WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3455

By Delegates Kimble and Jeffries

[Introduced February 14, 2023; Referred to the Committee on Health and Human Resources]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-66-1 and §16-66-2, all relating to creating a patient's right to refuse medical treatment from a resident or student when a licensed physician is available and to require medical professionals to obtain consent for a resident to treat a patient in advance of the appointment or procedure.

Be it enacted by the Legislature of West Virginia:

ARTICLE 66. patient's right to choose physician.

§16-66-1. Legislative findings.

The Legislature finds that the mental and physical wellbeing of patients in routine healthcare examinations or procedures is improved by the ability for the patient to trust the level of care he or she is receiving. A patient's level of comfort can be a determining factor in the effectiveness of treatment. The Legislature finds that there are circumstances under which a patient may need a specific doctor-patient relationship in place for the mental wellbeing of the patient.

§16-66-2. Declining treatment from residents.

(a) In non-emergency situations, a patient may decline treatment, diagnostic procedures, or routine examinations from a resident and a licensed physician must be provided for patient.

(b) The patient shall be asked in advance of the appointment or procedure if he or she consents to receiving medical care from a resident and if the patient consents to the presence of a resident observing the procedure. If the patient declines to be treated by a resident, then the procedure or appointment must be conducted when a licensed physician can treat the patient.

(c) This in no way limits the residents from treating patients in emergency or other urgent medical situations from treating a patient.

NOTE: The purpose of this bill is to require medical professionals to obtain consent for a resident to treat a patient in advance of the appointment or procedure.

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