WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Committee Substitute

for

House Bill 2359

BY DELEGATE ARVON

[Introduced February 13, 2017; Referred to the

Committee on Health and Human Resources then the

Judiciary.]

1   A BILL to amend and reenact §30-14-12 of the Code of West Virginia, 1931, as amended, relating

2   to offenses and penalties for practicing osteopathic medicine without a license; and

3   creating a felony crime of practicing or attempting to practice osteopathic medicine without

4   a license or permit and providing criminal penalties.

Be it enacted by the Legislature of West Virginia:

1   That §30-14-12 of the Code of West Virginia 1931, as amended, be amended and

2   reenacted to read as follows:

ARTICLE 14. OSTEOPATHIC PHYSICIANS AND SURGEONS.

§30-14-12. Offenses; penalties.

1   (a) Each of the following acts shall constitute a misdemeanor, punishable upon conviction

2   by a fine of not less than one thousand nor more than $10,000:

3   ~~(a) The practice or attempting to practice as an osteopathic physician and surgeon without~~

4   ~~a license or permit;~~

5   ~~(b)~~ (1) The obtaining of or an attempt to obtain a license or permit to practice in the

6   profession for money or any other thing of value, by fraudulent misrepresentation;

7   ~~(c)~~ (2) The making of any willfully false oath or affirmation whenever an oath or affirmation

8   is required by this article; and

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

10   (b) Any person who practices or attempts to practice osteopathic medicine without a

11   license or permit is guilty of a felony and, upon conviction, shall be fined not more than $10,000,

12   or imprisoned in a correctional facility for not less than one year nor more than five years, or both

13   fined and imprisoned.

NOTE: The purpose of this bill is to align the criminal penalties of practicing osteopathic medicine with those of practicing allopathic medicine.

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