

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

ENGROSSED

House Bill 4358

(BY DELEGATES STATLER, KURCABA, ROHRBACH,
SOBONYA, SUMMERS, ELLINGTON, BLAIR, FLANIGAN,
BUTLER, FRICH AND FLEISCHAUER)

[Introduced February 2, 2016;
referred to the committee on Health and Human
Resources then the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §30-3-11c, and to amend said code by adding thereto a new section,
 3 designated §30-14-8a, all relating to out of state physicians and surgeons traveling with
 4 sports teams within this state; authorizing a physician or surgeon who is licensed to
 5 practice medicine or osteopathic medicine in another state to provide medical care to
 6 sports team members under certain circumstances.

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 §30-3-11c, and that said code be amended by adding thereto a new section,
 3 designated §30-14-8a, all to read as follows:

ARTICLE 3. WEST VIRGINIA MEDICAL PRACTICE ACT.

§30-3-11c. Limited Authorization to Practice for Traveling Sports Team Physician or Surgeon.

1 (a) A person who holds a current, unrestricted license to practice medicine or surgery in
 2 another state is exempt from the licensure requirements of this article while providing medical
 3 care in this state, if all of the following conditions are met:

4 (1) The physician or surgeon has an oral or written agreement with a sports team to
 5 provide general or emergency medical care to the team members; and

6 (2) The physician or surgeon is providing care to the following:

7 (i) A member of the athletic team;

8 (ii) A member of the athletic team’s coaching, communications, equipment, or sports
 9 medicine staff;

10 (iii) A member of a band or cheerleading squad accompanying the athletic team; or

11 (iv) The athletic team’s mascot.

12 (b) In providing medical care pursuant to this section, a physician or surgeon shall not
 13 provide medical services at a health care facility, including a hospital, an ambulatory surgical

14 facility, or any other facility in which medical care, diagnosis, or treatment is provided on an
15 inpatient or outpatient basis.

ARTICLE 14. OSTEOPATHIC PHYSICIANS AND SURGEONS.

§30-14-8a. Limited Authorization to Practice for Traveling Sports Team Physician or Surgeon.

1 (a) A person who holds a current, unrestricted license to practice osteopathic medicine
2 or surgery in another state is exempt from the licensure requirements of this article while
3 providing medical care in this state, if all of the following conditions are met:

4 (1) The physician or surgeon has an oral or written agreement with a sports team to
5 provide general or emergency medical care to the team members; and

6 (2) The physician or surgeon is providing care to the following:

7 (i) A member of the athletic team;

8 (ii) A member of the athletic team’s coaching, communications, equipment, or sports
9 medicine staff;

10 (iii) A member of a band or cheerleading squad accompanying the athletic team; or

11 (iv) The athletic team’s mascot.

12 (b) In providing medical care pursuant to this section, a physician or surgeon shall not
13 provide medical services at a health care facility, including a hospital, an ambulatory surgical
14 facility, or any other facility in which medical care, diagnosis, or treatment is provided on an
15 inpatient or outpatient basis.

NOTE: The purpose of this bill is to authorize a physician or surgeon who is traveling with a sports team and is licensed to practice medicine or osteopathic medicine in another state to provide medical care to sports team members under certain circumstances.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.