

# Senate Bill No. 414

(By Senators Kessler (Mr. President) and Hall,  
By Request of the Executive)

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[Introduced January 25, 2012; referred to  
the Committee on Health and Human Resources; and then to  
the Committee on the Judiciary.]

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A BILL to amend and reenact §29-29-3 of the Code of West Virginia, 1931, as amended, relating to medical service professionals under the Volunteer for Nonprofit Youth Organizations Act.

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

That §29-29-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 29. VOLUNTEER FOR NONPROFIT YOUTH ORGANIZATIONS ACT.**

**§29-29-3. Definitions.**

1 As used in this article:

2 (a) “Applicant” means any emergency medical service  
3 applicant, law-enforcement applicant or medical services  
4 applicant, that is registered as a volunteer of the nonprofit  
5 organization, making application for a nonprofit volunteer  
6 permit under the provisions of this article.

7 (b) “Appropriate licensing agency” means the board,  
8 department, division or other agency in each jurisdiction  
9 charged with the licensing, certification or permitting of  
10 persons performing services of the nature and kind described  
11 or duties provided for in this article.

12 (c) “Emergency medical service applicant” means a  
13 person authorized to provide emergency medical services in  
14 West Virginia, or in another state who but for this article  
15 would be required to obtain a certification from the Commis-  
16 sioner of the Bureau for Public Health pursuant to article  
17 eight, chapter sixteen of this code to perform emergency  
18 medical services in this state.

19 (d) “Law-enforcement applicant” means a person  
20 authorized to work as a law-enforcement officer in West  
21 Virginia, or in another state who but for this article would be  
22 required to obtain authorization pursuant to article twenty-  
23 nine, chapter thirty of this code to work as a law-enforce-

24 ment officer in this state: *Provided*, That any person autho-  
25 rized to work as a law-enforcement officer in another state  
26 shall have completed a training program approved by the  
27 governing authority of a political subdivision in order to  
28 work as a law-enforcement officer in that state.

29 (e) “Medical services applicant” means a person autho-  
30 rized to provide medical services in West Virginia, or in  
31 another state who but for this article would be required to  
32 obtain authorization to practice in this state, and who is a:

33 (1) Practitioner of medicine, ~~or surgery~~ or podiatry as  
34 defined in article three, chapter thirty of this code;

35 (2) Physician assistant as defined in section three, article  
36 three, chapter thirty of this code;

37 (3) Chiropractor as defined in section three, article  
38 sixteen, chapter thirty of this code;

39 ~~(3)~~ (4) Dentist or dental assistant as defined in article  
40 four, chapter thirty of this code;

41 ~~(4)~~ (5) Nurse as defined in article seven or seven-a,  
42 chapter thirty of this code;

43 (6) Nurse practitioner as defined in section one, article  
44 four-b, chapter nine of this code;

45       (7) Occupational therapist as defined in section three,  
46 article twenty-eight, chapter thirty of this code;

47       (8) Practitioner of optometry as defined in section three,  
48 article eight, chapter thirty of this code;

49       ~~(5)~~ (9) Osteopathic physician or surgeon as defined in  
50 article fourteen, chapter thirty of this code;

51       ~~(6)~~ (10) Osteopathic physician assistant as defined in  
52 article fourteen-a, chapter thirty of this code; and

53       (11) Pharmacist as defined in section one-b, article five,  
54 chapter thirty of this code;

55       ~~(7)~~ (12) Physical therapist as defined in article twenty,  
56 chapter thirty of this code;

57       (13) Professional counselor as defined in section three,  
58 article thirty-one, chapter thirty of this code;

59       (14) Practitioner of psychology or school psychologist as  
60 defined in section two, article twenty-one, chapter thirty of  
61 this code;

62       (15) Radiologic technologist, nuclear medicine technolo-  
63 gist or practitioner of medical imaging and radiation therapy  
64 technology as defined in section four, article twenty-three,  
65 chapter thirty of this code; and

66       (16) Social worker licensed by the State Board of Social  
67 Work Examiners pursuant to article thirty, chapter thirty of  
68 this code.

69       (f) “Nonprofit volunteer permit” or “permit” means a  
70 permit issued to an applicant pursuant to the provisions of  
71 this article.

72       (g) “Nonprofit volunteer permittee” or “permittee”  
73 means a person holding a nonprofit volunteer permit issued  
74 under the provisions of this article.

75       (h) “Nonprofit youth organization” or “organization”  
76 means any nonprofit organization, including any subsidiary,  
77 affiliated or other related entity within its corporate or  
78 business structure, that has been chartered by the United  
79 States Congress to help train young people to do things for  
80 themselves and others, and that has established an area of at  
81 least six thousand contiguous acres within West Virginia in  
82 which to provide adventure or recreational activities for  
83 these young people and others.

84       (i) “Nonprofit volunteer organization medical director”  
85 means an individual licensed in West Virginia as a practitio-  
86 ner of medicine or surgery pursuant to article three, chapter  
87 thirty of this code, or an individual licensed in West Virginia

88 as an osteopathic physician or surgeon pursuant to article  
89 fourteen, chapter thirty of this code, that has been desig-  
90 nated by the nonprofit volunteer organization to serve as the  
91 medical director for an event or program offered by the  
92 organization.

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(NOTE: The purpose of this bill is to include various additional professions under the definition of “medical services applicant” under the Volunteer for Nonprofit Youth Organizations Act.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates language that would be added.)