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OFFICE OF THE CLERK
SECRETARY OF STATE

HB 4129

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2008



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 4129

(By Mr. Speaker, Mr. Thompson, and Delegate Armstead)
[By Request of the Executive]



Passed March 8, 2008

In Effect from Passage

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COMMITTEE SUBSTITUTE

OFFICE OF THE CLERK
LEGISLATIVE DEPARTMENT
STATE OF WEST VIRGINIA

FOR

H. B. 4129

(BY MR. SPEAKER, (MR. THOMPSON) AND DELEGATE ARMSTEAD)
[BY REQUEST OF THE EXECUTIVE]

[Passed March 8, 2008; in effect from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-18; to amend and reenact §30-3-10a of said code; to amend said code by adding thereto a new section, designated §30-3-16a; to amend said code by adding thereto two new sections, designated §30-4-8a and §30-4-10a; to amend said code by adding thereto a new section, designated §30-5-10a; to amend said code by adding thereto a new section, designated §30-7-6a; to amend said code by adding thereto a new section, designated §30-8-5a; to amend said code by adding thereto a new section, designated §30-14A-5; to amend said code by adding thereto a new section, designated §30-20-8a; to amend said code by adding thereto a new section, designated §30-21-16; and to amend said code by adding thereto a new section, designated §30-28-8a, all relating to the establishment of special, retired, volunteer and inactive licenses for certain professions and occupations; special volunteer medical license;

exception as to terminated policy with “tail insurance”; no extended coverage for certain circumstances; providing legislative rulemaking authority to the respective boards to set licensure criteria and continuing education; providing for special volunteer licenses for certain health care providers providing volunteer services; waiving certain licensing fees; and providing civil immunity for special volunteer licenses for certain health care providers.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §30-1-18; that §30-3-10a of said code be amended and reenacted; that said code be amended by adding thereto a new section, designated §30-3-16a; that said code be amended by adding thereto two new sections, designated §30-4-8a and §30-4-10a; that said code be amended by adding thereto a new section, designated §30-5-10a; that said code be amended by adding thereto a new section, designated §30-7-6a; that said code be amended by adding thereto a new section, designated §30-8-5a; that said code be amended by adding thereto a new section, designated §30-14A-5; that said code be amended by adding thereto a new section, designated §30-20-8a; that said code be amended by adding thereto a new section, designated §30-21-16; and that said code be amended by adding thereto a new section, designated §30-28-8a, all to read as follows:

CHAPTER 30. PROFESSIONS AND OCCUPATIONS.

ARTICLE 1. GENERAL PROVISIONS APPLICABLE TO STATE BOARDS.

§30-1-18. Retired, volunteer and inactive status licenses.

- 1 (a) Every board referred to in this chapter may propose
- 2 rules for legislative approval in accordance with the

3 provisions of article three, chapter twenty-nine-a of this code,
4 to establish licensure criteria and continuing education
5 requirements for retired, volunteer and inactive licenses.

6 (b) If a board which establishes licensure criteria as
7 authorized in this section does not establish specific
8 continuing education requirements, the retired, volunteer or
9 inactive licensees shall comply with the same continuing
10 education requirements as established by the respective
11 boards for an active license.

ARTICLE 3. WEST VIRGINIA MEDICAL PRACTICE ACT.

§30-3-10a. Special volunteer medical license; civil immunity for voluntary services rendered to indigents.

1 (a) There is hereby established a special volunteer
2 medical license for physicians retired or retiring from the
3 active practice of medicine who wish to donate their expertise
4 for the medical care and treatment of indigent and needy
5 patients in the clinic setting of clinics organized, in whole or
6 in part, for the delivery of health care services without
7 charge. The special volunteer medical license shall be issued
8 by the West Virginia board of medicine to physicians
9 licensed or otherwise eligible for licensure under this article
10 and the rules promulgated hereunder without the payment of
11 any application fee, license fee or renewal fee, shall be issued
12 for a fiscal year or part thereof, and shall be renewable
13 annually. The board shall develop application forms for the
14 special license provided for in this subsection which shall
15 contain the physician's acknowledgment that: (1) The
16 physician's practice under the special volunteer medical
17 license will be exclusively and totally devoted to providing
18 medical care to needy and indigent persons in West Virginia;
19 (2) the physician will not receive any payment or
20 compensation, either direct or indirect, or have the

21 expectation of any payment or compensation, for any medical
22 services rendered under the special volunteer medical license;
23 (3) the physician will supply any supporting documentation
24 that the board may reasonably require; and (4) the physician
25 agrees to continue to participate in continuing medical
26 education as required of physicians in active practice.

27 (b) Any physician who renders any medical service to
28 indigent and needy patients of a clinic organized, in whole or
29 in part, for the delivery of health care services without charge
30 under a special volunteer medical license authorized under
31 subsection (a) of this section without payment or
32 compensation or the expectation or promise of payment or
33 compensation is immune from liability for any civil action
34 arising out of any act or omission resulting from the
35 rendering of the medical service at the clinic unless the act or
36 omission was the result of the physician's gross negligence or
37 willful misconduct. In order for the immunity under this
38 subsection to apply, there must be a written agreement
39 between the physician and the clinic pursuant to which the
40 physician will provide voluntary noncompensated medical
41 services under the control of the clinic to patients of the clinic
42 before the rendering of any services by the physician at the
43 clinic: *Provided*, That any clinic entering into such written
44 agreement shall be required to maintain liability coverage of
45 not less than one million dollars per occurrence.

46 (c) Notwithstanding the provisions of subsection (a) of
47 this section, a clinic organized, in whole or in part, for the
48 delivery of health care services without charge shall not be
49 relieved from imputed liability for the negligent acts of a
50 physician rendering voluntary medical services at or for the
51 clinic under a special volunteer medical license authorized
52 under subsection (a) of this section.

53 (d) For purposes of this section, "otherwise eligible for
54 licensure" means the satisfaction of all the requirements for

55 licensure as listed in section ten of this article and in the
56 legislative rules promulgated hereunder, except the fee
57 requirements of subsections (b) and (d) of said section and of
58 the legislative rule promulgated by the board relating to fees.

59 (e) Nothing in this section may be construed as requiring
60 the board to issue a special volunteer medical license to any
61 physician whose medical license is or has been subject to any
62 disciplinary action or to any physician who has surrendered
63 a medical license or caused such license to lapse, expire and
64 become invalid in lieu of having a complaint initiated or
65 other action taken against his or her medical license, or who
66 has elected to place a medical license in inactive status in lieu
67 of having a complaint initiated or other action taken against
68 his or her medical license, or who have been denied a
69 medical license.

70 (f) Any policy or contract of liability insurance providing
71 coverage for liability sold, issued or delivered in this state to
72 any physician covered under the provisions of this article
73 shall be read so as to contain a provision or endorsement
74 whereby the company issuing such policy waives or agrees
75 not to assert as a defense on behalf of the policyholder or any
76 beneficiary thereof, to any claim covered by the terms of
77 such policy within the policy limits, the immunity from
78 liability of the insured by reason of the care and treatment of
79 needy and indigent patients by a physician who holds a
80 special volunteer medical license: *Provided*, That this
81 subsection shall not apply to a terminated policy, terminated
82 contract of liability insurance or extended reporting
83 endorsement attached thereto that provides "tail insurance"
84 as defined by section two, article twenty-d, chapter thirty-
85 three of this code: *Provided further*, That nothing within this
86 subsection shall be construed to extend coverage under a
87 terminated policy or terminated contract of liability insurance
88 or any extended reporting endorsement attached thereto to (1)

89 alter or amend the effective policy period of any policy,
90 contract of liability insurance or extended reporting
91 endorsement or (2) cover the treatment of indigent and needy
92 patients by a physician who holds a special volunteer medical
93 license.

**§30-3-16a. Special volunteer physician assistant license; civil
immunity for voluntary services rendered to
indigents.**

1 (a) There is established a special volunteer physician
2 assistant license for physician assistants retired or retiring
3 from the active practice of medicine who wish to donate their
4 expertise for the medical care and treatment of indigent and
5 needy patients in the clinic setting of clinics organized, in
6 whole or in part, for the delivery of health care services
7 without charge. The special volunteer physician assistant
8 license shall be issued by the West Virginia Board of
9 Medicine to physician assistants licensed or otherwise
10 eligible for licensure under this article and the legislative
11 rules promulgated hereunder without the payment of an
12 application fee, license fee or renewal fee, and the initial
13 license shall be issued for the remainder of the licensing
14 period, and renewed consistent with the boards other
15 licencing requirements. The board shall develop application
16 forms for the special license provided in this subsection
17 which shall contain the physician assistant's acknowledgment
18 that:

19 (1) The physician assistant's practice under the special
20 volunteer physician assistant license will be exclusively
21 devoted to providing medical care to needy and indigent
22 persons in West Virginia;

23 (2) The physician assistant will not receive any payment
24 or compensation, either direct or indirect, or have the

25 expectation of any payment or compensation, for any medical
26 services rendered under the special volunteer physician
27 assistant license;

28 (3) The physician assistant will supply any supporting
29 documentation that the board may reasonably require; and

30 (4) The physician assistant agrees to continue to
31 participate in continuing education as required by the board
32 for the special volunteer physician assistant license.

33 (b) Any physician assistant who renders any medical
34 service to indigent and needy patients of a clinic organized,
35 in whole or in part, for the delivery of health care services
36 without charge under a special volunteer physician assistant
37 license authorized under subsection (a) of this section without
38 payment or compensation or the expectation or promise of
39 payment or compensation, is immune from liability for any
40 civil action arising out of any act or omission resulting from
41 the rendering of the medical service at the clinic unless the
42 act or omission was the result of the physician assistant's
43 gross negligence or willful misconduct. In order for the
44 immunity under this subsection to apply, there must be a
45 written agreement between the physician assistant and the
46 clinic pursuant to which the physician assistant will provide
47 voluntary uncompensated medical services under the control
48 of the clinic to patients of the clinic before the rendering of
49 any services by the physician assistant at the clinic:
50 *Provided*, That any clinic entering into such written
51 agreement is required to maintain liability coverage of not
52 less than one million dollars per occurrence.

53 (c) Notwithstanding the provisions of subsection (b) of
54 this section, a clinic organized, in whole or in part, for the
55 delivery of health care services without charge is not relieved
56 from imputed liability for the negligent acts of a physician

57 assistant rendering voluntary medical services at or for the
58 clinic under a special volunteer physician assistant license
59 authorized under subsection (a) of this section.

60 (d) For purposes of this section, “otherwise eligible for
61 licensure” means the satisfaction of all the requirements for
62 licensure as listed in section sixteen of this article and in the
63 legislative rules promulgated thereunder, except the fee
64 requirements of subsection (n) of that section and of the
65 legislative rules promulgated by the board relating to fees.

66 (e) Nothing in this section may be construed as requiring
67 the board to issue a special volunteer physician assistant
68 license to any physician assistant whose license is or has been
69 subject to any disciplinary action or to any physician assistant
70 who has surrendered a physician assistant license or caused
71 such license to lapse, expire and become invalid in lieu of
72 having a complaint initiated or other action taken against his
73 or her license, or who has elected to place a physician
74 assistant license in inactive status in lieu of having a
75 complaint initiated or other action taken against his or her
76 license, or who has been denied a physician assistant license.

77 (f) Any policy or contract of liability insurance providing
78 coverage for liability sold, issued or delivered in this state to
79 any physician assistant covered under the provisions of this
80 article, shall be read so as to contain a provision or
81 endorsement whereby the company issuing such policy
82 waives or agrees not to assert as a defense on behalf of the
83 policyholder or any beneficiary thereof, to any claim covered
84 by the terms of such policy within the policy limits, the
85 immunity from liability of the insured by reason of the care
86 and treatment of needy and indigent patients by a physician
87 assistant who holds a special volunteer physician assistant
88 license.

ARTICLE 4. WEST VIRGINIA DENTAL PRACTICE ACT.

§30-4-8a. Special volunteer dental license; civil immunity for voluntary services rendered to indigents.

1 (a) There is established a special volunteer dental license
2 for dentists retired or retiring from the active practice of
3 dentistry who wish to donate their expertise for the dental
4 care and treatment of indigent and needy patients in the clinic
5 setting of clinics organized, in whole or in part, for the
6 delivery of health care services without charge. The special
7 volunteer dental license shall be issued by the West Virginia
8 board of dental examiners to dentists licensed or otherwise
9 eligible for licensure under this article and the legislative
10 rules promulgated hereunder without the payment of a
11 application fee, license fee or renewal fee, shall be issued for
12 the remainder of the licensing period, and renewed consistent
13 with the boards other licencing requirements. The board
14 shall develop application forms for the special license
15 provided in this subsection which shall contain the dentist's
16 acknowledgment that:

17 (1) The dentist's practice under the special volunteer
18 dental license will be exclusively devoted to providing dental
19 care to needy and indigent persons in West Virginia;

20 (2) The dentist will not receive any payment or
21 compensation, either direct or indirect, or have the
22 expectation of any payment or compensation, for any dental
23 services rendered under the special volunteer dental license;

24 (3) The dentist will supply any supporting documentation
25 that the board may reasonably require; and

26 (4) The dentist agrees to continue to participate in
27 continuing dental education as required by the board for a
28 special volunteer dental license.

29 (b) Any dentist who renders any dental service to
30 indigent and needy patients of a clinic organized, in whole or
31 in part, for the delivery of health care services without charge
32 under a special volunteer dental license authorized under
33 subsection (a) of this section without payment or
34 compensation or the expectation or promise of payment or
35 compensation is immune from liability for any civil action
36 arising out of any act or omission resulting from the
37 rendering of the dental service at the clinic unless the act or
38 omission was the result of the dentist's gross negligence or
39 willful misconduct. In order for the immunity under this
40 subsection to apply, there must be a written agreement
41 between the dentist and the clinic pursuant to which the
42 dentist will provide voluntary uncompensated dental services
43 under the control of the clinic to patients of the clinic before
44 the rendering of any services by the dentist at the clinic:
45 *Provided*, That any clinic entering into such written
46 agreement is required to maintain liability coverage of not
47 less than one million dollars per occurrence.

48 (c) Notwithstanding the provisions of subsection (b) of
49 this section, a clinic organized, in whole or in part, for the
50 delivery of health care services without charge is not relieved
51 from imputed liability for the negligent acts of a dentist
52 rendering voluntary dental services at or for the clinic under
53 a special volunteer dental license authorized under subsection
54 (a) of this section.

55 (d) For purposes of this section, "otherwise eligible for
56 licensure" means the satisfaction of all the requirements for
57 licensure as listed in section eight of this article and in the
58 legislative rules promulgated thereunder, except the fee
59 requirements of subdivision six of that section and of the
60 legislative rules promulgated by the board relating to fees.

61 (e) Nothing in this section may be construed as requiring
62 the board to issue a special volunteer dental license to any

63 dentist whose dental license is or has been subject to any
64 disciplinary action or to any dentist who has surrendered a
65 dental license or caused such license to lapse, expire and
66 become invalid in lieu of having a complaint initiated or
67 other action taken against his or her dental license, or who
68 has elected to place a dental license in inactive status in lieu
69 of having a complaint initiated or other action taken against
70 his or her dental license, or who has been denied a dental
71 license.

72 (f) Any policy or contract of liability insurance providing
73 coverage for liability sold, issued or delivered in this state to
74 any dentist covered under the provisions of this article shall
75 be read so as to contain a provision or endorsement whereby
76 the company issuing such policy waives or agrees not to
77 assert as a defense on behalf of the policyholder or any
78 beneficiary thereof, to any claim covered by the terms of
79 such policy within the policy limits, the immunity from
80 liability of the insured by reason of the care and treatment of
81 needy and indigent patients by a dentist who holds a special
82 volunteer dental license.

**§30-4-10a. Special volunteer dental hygienist license; civil
immunity for voluntary services rendered to
indigents.**

1 (a) There is established a special volunteer dental
2 hygienist license for dental hygienists retired or retiring from
3 the active practice of dental hygiene who wish to donate their
4 expertise for the care and treatment of indigent and needy
5 patients in the clinic setting of clinics organized, in whole or
6 in part, for the delivery of health care services without
7 charge. The special volunteer dental hygienist license shall
8 be issued by the West Virginia board of dental examiners to
9 dental hygienists licensed or otherwise eligible for licensure
10 under this article and the legislative rules promulgated

11 hereunder without the payment of an application fee, license
12 fee or renewal fee, shall be issued for the remainder of the
13 licensing period, and renewed consistent with the boards
14 other licencing requirements. The board shall develop
15 application forms for the special license provided in this
16 subsection which shall contain the dental hygienist's
17 acknowledgment that:

18 (1) The dental hygienist's practice under the special
19 volunteer dental hygienist license will be exclusively devoted
20 to providing dental hygiene care to needy and indigent
21 persons in West Virginia;

22 (2) The dental hygienist will not receive any payment or
23 compensation, either direct or indirect, or have the
24 expectation of any payment or compensation, for any dental
25 hygiene services rendered under the special volunteer dental
26 hygienist license;

27 (3) The dental hygienist will supply any supporting
28 documentation that the board may reasonably require; and

29 (4) The dental hygienist agrees to continue to participate
30 in continuing professional education as required by the board
31 for the special volunteer dental hygienist.

32 (b) Any dental hygienist who renders any dental hygiene
33 service to indigent and needy patients of a clinic organized,
34 in whole or in part, for the delivery of health care services
35 without charge under a special volunteer dental hygienist
36 license authorized under subsection (a) of this section without
37 payment or compensation or the expectation or promise of
38 payment or compensation is immune from liability for any
39 civil action arising out of any act or omission resulting from
40 the rendering of the dental hygiene service at the clinic unless
41 the act or omission was the result of the dental hygienist's

42 gross negligence or willful misconduct. In order for the
43 immunity under this subsection to apply, there must be a
44 written agreement between the dental hygienist and the clinic
45 pursuant to which the dental hygienist will provide voluntary
46 uncompensated dental hygiene services under the control of
47 the clinic to patients of the clinic before the rendering of any
48 services by the dental hygienist at the clinic: *Provided*, That
49 any clinic entering into such written agreement is required to
50 maintain liability coverage of not less than one million
51 dollars per occurrence.

52 (c) Notwithstanding the provisions of subsection (b) of
53 this section, a clinic organized, in whole or in part, for the
54 delivery of health care services without charge is not relieved
55 from imputed liability for the negligent acts of a dental
56 hygienist rendering voluntary dental hygiene services at or
57 for the clinic under a special volunteer dental hygienist
58 license authorized under subsection (a) of this section.

59 (d) For purposes of this section, “otherwise eligible for
60 licensure” means the satisfaction of all the requirements for
61 licensure as listed in section ten of this article and in the
62 legislative rules promulgated thereunder, except the fee
63 requirements of subdivision six of that section and of the
64 legislative rules promulgated by the board relating to fees.

65 (e) Nothing in this section may be construed as requiring
66 the board to issue a special volunteer dental hygienist license
67 to any dental hygienist whose license is or has been subject
68 to any disciplinary action or to any dental hygienist who has
69 surrendered a license or caused such license to lapse, expire
70 and become invalid in lieu of having a complaint initiated or
71 other action taken against his or her dental hygienist license,
72 or who has elected to place a dental hygienist license in
73 inactive status in lieu of having a complaint initiated or other
74 action taken against his or her license, or who has been
75 denied a dental hygienist license.

76 (f) Any policy or contract of liability insurance providing
77 coverage for liability sold, issued or delivered in this state to
78 any dental hygienist covered under the provisions of this
79 article shall be read so as to contain a provision or
80 endorsement whereby the company issuing such policy
81 waives or agrees not to assert as a defense on behalf of the
82 policyholder or any beneficiary thereof, to any claim covered
83 by the terms of such policy within the policy limits, the
84 immunity from liability of the insured by reason of the care
85 and treatment of needy and indigent patients by a dental
86 hygienist who holds a special volunteer dental hygienist
87 license.

**ARTICLE 5. PHARMACISTS, PHARMACY TECHNICIANS,
PHARMACY INTERNS AND
PHARMACIES.**

**§30-5-10a. Special volunteer pharmacist license; civil immunity
for voluntary services rendered to indigents.**

1 (a) There is established a special volunteer pharmacist
2 license for pharmacists retired or retiring from the active
3 practice of pharmaceutical care who wish to donate their
4 expertise for the pharmaceutical care and treatment of
5 indigent and needy patients in the clinic setting of clinics
6 organized, in whole or in part, for the delivery of health care
7 services without charge. The special volunteer pharmacist
8 license shall be issued by the West Virginia Board of
9 Pharmacy to pharmacists licensed or otherwise eligible for
10 licensure under this article and the legislative rules
11 promulgated hereunder without the payment of an application
12 fee, license fee or renewal fee, and the initial license shall be
13 issued for the remainder of the licensing period, and renewed
14 consistent with the boards other licencing requirements. The
15 board shall develop application forms for the special license
16 provided in this subsection which shall contain the
17 pharmacist's acknowledgment that:

18 (1) The pharmacist's practice under the special volunteer
19 pharmacist license will be exclusively devoted to providing
20 pharmaceutical care to needy and indigent persons in West
21 Virginia;

22 (2) The pharmacist will not receive any payment or
23 compensation, either direct or indirect, or have the
24 expectation of any payment or compensation, for any
25 pharmaceutical services rendered under the special volunteer
26 pharmacist license;

27 (3) The pharmacist will supply any supporting
28 documentation that the board may reasonably require; and

29 (4) The pharmacist agrees to continue to participate in
30 continuing professional education as required by the board
31 for the special volunteer pharmacist license.

32 (b) Any pharmacist who renders any pharmaceutical
33 service to indigent and needy patients of a clinic organized,
34 in whole or in part, for the delivery of health care services
35 without charge under a special volunteer pharmacist license
36 authorized under subsection (a) of this section without
37 payment or compensation or the expectation or promise of
38 payment or compensation is immune from liability for any
39 civil action arising out of any act or omission resulting from
40 the rendering of the pharmaceutical service at the clinic
41 unless the act or omission was the result of the pharmacist's
42 gross negligence or willful misconduct. In order for the
43 immunity under this subsection to apply, there must be a
44 written agreement between the pharmacist and the clinic
45 pursuant to which the pharmacist will provide voluntary
46 uncompensated pharmaceutical services under the control of
47 the clinic to patients of the clinic before the rendering of any
48 services by the pharmacist at the clinic: *Provided*, That any
49 clinic entering into such written agreement is required to

50 maintain liability coverage of not less than one million
51 dollars per occurrence.

52 (c) Notwithstanding the provisions of subsection (b) of
53 this section, a clinic organized, in whole or in part, for the
54 delivery of health care services without charge is not relieved
55 from imputed liability for the negligent acts of a pharmacist
56 rendering voluntary pharmaceutical services at or for the
57 clinic under a special volunteer pharmacist license authorized
58 under subsection (a) of this section.

59 (d) For purposes of this section, “otherwise eligible for
60 licensure” means the satisfaction of all the requirements for
61 licensure as listed in section five of this article and in the
62 legislative rules promulgated thereunder, except the fee
63 requirements of subsection (b) of that section and of the
64 legislative rules promulgated by the board relating to fees.

65 (e) Nothing in this section may be construed as requiring
66 the board to issue a special volunteer pharmacist license to
67 any pharmacist whose license is or has been subject to any
68 disciplinary action or to any pharmacist who has surrendered
69 a license or caused such license to lapse, expire and become
70 invalid in lieu of having a complaint initiated or other action
71 taken against his or her license, or who has elected to place
72 a pharmacist license in inactive status in lieu of having a
73 complaint initiated or other action taken against his or her
74 license, or who has been denied a pharmacist license.

75 (f) Any policy or contract of liability insurance providing
76 coverage for liability sold, issued or delivered in this state to
77 any pharmacist covered under the provisions of this article
78 shall be read so as to contain a provision or endorsement
79 whereby the company issuing such policy waives or agrees
80 not to assert as a defense on behalf of the policyholder or any
81 beneficiary thereof, to any claim covered by the terms of

82 such policy within the policy limits, the immunity from
83 liability of the insured by reason of the care and treatment of
84 needy and indigent patients by a pharmacist who holds a
85 special volunteer pharmacist license.

ARTICLE 7. REGISTERED PROFESSIONAL NURSES.

**§30-7-6a. Special volunteer registered professional nurse
license; civil immunity for voluntary services
rendered to indigents.**

1 (a) There is established a special volunteer license for
2 registered professional nurses retired or retiring from the
3 active practice of nursing who wish to donate their expertise
4 for the care and treatment of indigent and needy patients in
5 the clinic setting of clinics organized, in whole or in part, for
6 the delivery of health care services without charge. The
7 special volunteer registered professional nurse license shall
8 be issued by the West Virginia board of examiners for
9 registered professional nurses to registered professional
10 nurses licensed or otherwise eligible for licensure under this
11 article and the legislative rules promulgated hereunder
12 without the payment of an application fee, license fee or
13 renewal fee, shall be issued for the remainder of the licensing
14 period, and renewed consistent with the boards other
15 licencing requirements. The board shall develop application
16 forms for the special license provided in this subsection
17 which shall contain the registered professional nurse's
18 acknowledgment that:

19 (1) The registered professional nurse's practice under the
20 special volunteer registered professional nurse license will be
21 exclusively devoted to providing nursing care to needy and
22 indigent persons in West Virginia;

23 (2) The registered professional nurse will not receive any
24 payment or compensation, either direct or indirect, or have

25 the expectation of any payment or compensation, for any
26 nursing services rendered under the special volunteer
27 registered professional nurse license;

28 (3) The registered professional nurse will supply any
29 supporting documentation that the board may reasonably
30 require; and

31 (4) The registered professional nurse agrees to continue
32 to participate in continuing education as required by the
33 board for the special volunteer registered professional nurse
34 license.

35 (b) Any registered professional nurse who renders
36 nursing service to indigent and needy patients of a clinic
37 organized, in whole or in part, for the delivery of health care
38 services without charge under a special volunteer registered
39 professional nurse license authorized under subsection (a) of
40 this section without payment or compensation or the
41 expectation or promise of payment or compensation is
42 immune from liability for any civil action arising out of any
43 act or omission resulting from the rendering of the nursing
44 service at the clinic unless the act or omission was the result
45 of the registered professional nurse's gross negligence or
46 willful misconduct. In order for the immunity under this
47 subsection to apply, there must be a written agreement
48 between the registered professional nurse and the clinic
49 pursuant to which the registered professional nurse will
50 provide voluntary uncompensated nursing services under the
51 control of the clinic to patients of the clinic before the
52 rendering of any services by the registered professional nurse
53 at the clinic: *Provided*, That any clinic entering into such
54 written agreement is required to maintain liability coverage
55 of not less than one million dollars per occurrence.

56 (c) Notwithstanding the provisions of subsection (b) of
57 this section, a clinic organized, in whole or in part, for the

58 delivery of health care services without charge is not relieved
59 from imputed liability for the negligent acts of a registered
60 professional nurse rendering voluntary nursing services at or
61 for the clinic under a special volunteer registered professional
62 nurse license authorized under subsection (a) of this section.

63 (d) For purposes of this section, “otherwise eligible for
64 licensure” means the satisfaction of all the requirements for
65 licensure as listed in section six of this article and in the
66 legislative rules promulgated thereunder, except the fee
67 requirements of that section and of the legislative rules
68 promulgated by the board relating to fees.

69 (e) Nothing in this section may be construed as requiring
70 the board to issue a special volunteer registered professional
71 nurse license to any registered professional nurse whose
72 license is or has been subject to any disciplinary action or to
73 any registered professional nurse who has surrendered his or
74 her license or caused such license to lapse, expire and
75 become invalid in lieu of having a complaint initiated or
76 other action taken against his or her license, or who has
77 elected to place a registered professional nurse license in
78 inactive status in lieu of having a complaint initiated or other
79 action taken against his or her license, or who has been
80 denied a registered professional nurse license.

81 (f) Any policy or contract of liability insurance providing
82 coverage for liability sold, issued or delivered in this state to
83 any registered professional nurse covered under the
84 provisions of this article shall be read so as to contain a
85 provision or endorsement whereby the company issuing such
86 policy waives or agrees not to assert as a defense on behalf of
87 the policyholder or any beneficiary thereof, to any claim
88 covered by the terms of such policy within the policy limits,
89 the immunity from liability of the insured by reason of the
90 care and treatment of needy and indigent patients by a

- 91 registered professional nurse who holds a special volunteer
- 92 registered professional nurse license.

ARTICLE 8. OPTOMETRISTS.

§30-8-5a. Special volunteer certificate of registration; civil immunity for voluntary services rendered to indigents.

1 (a) There is established a special volunteer certificate of
2 registration for optometrists retired or retiring from the active
3 practice of optometry who wish to donate their expertise for
4 the care and treatment of indigent and needy patients in the
5 clinic setting of clinics organized, in whole or in part, for the
6 delivery of health care services without charge. The special
7 volunteer certificate of registration shall be issued by the
8 West Virginia board of optometry to optometrists registered
9 or otherwise eligible for registration under this article and the
10 legislative rules promulgated hereunder without the payment
11 of an application fee, license fee or renewal fee, and shall be
12 issued for the remainder of the licensing period, and renewed
13 consistent with the boards other licencing requirements. The
14 board shall develop application forms for the special
15 certificate of registration provided in this subsection which
16 shall contain the optometrist's acknowledgment that:

17 (1) The optometrist's practice under the special volunteer
18 certificate of registration will be exclusively devoted to
19 providing optometrical care to needy and indigent persons in
20 West Virginia;

21 (2) The optometrist will not receive any payment or
22 compensation, either direct or indirect, or have the
23 expectation of any payment or compensation, for any
24 optometrical services rendered under the special volunteer
25 certificate of registration;

26 (3) The optometrist will supply any supporting
27 documentation that the board may reasonably require; and

28 (4) The optometrist agrees to continue to participate in
29 continuing education as required by the board for a special
30 volunteer optometrist license.

31 (b) Any optometrist who renders any optometrical service
32 to indigent and needy patients of a clinic organized, in whole
33 or in part, for the delivery of health care services without
34 charge under a special volunteer certificate of registration
35 authorized under subsection (a) of this section without
36 payment or compensation or the expectation or promise of
37 payment or compensation is immune from liability for any
38 civil action arising out of any act or omission resulting from
39 the rendering of the optometrical service at the clinic unless
40 the act or omission was the result of the optometrist's gross
41 negligence or willful misconduct. In order for the immunity
42 under this subsection to apply, there must be a written
43 agreement between the optometrist and the clinic pursuant to
44 which the optometrist will provide voluntary uncompensated
45 optometrical services under the control of the clinic to
46 patients of the clinic before the rendering of any services by
47 the optometrist at the clinic: *Provided*, That any clinic
48 entering into such written agreement is required to maintain
49 liability coverage of not less than one million dollars per
50 occurrence.

51 (c) Notwithstanding the provisions of subsection (b) of
52 this section, a clinic organized, in whole or in part, for the
53 delivery of health care services without charge is not relieved
54 from imputed liability for the negligent acts of an optometrist
55 rendering voluntary optometrical services at or for the clinic
56 under a special volunteer certificate of registration authorized
57 under subsection (a) of this section.

58 (d) For purposes of this section, “otherwise eligible for
59 registration” means the satisfaction of all the requirements for
60 registration as listed in section five of this article and in the
61 legislative rules promulgated thereunder, except the fee
62 requirements of section seven of this article and of the
63 legislative rules promulgated by the board relating to fees.

64 (e) Nothing in this section may be construed as requiring
65 the board to issue a special volunteer certificate of
66 registration to any optometrist whose certificate of
67 registration is or has been subject to any disciplinary action
68 or to any optometrist who has surrendered a certificate of
69 registration or caused such registration to lapse, expire and
70 become invalid in lieu of having a complaint initiated or
71 other action taken against his or her registration, or who has
72 elected to place a certificate of registration in inactive status
73 in lieu of having a complaint initiated or other action taken
74 against his or her registration, or who has been denied a
75 certificate of registration.

76 (f) Any policy or contract of liability insurance providing
77 coverage for liability sold, issued or delivered in this state to
78 any optometrist covered under the provisions of this article
79 shall be read so as to contain a provision or endorsement
80 whereby the company issuing such policy waives or agrees
81 not to assert as a defense on behalf of the policyholder or any
82 beneficiary thereof, to any claim covered by the terms of
83 such policy within the policy limits, the immunity from
84 liability of the insured by reason of the care and treatment of
85 needy and indigent patients by an optometrist who holds a
86 special volunteer certificate of registration.

**ARTICLE 14A. ASSISTANTS TO OSTEOPATHIC
PHYSICIANS AND SURGEONS.**

§30-14A-5. Special volunteer osteopathic physician assistant certification; civil immunity for voluntary services rendered to indigents.

1 (a) There is established a special volunteer osteopathic
2 physician assistant certificate for osteopathic physician
3 assistants retired or retiring from the active practice of
4 osteopathy who wish to donate their expertise for the medical
5 care and treatment of indigent and needy patients in the clinic
6 setting of clinics organized, in whole or in part, for the
7 delivery of health care services without charge. The special
8 volunteer osteopathic physician assistant certificate shall be
9 issued by the West Virginia Board of Osteopathy to
10 osteopathic physician assistants certified or otherwise eligible
11 for certification under this article and the legislative rules
12 promulgated hereunder without the payment of an application
13 fee, license fee or renewal fee, shall be issued for and the
14 remainder of the licensing period, and renewed consistent
15 with the boards other licencing requirements. The board
16 shall develop application forms for the special certificate
17 provided in this subsection which shall contain the
18 osteopathic physician assistant's acknowledgment that:

19 (1) The osteopathic physician assistant's practice under
20 the special volunteer osteopathic physician assistant
21 certificate will be exclusively devoted to providing
22 osteopathic care to needy and indigent persons in West
23 Virginia;

24 (2) The osteopathic physician assistant will not receive
25 any payment or compensation, either direct or indirect, or
26 have the expectation of any payment or compensation, for
27 any osteopathic services rendered under the special volunteer
28 osteopathic physician assistant certificate;

29 (3) The osteopathic physician assistant will supply any
30 supporting documentation that the board may reasonably
31 require; and

32 (4) The osteopathic physician assistant agrees to continue
33 to participate in continuing education as required by the
34 board for a special volunteer osteopathic physician assistant
35 license.

36 (b) Any osteopathic physician assistant who renders any
37 osteopathic service to indigent and needy patients of a clinic
38 organized, in whole or in part, for the delivery of health care
39 services without charge under a special volunteer osteopathic
40 physician assistant certificate authorized under subsection (a)
41 of this section without payment or compensation or the
42 expectation or promise of payment or compensation, is
43 immune from liability for any civil action arising out of any
44 act or omission resulting from the rendering of the
45 osteopathic service at the clinic unless the act or omission
46 was the result of the osteopathic physician assistant's gross
47 negligence or willful misconduct. In order for the immunity
48 under this subsection to apply, there must be a written
49 agreement between the osteopathic physician assistant and
50 the clinic pursuant to which the osteopathic physician
51 assistant will provide voluntary uncompensated medical
52 services under the control of the clinic to patients of the clinic
53 before the rendering of any services by the osteopathic
54 physician assistant at the clinic: *Provided*, That any clinic
55 entering into such written agreement is required to maintain
56 liability coverage of not less than one million dollars per
57 occurrence.

58 (c) Notwithstanding the provisions of subsection (b) of
59 this section, a clinic organized, in whole or in part, for the
60 delivery of health care services without charge is not relieved

61 from imputed liability for the negligent acts of an osteopathic
62 physician assistant rendering voluntary medical services at or
63 for the clinic under a special volunteer osteopathic physician
64 assistant certificate authorized under subsection (a) of this
65 section.

66 (d) For purposes of this section, “otherwise eligible for
67 certification” means the satisfaction of all the requirements
68 for certification as listed in section one of this article and in
69 the legislative rules promulgated thereunder. The term does
70 not include the fee requirement of section three of this article
71 or of legislative rules promulgated by the board relating to
72 fees.

73 (e) Nothing in this section may be construed as requiring
74 the board to issue a special volunteer osteopathic physician
75 assistant certificate to any osteopathic physician assistant
76 whose certificate is or has been subject to any disciplinary
77 action or to any osteopathic physician assistant who has
78 surrendered an osteopathic physician assistant certificate or
79 caused such certificate to lapse, expire and become invalid in
80 lieu of having a complaint initiated or other action taken
81 against his or her certificate, or who has elected to place an
82 osteopathic physician assistant certificate in inactive status in
83 lieu of having a complaint initiated or other action taken
84 against his or her certificate, or who has been denied an
85 osteopathic physician assistant certificate.

86 (f) Any policy or contract of liability insurance providing
87 coverage for liability sold, issued or delivered in this state to
88 any osteopathic physician assistant covered under the
89 provisions of this article, shall be read so as to contain a
90 provision or endorsement whereby the company issuing such
91 policy waives or agrees not to assert as a defense on behalf of
92 the policyholder or any beneficiary thereof, to any claim

93 covered by the terms of such policy within the policy limits,
94 the immunity from liability of the insured by reason of the
95 care and treatment of needy and indigent patients by an
96 osteopathic physician assistant who holds a special volunteer
97 osteopathic physician assistant certificate.

ARTICLE 20. PHYSICAL THERAPISTS.

§30-20-8a. Special volunteer physical therapist license, physical therapist assistant license; civil immunity for voluntary services rendered to indigents.

1 (a) There is established a special volunteer license for
2 physical therapists or physical therapy assistants, as the case
3 may be, retired or retiring from active practice who wish to
4 donate their expertise for the care and treatment of indigent
5 and needy patients in the clinic setting of clinics organized,
6 in whole or in part, for the delivery of health care services
7 without charge. The special volunteer license provided by
8 this section shall be issued by the West Virginia board of
9 physical therapy to physical therapists or physical therapist
10 assistants licensed or otherwise eligible for licensure under
11 this article and the legislative rules promulgated hereunder
12 without the payment of an application fee, license fee or
13 renewal fee, and the initial license shall be issued for the
14 remainder of the licensing period, and renewed consistent
15 with the boards other licencing requirements. The board
16 shall develop application forms for the special license
17 provided in this subsection which shall contain the
18 applicant's acknowledgment that:

19 (1) The applicant's practice under the special volunteer
20 license will be exclusively devoted to providing physical
21 therapy care to needy and indigent persons in West Virginia;

22 (2) The applicant will not receive any payment or
23 compensation, either direct or indirect, or have the
24 expectation of any payment or compensation, for any
25 physical therapy services rendered under the special
26 volunteer license;

27 (3) The applicant will supply any supporting
28 documentation that the board may reasonably require; and

29 (4) The applicant agrees to continue to participate in
30 continuing education as required of by the board for a special
31 volunteer physical therapists or physical therapist assistants
32 license, as the case may be.

33 (b) Any physical therapist or physical therapist assistant
34 who renders any physical therapy service to indigent and
35 needy patients of a clinic organized, in whole or in part, for
36 the delivery of health care services without charge under a
37 special volunteer license authorized under subsection (a) of
38 this section without payment or compensation or the
39 expectation or promise of payment or compensation is
40 immune from liability for any civil action arising out of any
41 act or omission resulting from the rendering of the physical
42 therapy service at the clinic unless the act or omission was
43 the result of gross negligence or willful misconduct on the
44 part of the physical therapist or physical therapist assistant.
45 In order for the immunity under this subsection to apply,
46 there must be a written agreement between the physical
47 therapist or physical therapist assistant and the clinic pursuant
48 to which the physical therapist or physical therapist assistant
49 will provide voluntary uncompensated physical therapy
50 services under the control of the clinic to patients of the clinic
51 before the rendering of any services by the physical therapist
52 or physical therapist assistant at the clinic: *Provided*, That
53 any clinic entering into such written agreement is required to

54 maintain liability coverage of not less than one million
55 dollars per occurrence.

56 (c) Notwithstanding the provisions of subsection (b) of
57 this section, a clinic organized, in whole or in part, for the
58 delivery of health care services without charge is not relieved
59 from imputed liability for the negligent acts of a physical
60 therapist or physical therapist assistant rendering voluntary
61 physical therapy services at or for the clinic under a special
62 volunteer license authorized under subsection (a) of this
63 section.

64 (d) For purposes of this section, “otherwise eligible for
65 licensure” means the satisfaction of all the requirements for
66 licensure for a physical therapist or physical therapist
67 assistant, as the case may be, as listed in section six of this
68 article and in the legislative rules promulgated thereunder,
69 except the fee requirements of subsection (e) of that section
70 and of the legislative rules promulgated by the board relating
71 to fees.

72 (e) Nothing in this section may be construed as requiring
73 the board to issue a special volunteer license to any physical
74 therapist or physical therapist assistant whose license is or
75 has been subject to any disciplinary action or to any physical
76 therapist or physical therapist assistant who has surrendered
77 a license or caused such license to lapse, expire and become
78 invalid in lieu of having a complaint initiated or other action
79 taken against his or her license, or who has elected to place
80 a license in inactive status in lieu of having a complaint
81 initiated or other action taken against his or her license, or
82 who has been denied a license.

83 (f) Any policy or contract of liability insurance providing
84 coverage for liability sold, issued or delivered in this state to

85 any physical therapist or physical therapist assistant covered
86 under the provisions of this article shall be read so as to
87 contain a provision or endorsement whereby the company
88 issuing such policy waives or agrees not to assert as a defense
89 on behalf of the policyholder or any beneficiary thereof, to
90 any claim covered by the terms of such policy within the
91 policy limits, the immunity from liability of the insured by
92 reason of the care and treatment of needy and indigent
93 patients by a physical therapist or physical therapist assistant
94 who holds a special volunteer license.

ARTICLE 21. PSYCHOLOGISTS; SCHOOL PSYCHOLOGISTS.

§30-21-16. Special volunteer psychologists license; civil immunity for voluntary services rendered to indigents.

1 (a) There is established a special volunteer psychologists
2 license for psychologists retired or retiring from the active
3 practice of psychology who wish to donate their expertise for
4 the psychological care and treatment of indigent and needy
5 patients in the clinic setting of clinics organized, in whole or
6 in part, for the delivery of health care services without
7 charge. The special volunteer psychologist license shall be
8 issued by the West Virginia Board of Examiners of
9 Psychologists to psychologists licensed or otherwise eligible
10 for licensure under this article and the legislative rules
11 promulgated hereunder without the payment of an application
12 fee, license fee or renewal fee, and the initial license shall be
13 issued for the remainder of the licensing period, and renewed
14 consistent with the boards other licencing requirements. The
15 board shall develop application forms for the special license
16 provided in this subsection which shall contain the
17 psychologist's acknowledgment that:

18 (1) The psychologist's practice under the special
19 volunteer psychologists license will be exclusively devoted
20 to providing psychological care to needy and indigent
21 persons in West Virginia;

22 (2) The psychologist will not receive any payment or
23 compensation, either direct or indirect, or have the
24 expectation of any payment or compensation, for any
25 psychological services rendered under the special volunteer
26 psychological license;

27 (3) The psychologist will supply any supporting
28 documentation that the board may reasonably require; and

29 (4) The psychologist agrees to continue to participate in
30 continuing education as required by the board for a special
31 volunteer psychologists license.

32 (b) Any psychologist who renders any psychological
33 service to indigent and needy patients of a clinic organized,
34 in whole or in part, for the delivery of health care services
35 without charge under a special volunteer psychologist license
36 authorized under subsection (a) of this section without
37 payment or compensation or the expectation or promise of
38 payment or compensation, is immune from liability for any
39 civil action arising out of any act or omission resulting from
40 the rendering of the psychological service at the clinic unless
41 the act or omission was the result of the psychologist's gross
42 negligence or willful misconduct. In order for the immunity
43 under this subsection to apply, there must be a written
44 agreement between the psychologist and the clinic pursuant
45 to which the psychologist will provide voluntary
46 uncompensated psychological services under the control of
47 the clinic to patients of the clinic before the rendering of any
48 services by the psychologists at the clinic: *Provided*, That

49 any clinic entering into such written agreement is required to
50 maintain liability coverage of not less than one million
51 dollars per occurrence.

52 (c) Notwithstanding the provisions of subsection (b) of
53 this section, a clinic organized, in whole or in part, for the
54 delivery of health care services without charge is not relieved
55 from imputed liability for the negligent acts of a psychologist
56 rendering voluntary psychological services at or for the clinic
57 under a special volunteer psychological license authorized
58 under subsection (a) of this section.

59 (d) For purposes of this section, “otherwise eligible for
60 licensure” means the satisfaction of all the requirements for
61 licensure as listed in section seven of this article and in the
62 legislative rules promulgated thereunder, except the fee
63 requirements of subsection (d) of that section and of the
64 legislative rules promulgated by the board relating to fees.

65 (e) Nothing in this section may be construed as requiring
66 the board to issue a special volunteer psychologist license to
67 any psychologist whose license is or has been subject to any
68 disciplinary action or to any psychologist who has
69 surrendered a psychologist license or caused such license to
70 lapse, expire and become invalid in lieu of having a
71 complaint initiated or other action taken against his or her
72 license, or who has elected to place a psychologist license in
73 inactive status in lieu of having a complaint initiated or other
74 action taken against his or her license, or who has been
75 denied a psychologist license.

76 (f) Any policy or contract of liability insurance providing
77 coverage for liability sold, issued or delivered in this state to
78 any psychologist covered under the provisions of this article,
79 shall be read so as to contain a provision or endorsement

80 whereby the company issuing such policy waives or agrees
81 not to assert as a defense on behalf of the policyholder or any
82 beneficiary thereof, to any claim covered by the terms of
83 such policy within the policy limits, the immunity from
84 liability of the insured by reason of the care and treatment of
85 needy and indigent patients by a psychologist who holds a
86 special volunteer psychologist license.

**ARTICLE 28. WEST VIRGINIA OCCUPATIONAL
THERAPY PRACTICE ACT.**

**§30-28-8a. Special volunteer occupational therapist license;
civil immunity for voluntary services rendered to
indigents.**

1 (a) There is established a special volunteer occupational
2 therapist license for occupational therapists retired or retiring
3 from the active practice of occupational therapy who wish to
4 donate their expertise for the care and treatment of indigent
5 and needy patients in the clinic setting of clinics organized,
6 in whole or in part, for the delivery of health care services
7 without charge. The special volunteer occupational therapist
8 license shall be issued by the West Virginia board of
9 occupational therapy to occupational therapists licensed or
10 otherwise eligible for licensure under this article and the
11 legislative rules promulgated hereunder without the payment
12 of an application fee, license fee or renewal fee, and the
13 initial license shall be issued for the remainder of the
14 licensing period, and renewed consistent with the boards
15 other licensing requirements. The board shall develop
16 application forms for the special license provided in this
17 subsection which shall contain the occupational therapist's
18 acknowledgment that:

19 (1) The occupational therapist's practice under the special
20 volunteer occupational therapist license will be exclusively

21. devoted to providing occupational therapy care to needy and
22 indigent persons in West Virginia;

23 (2) The occupational therapist will not receive any
24 payment or compensation, either direct or indirect, or have
25 the expectation of any payment or compensation, for any
26 occupational therapy services rendered under the special
27 volunteer occupational therapist license;

28 (3) The occupational therapist will supply any supporting
29 documentation that the board may reasonably require; and

30 (4) The occupational therapist agrees to continue to
31 participate in continuing education as required by the board
32 for a special volunteer occupational therapists license.

33 (b) Any occupational therapist who renders any
34 occupational therapy service to indigent and needy patients
35 of a clinic organized, in whole or in part, for the delivery of
36 health care services without charge under a special volunteer
37 occupational therapist license authorized under subsection (a)
38 of this section without payment or compensation or the
39 expectation or promise of payment or compensation is
40 immune from liability for any civil action arising out of any
41 act or omission resulting from the rendering of the
42 occupational therapy service at the clinic unless the act or
43 omission was the result of the occupational therapist's gross
44 negligence or willful misconduct. In order for the immunity
45 under this subsection to apply, there must be a written
46 agreement between the occupational therapist and the clinic
47 pursuant to which the occupational therapist will provide
48 voluntary uncompensated occupational therapy services
49 under the control of the clinic to patients of the clinic before
50 the rendering of any services by the occupational therapist at
51 the clinic: *Provided*, That any clinic entering into such
52 written agreement is required to maintain liability coverage
53 of not less than one million dollars per occurrence.

54 (c) Notwithstanding the provisions of subsection (b) of
55 this section, a clinic organized, in whole or in part, for the
56 delivery of health care services without charge is not relieved
57 from imputed liability for the negligent acts of an
58 occupational therapist rendering voluntary occupational
59 therapy services at or for the clinic under a special volunteer
60 occupational therapist license authorized under subsection (a)
61 of this section.


62 (d) For purposes of this section, “otherwise eligible for
63 licensure” means the satisfaction of all the requirements for
64 licensure as listed in section eight of this article and in the
65 legislative rules promulgated thereunder, excepting the fee
66 requirements of subsection (a), section eleven of this article
67 and of the legislative rules promulgated by the board relating
68 to fees.

69 (e) Nothing in this section may be construed as requiring
70 the board to issue a special volunteer occupational therapist
71 license to any occupational therapist whose occupational
72 therapist license is or has been subject to any disciplinary
73 action or to any occupational therapist who has surrendered
74 an occupational therapist license or caused such license to
75 lapse, expire and become invalid in lieu of having a
76 complaint initiated or other action taken against his or her
77 occupational therapist license, or who has elected to place an
78 occupational therapist license in inactive status in lieu of
79 having a complaint initiated or other action taken against his
80 or her occupational therapist license, or who has been denied
81 an occupational therapist license.


82 (f) Any policy or contract of liability insurance providing
83 coverage for liability sold, issued or delivered in this state to
84 any occupational therapist covered under the provisions of
85 this article shall be read so as to contain a provision or
86 endorsement whereby the company issuing such policy
87 waives or agrees not to assert as a defense on behalf of the

88 policyholder or any beneficiary thereof, to any claim covered
89 by the terms of such policy within the policy limits, the
90 immunity from liability of the insured by reason of the care
91 and treatment of needy and indigent patients by an
92 occupational therapist who holds a special volunteer
93 occupational therapist license.

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



Chairman Senate Committee



Chairman House Committee

Originating in the House.

In effect from passage.



Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within is approved this the 31st
day of May, 2008.



Governor

PRESENTED TO THE
GOVERNOR

MAR 25 2008

Time 10:20am