

# **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.