemption from professional licensure.**

1 (a) Notwithstanding any other provision of this code, any  
2 individual rendering services in this state in connection with  
3 any event or program offered by the nonprofit youth organi-  
4 zation is exempt from obtaining an authorization to practice  
5 from the appropriate licensing agency of this state while  
6 providing services within the limits of his or her authoriza-  
7 tion to practice, but is required to obtain a nonprofit volun-  
8 teer permit.

9 (b) The nonprofit youth organization may issue a nonprofit  
10 volunteer permit to an applicant, who is a registered volun-  
11 teer of the nonprofit youth organization serving as a volun-  
12 teer, without compensation, in connection with any event or  
13 program offered by the organization, if:

14 (1) All authorizations held by the medical services appli-  
15 cant are valid, unrestricted without limitation or condition  
16 and in good standing: *Provided*, That any medical services  
17 applicant issued a permit pursuant to this article shall:

18 (A) Not have prescriptive authority;

19 (B) Not dispense a Schedule II or Schedule III controlled  
20 substance, but may dispense pharmaceutical drugs in a  
21 manner consistent with the applicant's training and experi-  
22 ence; and

23 (C) At all times be subject to the direction of nonprofit  
24 volunteer organization medical director.

25 (2) All authorizations held by the law-enforcement appli-  
26 cant are valid, unrestricted without limitation or condition  
27 and in good standing and the applicant is deputized by the  
28 Superintendent of the West Virginia State Police pursuant to  
29 subsection (e), section twelve, article two, chapter fifteen of

30 this code prior to rendering any law-enforcement services:  
31 *Provided, That:*

32 (A) Any permit issued pursuant to this article shall not  
33 supersede the authority or duty of a law-enforcement officer  
34 certified pursuant to article twenty-nine, chapter thirty of  
35 this code to preserve law and order on the premises;

36 (B) The Superintendent of the West Virginia State Police  
37 has sole discretion in determining whether to deputize any  
38 law-enforcement applicant; and

39 (C) The jurisdiction for a law-enforcement applicant issued  
40 a permit pursuant to the provisions of this article shall be  
41 limited to:

42 (i) The property owned by the nonprofit youth organiza-  
43 tion;

44 (ii) Any street, road or thoroughfare, except controlled  
45 access and open country highways, immediately adjacent to  
46 or passing through the property owned by the nonprofit  
47 youth organization; and

48 (iii) Areas of operations in support of an event sponsored  
49 by the nonprofit youth organization.

50 (D) A law-enforcement applicant issued a permit pursuant  
51 to the provisions of this article shall at all times be subject to  
52 the direction of the Superintendent of the West Virginia  
53 State Police.

54 (3) All authorizations held by the emergency medical  
55 service applicant are valid, unrestricted without limitation  
56 or condition and in good standing: *Provided, That* any  
57 emergency medical service applicant issued a permit pursu-  
58 ant to this article shall:

59 (A) Not have prescriptive authority;

60 (B) Not dispense a Schedule II or Schedule III controlled  
61 substance, but may dispense pharmaceutical drugs in a  
62 manner consistent with the applicant's training and experi-  
63 ence; and

64 (C) At all times be subject to the direction of nonprofit  
65 volunteer organization medical director.

66 (c) Any services rendered by a permittee shall at all times  
67 be performed under the guidelines and instructions of the  
68 nonprofit volunteer organization.

69 (d) A nonprofit volunteer permit issued pursuant to the  
70 provisions of this article may only be valid for a period not  
71 to exceed ninety days in a calendar year.

**§29-29-5. Powers and duties of nonprofit youth organization.**

1 (a) Before the nonprofit youth organization may issue a  
2 nonprofit volunteer permit to an applicant, the organization  
3 shall:

4 (1) Gather and maintain the following information for each  
5 applicant:

6 (A) The applicant's name, position, address and phone  
7 number;

8 (B) A copy of the applicant's authorization to practice from  
9 all jurisdictions in which the applicant is authorized to  
10 practice;

11 (2) Require documentation that the applicant has received  
12 at least two hours of instruction provided by the nonprofit  
13 youth organization, which may be accomplished by webinar,  
14 video conference or other remote means of instruction;

15 (3) No more than one hundred twenty days prior to any  
16 volunteer services being performed, require documentation  
17 from all jurisdictions in which the applicant authorized to



18 practice stating that the applicant's authorization to practice  
19 is valid, in good standing and unrestricted and without  
20 limitation or condition; and

21 (4) Require a written acknowledgment signed by the  
22 applicant that the rules, regulations and procedures estab-  
23 lished by the nonprofit youth organization have been  
24 received and reviewed.

25 (b) All information and documentation maintained and  
26 gathered pursuant to this section shall be maintained in a  
27 safe and secure manner, which may be electronically, by the  
28 nonprofit youth organization for a period of ten years from  
29 the date a permit is issued to the applicant.

30 (c) The nonprofit youth organization providing emergency  
31 medical services shall have a license to operate an emergency  
32 medical services agency pursuant to section six-a, article  
33 four-c, chapter sixteen of this code and the Commissioner of  
34 the Bureau of Public Health may make such adjustments to  
35 the licensing standards to reflect the nature of the services  
36 provided by the permittees and the size, scope and interests  
37 being served by any event or program of such organization.

**§29-29-6. Revocation of nonprofit volunteer permit.**

1 (a) The nonprofit volunteer permit may be revoked at any  
2 time by the nonprofit volunteer organization.

3 (b) The nonprofit volunteer organization shall revoke a  
4 nonprofit volunteer permit and shall report the revocation to  
5 the appropriate licensing agency in every jurisdiction where  
6 the individual holds an authorization to practice for the  
7 following reasons:

8 (1) Professional incompetence;

9 (2) Professional misconduct; or

10 (3) Criminal activity.

**§29-29-7. Liability of permittees and the nonprofit volunteer organization for volunteer services.**

1 (a) Any claim arising out of the services provided by a  
2 permittee or the nonprofit volunteer organization pursuant  
3 to this article shall be determined in the same manner and by  
4 the same standards as if the permittee was authorized to  
5 practice in this state.

6 (b) The nonprofit youth organization shall carry liability  
7 insurance in limits of no less than \$1 million per person, and  
8 \$3 million per occurrence and \$50,000 for property damage  
9 and this insurance shall extend to the acts of any nonprofit  
10 volunteer permittees providing services under this article  
11 and shall be primary to any other available insurance.

12 (c) The liability of nonprofit volunteer permittees shall be  
13 limited to the amount of liability insurance available to them  
14 under subsection (b) unless the act or omission giving rise to  
15 the permittee's liability was the result of willful misconduct:  
16 *Provided*, That permittees deputized by the Superintendent  
17 of the West Virginia State Police pursuant to section four of  
18 this article and subsection (e), section twelve, article two,  
19 chapter fifteen of the code, shall not be considered an  
20 insured under the terms of the liability insurance policy  
21 provided West Virginia state agencies through the state  
22 board of risk and insurance management.

23 (d) The West Virginia appropriate licensing agency shall  
24 not be liable for any harm or claim arising solely out of the  
25 actions of any permittee exempt from obtaining authoriza-  
26 tion to practice in this state pursuant to this article.

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

*[Handwritten Signature]*

Chairman Senate Committee

*[Handwritten Signature]*

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*[Handwritten Signature]*

Clerk of the Senate

2011 APR -1 AM 11:20

COMMONWEALTH OF VIRGINIA  
SECRETARY OF STATE

*[Handwritten Signature]*

Clerk of the House of Delegates

*[Handwritten Signature]*

Acting President of the Senate

*[Handwritten Signature]*

Speaker of the House of Delegates

The within *is appended* this the *31<sup>st</sup>*

Day of *March*, 2011.

*[Handwritten Signature]*  
Governor

**PRESENTED TO THE GOVERNOR**

MAR 23 2011

Time 3:45 pm