

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **Senate Bill 134**

By Senator Rucker

[Introduced January 14, 2026; referred

to the Committee on Government Organization]

1 A BILL to amend and reenact §30-20-2, §30-20-3, §30-20-4, §30-20-7, §30-20-8a, §30-20-13, and  
2 §30-20A-2 of the Code of West Virginia, 1931, as amended, relating to changing name of  
3 West Virginia Board of Physical Therapy to West Virginia Board of Physical Therapy and  
4 Athletic Training.

*Be it enacted by the Legislature of West Virginia:*

## **ARTICLE 20. PHYSICAL THERAPISTS.**

### **§30-20-2. Applicable law.**

1 The practices licensed under the provisions of this article and the Board of Physical  
2 Therapy and Athletic Training are subject to §30-1-1 *et seq.* of this chapter code, the provisions of  
3 this article, and any rules promulgated hereunder.

### **§30-20-3.**

#### **Definitions.**

1 As used in this article:

2 (1) "Applicant" means any person making application for an original or renewal license or a  
3 temporary permit under the provisions of this article.

4 (2) "Board" means the West Virginia Board of Physical Therapy and Athletic Training.

5 (3) "Business entity" means any firm, partnership, association, company, corporation,  
6 limited partnership, limited liability company or other entity providing physical therapy services.

7 (4) "Consultation" means a physical therapist renders an opinion or advice to another  
8 physical therapist or health care provider through telecommunications.

9 (5) "Direct supervision" means the actual physical presence of the physical therapist in the  
10 immediate treatment area where the treatment is being rendered.

11 (6) "General supervision" means the physical therapist must be available at least by  
12 telecommunications.

13 (7) "License" means a physical therapist license or license to act as a physical therapist  
14 assistant issued under the provisions of this article.

15 (8) "Licensee" means a person holding a license under the provisions of this article.

16       (9) "On-site supervision" means the supervising physical therapist is continuously on-site  
17 and present in the building where services are provided, is immediately available to the person  
18 being supervised, and maintains continued involvement in appropriate aspects of each treatment  
19 session.

20       (10) "Permit" or "temporary permit" means a temporary permit issued under the provisions  
21 of this article.

22       (11) "Permittee" means any person holding a temporary permit issued pursuant to the  
23 provisions of this article.

24       (12) "Physical therapy aide" means a person trained under the direction of a physical  
25 therapist who performs designated and routine tasks related to physical therapy services under  
26 the direction supervision of a physical therapist.

27       (13) "Physical therapist" means a person engaging in the practice of physical therapy who  
28 holds a license or permit issued under the provisions of this article.

29       (14) "Physical therapist assistant" means a person holding a license or permit issued under  
30 the provisions of this article who assists in the practice of physical therapy by performing patient  
31 related activities delegated to him or her by a physical therapist and performs under the  
32 supervision of a physical therapist and which patient related activities commensurate with his or  
33 her education and training, including physical therapy procedures, but not the performance of  
34 evaluative procedures or determination and modification of the patient plan of care.

35       (15) "Practice of physical therapy" or "physiotherapy" means the care and services as  
36 described in section nine of this article.

37       (16) "Telecommunication" means audio, video, or data communication.

**§30-20-4. West Virginia Board of Physical Therapy and Athletic Training.**

1       (a) The West Virginia Board of Physical Therapy is continued as the West Virginia Board  
2 of Physical Therapy and Athletic Training. All references in this code to "The West Virginia Board

3       of Physical Therapy" shall be construed as references to the West Virginia Board of Physical  
4       Therapy and Athletic Training.

5               (b) The board shall consist of the following members:  
6                   (1) Five physical therapists;  
7                   (2) One physical therapist assistant;  
8                   (3) One person who is a certified athletic trainer; and  
9                   (4) One citizen member, who is not licensed under the provisions of this article and who  
10          does not perform any services related to the practice of the professions regulated under the  
11          provisions of this article or have a financial interest in any health care profession, for a term of  
12          three years.

13               (c) After the initial appointment term, the term shall be for five years. Appointments to the  
14          board shall be made by the Governor by and with the advice and consent of the Senate.

15               (d) A licensed member of the board, at the time of his or her appointment, shall have held a  
16          license in this state for a period of not less than five years immediately preceding the appointment.

17               (e) A member of the board shall be a resident of this state during the appointment term.

18               (f) A member may not serve more than two consecutive full terms. A member may continue  
19          to serve until a successor has been appointed and has qualified.

20               (g) A vacancy on the board shall be filled by appointment by the Governor for the unexpired  
21          term of the member whose office is vacant and the appointment shall be made within 60 days of  
22          the vacancy.

23               (h) The Governor may remove a member from the board for neglect of duty, incompetency,  
24          or official misconduct.

25               (i) A licensed member of the board immediately and automatically forfeits membership to  
26          the board if his or her license to practice is suspended or revoked.

27 (j) A member of the board immediately and automatically forfeits membership to the board  
28 if he or she is convicted of a felony under the laws of any jurisdiction or becomes a nonresident of  
29 this state.

30 (k) The board shall elect annually one of its members as chairperson who serves at the will  
31 of the board.

32 (I) In the event of a tie vote on any matter properly brought before the board, the  
33 chairperson shall cast one additional vote to break the tie. If the chairperson is recused or absent,  
34 the longest-serving board member who is present and not recused shall cast one additional vote.

35 (m) A member of the board is entitled to compensation and expense reimbursement in  
36 accordance with §30-1-1 *et seq.* of this code.

37 (n) A majority of the members of the board constitutes a quorum.

38 (o) The board shall hold at least two annual meetings. Other meetings may be held at the  
39 call of the chairperson or upon the written request of two members, at the time and place as  
40 designated in the call or request.

41 (p) Prior to commencing his or her duties as a member of the board, a member shall take  
42 and subscribe to the oath required by section five, article four of the Constitution of this state.

## **§30-20-7. Fees; special revenue account; administrative fines.**

8 (b) Any amounts received as fines pursuant to this article shall be deposited into the

9 General Revenue Fund of the State Treasury.

**§30-20-8a. West Virginia Board of Physical Therapy and Athletic Training criminal history record checks.**

1 (a) The West Virginia Board of Physical Therapy and Athletic Training is authorized to  
2 require state and national criminal history record checks for the purpose of issuing licenses. The  
3 West Virginia Board of Physical Therapy and Athletic Training shall require an applicant, including  
4 physical therapists and physical therapy assistants, as a condition of eligibility for initial license to  
5 submit to a state and national criminal history record check as set forth in this section.

6 (b) The applicant shall meet all requirements necessary to accomplish the state and  
7 national criminal history record check, including:

8 (1) Submitting fingerprints for the purposes set forth in this subsection; and  
9 (2) Authorizing the board, the West Virginia State Police, and the Federal Bureau of  
10 Investigation to use all records submitted and produced for the purpose of screening the applicant  
11 for a license.

12 (c) The results of the state and national criminal history record check may not be released  
13 to or by a private entity except:

14 (1) To the individual who is the subject of the criminal history record check;  
15 (2) With the written authorization of the individual who is the subject of the criminal history  
16 record check; or  
17 (3) Pursuant to a court order.

18 (d) The criminal history record check and related records are not public records for the  
19 purposes of §29B-1-1 *et seq.* of this code.

20 (e) The applicant shall ensure that the criminal history record check is completed as soon  
21 as possible after the date of the original application for registration.

22 (f) The applicant shall pay the actual costs of the fingerprinting and criminal history record  
23 check.

24 (g) The board may not disqualify an applicant for initial licensure because of a prior criminal  
25 conviction that has not been reversed unless that conviction is for a crime that bears a rational  
26 nexus to the occupation requiring licensure.

27 (h) The board may not use crimes involving moral turpitude in making licensure  
28 determinations.

29 (i) If an applicant is disqualified for licensure because of a criminal conviction that has not  
30 been reversed, the board shall afford the applicant the opportunity to reapply for licensure after the  
31 expiration of five years from the date of conviction or date of release from the penalty that was  
32 imposed, whichever is later, if the individual has not been convicted of any other crime during that  
33 period of time: *Provided*, That convictions for violent or sexual offenses or offenses shall subject  
34 an individual to a longer period of disqualification, to be determined by the board.

35 (j) An individual with a criminal record who has not previously applied for licensure,  
36 certification, or registration may petition the board at any time for a determination of whether the  
37 individual's criminal record will disqualify the individual from obtaining a license or other  
38 authorization to practice. This petition shall include sufficient details about the individual's criminal  
39 record to enable the board to identify the jurisdiction where the conviction occurred, the date of the  
40 conviction, and the specific nature of the conviction. The board shall inform the individual of his or  
41 her standing within 60 days of receiving the petition from the applicant. The board may charge a  
42 fee established by rule to recoup its costs for each petition.

43 (k) The board shall propose rules or amendments to existing rules for legislative approval  
44 to comply with the provisions of this section. These rules or amendments to rules shall be  
45 proposed pursuant to the provisions of §29A-3-1 *et seq.* of this code within the applicable time limit  
46 to be considered by the Legislature during its regular session in the year 2020.

**§30-20-13. 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 physical therapists or physical  
2 therapist assistants, as the case may be, retired or retiring from active practice who wish to donate  
3 their expertise for the care and treatment of indigent and needy patients in the clinical setting of  
4 clinics organized, in whole or in part, for the delivery of health care services without charge. The  
5 special volunteer license provided by this section shall be issued by the West Virginia Board of  
6 Physical Therapy and Athletic Training to physical therapists or physical therapist assistants  
7 licensed or otherwise eligible for licensure under this article and the legislative rules promulgated  
8 hereunder without the payment of an application fee, license fee or renewal fee, and the initial  
9 license shall be issued for the remainder of the licensing period, and renewed consistent with the  
10 boards other licensing requirements. The board shall develop application forms for the special  
11 volunteer license provided in this section which shall contain the applicant's acknowledgment that:

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

14           (2) The applicant may not receive any payment or compensation, either direct or indirect,  
15 or have the expectation of any payment or compensation but may donate to the clinic the proceeds  
16 of any reimbursement for any physical therapy services rendered under the special volunteer  
17 license;

18           (3) The applicant shall supply any supporting documentation that the board may  
19 reasonably require; and

20           (4) The applicant shall continue to participate in continuing education as required by the  
21 board for special volunteer physical therapists or physical therapist assistants license, as the case  
22 may be.

23           (b) Any person engaged in the active practice of physical therapy in this state whose  
24 license is in good standing may donate their expertise for the care and treatment of indigent and

25 needy patients pursuant to an arrangement with a clinic organized, in whole or in part, for the  
26 delivery of health care services without charge to the patient. Services rendered pursuant to an  
27 arrangement may be performed in either the physical therapist's office or the clinical setting.

28 (c) Any physical therapist or physical therapist assistant who renders any physical therapy  
29 service to indigent and needy patients of a clinic organized, in whole or in part, for the delivery of  
30 health care services without charge under a special volunteer license authorized under subsection  
31 (a) of this section or pursuant to an arrangement with a clinic as authorized pursuant to subsection  
32 (b) of this section without payment or compensation or the expectation or promise of payment or  
33 compensation is immune from liability for any civil action arising out of any act or omission  
34 resulting from the rendering of the physical therapy service at the clinic unless the act or omission  
35 was the result of gross negligence or willful misconduct on the part of the physical therapist or  
36 physical therapist assistant. In order for the immunity under this subsection to apply, there must be  
37 a written agreement between the physical therapist or physical therapist assistant and the clinic  
38 stating that the physical therapist or physical therapist assistant will provide voluntary  
39 uncompensated physical therapy services under the control of the clinic to patients of the clinic  
40 before the rendering of any services by the physical therapist or physical therapist assistant at the  
41 clinic: *Provided*, That any clinic entering into such written agreement is required to maintain liability  
42 coverage of not less than \$1 million per occurrence.

43 (d) Notwithstanding the provisions of subsection (b) of this section, a clinic organized, in  
44 whole or in part, for the delivery of health care services without charge is not relieved from imputed  
45 liability for the negligent acts of a physical therapist or physical therapist assistant rendering  
46 voluntary physical therapy services at or for the clinic under a special volunteer license authorized  
47 under this section or who renders such care and treatment pursuant to an arrangement with a  
48 clinic as authorized pursuant to subsection (b) of this section.

49 (e) For purposes of this section, "otherwise eligible for licensure" means the satisfaction of  
50 all the requirements for licensure for a physical therapist or physical therapist assistant, as the  
51 case may be, except the fee requirements.

52 (f) Nothing in this section may be construed as requiring the board to issue a special  
53 volunteer license to any physical therapist or physical therapist assistant whose license is or has  
54 been subject to any disciplinary action or to any physical therapist or physical therapist assistant  
55 who has surrendered a license or caused a license to lapse, expire and become invalid in lieu of  
56 having a complaint initiated or other action taken against his or her license, or who has elected to  
57 place a license in inactive status in lieu of having a complaint initiated or other action taken against  
58 his or her license or who has been denied a license.

59 (g) Any policy or contract of liability insurance providing coverage for liability sold, issued or  
60 delivered in this state to any physical therapist or physical therapist assistant covered under the  
61 provisions of this article shall be read so as to contain a provision or endorsement whereby the  
62 company issuing such policy waives or agrees not to assert as a defense on behalf of the policy  
63 holder or any beneficiary thereof the policy, to any claim covered by the terms of the policy within  
64 the policy limits, the immunity from liability of the insured by reason of the care and treatment of  
65 needy and indigent patients by a physical therapist or physical therapist assistant who holds a  
66 special volunteer license or who renders such care and treatment pursuant to an arrangement with  
67 a clinic as authorized pursuant to subsection (b) of this section.

## **ARTICLE 20A. ATHLETIC TRAINERS.**

### **§30-20A-2. Applicable law.**

1        The practices licensed under the provisions of this article and the Board of Physical  
2        Therapy and Athletic Training are subject to §30-1-1 *et seq.* and §30-20A-1 *et seq.* of this code  
3        and any rules promulgated hereunder.

4 (a)The board has all the powers and duties set forth in this article, by rule, §30-1-1 *et seq.*  
5 of this code, and elsewhere in law.

6 (b)The board shall:

7 (1) Hold meetings, conduct hearings, and administer examinations;

8 (2) Establish requirements for licenses and permits;

9 (3) Establish procedures for submitting, approving, and rejecting applications for licenses

10 and permits;

11 (4) Determine the qualifications of any applicant for licenses and permits;

12 (5) Prepare, conduct, administer, and grade examinations for licenses;

13 (6) Determine the passing grade for the examinations;

14 (7) Maintain records of the examinations the board or a third party administers, including

15 the number of persons taking the examination and the pass and fail rate;

16 (8) Hire, discharge, establish the job requirements, and fix the compensation of the

17 executive secretary;

18 (9) Maintain an office, and hire, discharge, establish the job requirements, and fix the

19 compensation of employees, investigators, and contracted employees necessary to enforce the

20 provisions of this article;

21 (10) Investigate alleged violations of the provisions of this article, legislative rules, orders,

22 and final decisions of the board;

23 (11) Conduct disciplinary hearings of persons regulated by the board;

24 (12) Determine disciplinary action and issue orders;

25 (13) Institute appropriate legal action for the enforcement of the provisions of this article;

26 (14) Maintain an accurate registry of names and addresses of all persons regulated by the

27 board;

28 (15) Keep accurate and complete records of its proceedings, and certify the same as may

29 be necessary and appropriate;

30 (16) Establish the continuing education requirements for licenses;

31 (17) Issue, renew, combine, deny, suspend, restrict, revoke, or reinstate licenses and  
32 permits;

33 (18) Establish a fee schedule;

34 (19) Take all other actions necessary and proper to effectuate the purposes of this article;

35 (20) Propose rules for legislative approval, in accordance with the provisions of §29A-3-1

36 *et seq.* of this code to implement provisions of this article, including:

37 (A) Establish standards and requirements for licenses and permits;

38 (B) Establish procedures for examinations and re-examinations;

39 (C) Establish requirements for third parties to prepare and administer examinations and re-

40 examinations;

41 (D) Establish educational and experience requirements;

42 (E) Establish the passing grade on examinations;

43 (F) Establish standards for approval of courses and curriculum;

44 (G) Establish procedures for the issuance and renewal of licenses and permits;

45 (H) Establish a fee schedule;

46 (I) Establish continuing education requirements for licenses;

47 (J) Establish the procedures for denying, suspending, restricting, revoking, reinstating, or  
48 limiting the practice of licensees and permittees;

49 (K) Adopt a standard for ethics;

50 (L) Establish requirements for inactive or revoked licenses or permits;

51 (M) Any other rules necessary to effectuate the provisions of this article; and

52 (N) All of the board's rules in effect January 1, 2020, shall remain in effect until they are

53 amended or repealed, and references to provisions of former enactments of this section are  
54 interpreted to mean provisions of this article;

55 (21) All fees and other moneys, except administrative fines, received by the board shall be  
56 deposited in a separate special revenue fund in the State Treasury designated the West Virginia

57 Board of Physical Therapy and Athletic Training Fund which is continued. The fund is used by the  
58 board for the administration of this article. Except as may be provided in §30-1-1 *et seq.* of this  
59 code, the board retains the amount in the special revenue account from year to year. No  
60 compensation or expense incurred under this article is a charge against the General Revenue  
61 Fund;

62 (22) Any amounts received as fines pursuant to this article shall be deposited into the  
63 General Revenue Fund of the State Treasury.

64 (c) The board may:

65 (1) Contract with third parties to administer examinations required under the provisions of  
66 this article;

67 (2) Sue and be sued in its official name as an agency of this state; and

68 (3) Confer with the Attorney General or his or her assistant in connection with legal matters  
69 and questions.

NOTE: The purpose of this bill is to change the name of the West Virginia Board of Physical Therapy to the "West Virginia Board of Physical Therapy and Athletic Training".

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