

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

Senate Bill 497

BY SENATORS STOLLINGS, TAKUBO, PLYMALE, MARONEY

AND FACEMIRE

[Introduced March 2, 2107; Referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §55-7-19 of the Code of West Virginia, 1931, as amended, relating
2 to liability for physicians who provide services at school athletic events.

Be it enacted by the Legislature of West Virginia:

1 That §55-7-19 of the Code of West Virginia, 1931, as amended, be amended and
2 reenacted to read as follows:

ARTICLE 7. ACTIONS FOR INJURIES.

§55-7-19. Liability of physicians who render services at school athletic events; limiting liability; exceptions.

1 (a) Any person licensed to practice medicine and surgery pursuant to the provisions of
2 article three, chapter thirty of this code or any person licensed to practice medicine and surgery
3 as an osteopathic physician and surgeon pursuant to the provisions of article fourteen, chapter
4 thirty of this code: (1) Who is acting in the capacity of a volunteer team physician or in attendance
5 at an athletic event sponsored by a public or private elementary or secondary school; and (2) who
6 gratuitously and in good faith prior to the athletic event agrees to render emergency care or
7 treatment to any participant during ~~such~~ the event in connection with an emergency arising during
8 or as the result of ~~such~~ the event, without objection of ~~such~~ the participant, ~~shall~~ may not be held
9 liable for any civil damages as a result of ~~such~~ the care or treatment, or as a result of any act or
10 failure to act in providing or arranging further medical treatment ~~to an extent greater than the~~
11 ~~applicable limits of his or her professional liability insurance policy or policies~~ when ~~such~~ the care
12 or treatment was rendered in accordance with the acceptable standard of care established in
13 section three, article seven-b of this chapter.

14 (b) The limitation of liability established by the provisions of this section ~~shall~~ does not
15 apply to acts or omissions constituting gross negligence or willful misconduct. For purposes of
16 this section, the term "athletic event" includes scheduled practices for any athletic event.

NOTE: The purpose of this bill is to modify the liability of a physician offering volunteer care

at school sporting events to provide that they may only be held liable for acts of gross negligence or willful misconduct.

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