

1 **ENROLLED**

2 **COMMITTEE SUBSTITUTE**

3 **for**

4 **H. B. 2098**

5
6 (By Delegates Hamrick, Householder, Cooper, Arvon, J. Nelson,
7 Howell, Waxman, Ellington, Trecoast, Blair and Kessinger)

8
9 [Passed March 13, 2015; in effect ninety days from passage.]

10
11 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
12 designated §30-3-11b; and to amend said code by adding thereto a new section, designated
13 §30-14-12c, all relating to services provided by allopathic and osteopathic physicians in
14 federal veterans' affairs facilities in this state; authorizing allopathic and osteopathic
15 physicians to provide services to patients or residents of state-run veterans' facilities by
16 allowing them to obtain license without the required examination from the appropriate
17 licensing agency of this state; limiting scope of the license to practice only in the state-run
18 veterans' facilities; providing rule-making authority to the appropriate licensing agencies of
19 allopathic and osteopathic physicians; and requiring report to the Legislature.

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

21 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
22 section, designated §30-3-11b; and to further amend said code by adding thereto a new section,
23 designated §30-14-12c, all to read as follows:

24 **ARTICLE 3. WEST VIRGINIA MEDICAL PRACTICE ACT.**

25 **§30-3-11b. License to practice medicine and surgery at certain state veterans nursing home**

1 **facilities.**

2 (a) The board is authorized and encouraged to the best of its ability to issue a license to
3 practice medicine and surgery in this state without examination to a physician that currently holds
4 a license to practice medicine and surgery at a Federal Veterans Administration Hospital upon
5 completion of an application form prescribed by the board and who presents satisfactory proof to the
6 board that he or she is currently employed and practicing in a Federal Veterans Administration
7 Hospital that is located in a county in which a nursing home operated by the West Virginia
8 Department of Veteran's Assistance is located: *Provided*, That the physician shall maintain an valid,
9 unrestricted license to practice medicine in another state.

10 (b) The medical practice for which a physician is licensed under this section is limited to
11 practice in a nursing home operated by the West Virginia Department of Veteran's Assistance that
12 is located in the same county in which the Federal Veterans Administration Hospital where the
13 individual is employed.

14 (c) No fee may be assessed to an individual licensed or seeking licensure pursuant to this
15 section.

16 (d) The board shall propose emergency rules pursuant to the provisions of section fifteen,
17 article three, chapter twenty-nine-a of this code to implement the provisions of this section.

18 (e) The board shall report to the Legislative Oversight Commission on Health and Human
19 Resources Accountability and the Legislative Oversight Commission on Education Accountability
20 by July 1, 2016 on the implementation of this section including the number of licenses issued,
21 number of complaints, and any other pertinent legislation.

22 **ARTICLE 14. OSTEOPATHIC PHYSICIANS AND SURGEONS.**

23 **§30-14-12c. License to practice as an osteopathic physician and surgeon at certain state**

1 **veterans nursing home facilities.**

2 (a) The board is authorized and encouraged to the best of its ability to issue a license to
3 practice as an osteopathic physician and surgeon in this state without examination to a physician that
4 currently holds a license to practice as an osteopathic physician and surgeon at a Federal Veterans
5 Administration Hospital upon completion of an application form prescribed by the board and who
6 presents satisfactory proof to the board that he or she is currently employed and practicing in a
7 Federal Veterans Administration Hospital that is located in a county in which a nursing home
8 operated by the West Virginia Department of Veteran's Assistance is located: *Provided*, That the
9 osteopathic physician shall maintain an valid, unrestricted license to practice osteopathic medicine
10 in another state.

11 (b) The practice for which an osteopathic physician and surgeon is licensed under this
12 section is limited to practice in a nursing home operated by the West Virginia Department of
13 Veteran's Assistance that is located in the same county in which the Federal Veterans Administration
14 Hospital where the individual is employed.

15 (c) No fee may be assessed to an individual licensed or seeking licensure pursuant to this
16 section.

17 (d) The board shall propose emergency rules pursuant to the provisions of section fifteen,
18 article three, chapter twenty-nine-a of this code to implement the provisions of this section.

19 (e) The board shall report to the Legislative Oversight Commission on Health and Human
20 Resources Accountability and the Legislative Oversight Commission on Education Accountability
21 by July 1, 2016 on the implementation of this section including the number of licenses issued,
22 number of complaints, and any other pertinent legislation.