

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 2359

BY DELEGATE ARVON

[Passed April 8, 2017; in effect ninety days from passage.]

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2017 APR 26 P 8:01

FILED

HB2359

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

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Committee Substitute

for

House Bill 2359

BY DELEGATE ARVON

[Passed April 8, 2017; in effect ninety days from passage.]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §30-3-18; to amend and reenact §30-14-12 of said code; and to amend said
3 code by adding thereto a new section, designated §30-14-16, all relating generally to the
4 West Virginia Medical Practice Act; authorizing the West Virginia Board of Medicine and
5 the West Virginia Board of Osteopathic Medicine to share staff for functions common to
6 both boards; providing offenses and penalties for practicing osteopathic medicine without
7 a license; and creating a felony crime of practicing or attempting to practice osteopathic
8 medicine without a license or permit and providing criminal penalties.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
2 section, designated §30-3-18; that §30-14-12 be amended and reenacted; and that said code be
3 amended by adding thereto a new section, designated §30-14-16, all to read as follows:

ARTICLE 3. WEST VIRGINIA MEDICAL PRACTICE ACT.

§30-3-18. Combining staff functions with West Virginia Board of Osteopathic Medicine.

1 The West Virginia Board of Medicine may employ investigators, attorneys, clerks and
2 administrative staff in collaboration with the West Virginia Board of Osteopathic Medicine to share
3 duties and functions between the two boards when it may be efficient and practical for the
4 functioning of the boards. Any sharing of staff or staff resources shall be documented and
5 performed pursuant to the provisions of section nineteen, article one of this chapter.

ARTICLE 14. OSTEOPATHIC PHYSICIANS AND SURGEONS.

§30-14-12. Offenses; penalties.

1 (a) Each of the following acts constitutes a misdemeanor, punishable upon conviction by
2 a fine of not less than \$1,000 nor more than \$10,000:

3 (1) The obtaining of or an attempt to obtain a license or permit to practice in the profession
4 for money or any other thing of value, by fraudulent misrepresentation;

5 (2) The making of any willfully false oath or affirmation whenever an oath or affirmation is
6 required by this article; and

7 (3) Advertising, practicing or attempting to practice under a name other than one's own.

8 (b) Any person who practices or attempts to practice osteopathic medicine without a
9 license or permit is guilty of a felony and, upon conviction, shall be fined not more than \$10,000,
10 or imprisoned in a correctional facility for not less than one year nor more than five years, or both
11 fined and imprisoned.

§30-14-16. Combining staff functions with West Virginia Board of Medicine.

1 The West Virginia Board of Osteopathic Medicine may employ investigators, attorneys,
2 clerks and administrative staff in collaboration with the West Virginia Board of Medicine to share
3 duties and functions between the two boards when it may be efficient and practical for the
4 functioning of the boards. Any sharing of staff or staff resources shall be documented and
5 performed pursuant to the provisions of section nineteen, article one of this chapter.

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

Alan Hoke
.....
Chairman, House Committee

Ed Haugh
.....
Member - Chairman, Senate Committee

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

Originating in the House.

In effect ninety days from passage.

Steph D. Dennis
.....
Clerk of the House of Delegates

Paul Brown
.....
Clerk of the Senate

Chris Pats
.....
Speaker of the House of Delegates

Mark B. Lammert
.....
President of the Senate

The within *is approved* this the *26th*
day of *April* 2017.

Jim Justice
.....
Governor

PRESENTED TO THE GOVERNOR

APR 20 2017

Time 2:08 pm