

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 2359

BY DELEGATE ARVON

[Passed April 8, 2017; in effect ninety days from passage.]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §30-3-18; to amend and reenact §30-14-12 of said code; and to amend said
3 code by adding thereto a new section, designated §30-14-16, all relating generally to the
4 West Virginia Medical Practice Act; authorizing the West Virginia Board of Medicine and
5 the West Virginia Board of Osteopathic Medicine to share staff for functions common to
6 both boards; providing offenses and penalties for practicing osteopathic medicine without
7 a license; and creating a felony crime of practicing or attempting to practice osteopathic
8 medicine without a license or permit and providing criminal penalties.

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 §30-3-18; that §30-14-12 be amended and reenacted; and that said code be
3 amended by adding thereto a new section, designated §30-14-16, all to read as follows:

ARTICLE 3. WEST VIRGINIA MEDICAL PRACTICE ACT.

§30-3-18. Combining staff functions with West Virginia Board of Osteopathic Medicine.

1 The West Virginia Board of Medicine may employ investigators, attorneys, clerks and
2 administrative staff in collaboration with the West Virginia Board of Osteopathic Medicine to share
3 duties and functions between the two boards when it may be efficient and practical for the
4 functioning of the boards. Any sharing of staff or staff resources shall be documented and
5 performed pursuant to the provisions of section nineteen, article one of this chapter.

ARTICLE 14. OSTEOPATHIC PHYSICIANS AND SURGEONS.

§30-14-12. Offenses; penalties.

1 (a) Each of the following acts constitutes a misdemeanor, punishable upon conviction by
2 a fine of not less than \$1,000 nor more than \$10,000:

3 (1) The obtaining of or an attempt to obtain a license or permit to practice in the profession
4 for money or any other thing of value, by fraudulent misrepresentation;

5 (2) The making of any willfully false oath or affirmation whenever an oath or affirmation is
6 required by this article; and

7 (3) Advertising, practicing or attempting to practice under a name other than one's own.

8 (b) Any person who practices or attempts to practice osteopathic medicine without a
9 license or permit is guilty of a felony and, upon conviction, shall be fined not more than \$10,000,
10 or imprisoned in a correctional facility for not less than one year nor more than five years, or both
11 fined and imprisoned.

§30-14-16. Combining staff functions with West Virginia Board of Medicine.

1 The West Virginia Board of Osteopathic Medicine may employ investigators, attorneys,
2 clerks and administrative staff in collaboration with the West Virginia Board of Medicine to share
3 duties and functions between the two boards when it may be efficient and practical for the
4 functioning of the boards. Any sharing of staff or staff resources shall be documented and
5 performed pursuant to the provisions of section nineteen, article one of this chapter.

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

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

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day of, 2017.

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Governor