

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

### **House Bill 3455**

By Delegates Kimble and Jeffries

[Introduced February 14, 2023; Referred to the  
Committee on Health and Human Resources]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
 2 designated §16-66-1 and §16-66-2, all relating to creating a patient's right to refuse  
 3 medical treatment from a resident or student when a licensed physician is available and to  
 4 require medical professionals to obtain consent for a resident to treat a patient in advance  
 5 of the appointment or procedure.

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

**ARTICLE 66. PATIENT'S RIGHT TO CHOOSE PHYSICIAN.**

**§16-66-1. Legislative findings.**

1 The Legislature finds that the mental and physical wellbeing of patients in routine  
 2 healthcare examinations or procedures is improved by the ability for the patient to trust the level of  
 3 care he or she is receiving. A patient's level of comfort can be a determining factor in the  
 4 effectiveness of treatment. The Legislature finds that there are circumstances under which a  
 5 patient may need a specific doctor-patient relationship in place for the mental wellbeing of the  
 6 patient.

**§16-66-2. Declining treatment from residents.**

1 (a) In non-emergency situations, a patient may decline treatment, diagnostic procedures,  
 2 or routine examinations from a resident and a licensed physician must be provided for patient.

3 (b) The patient shall be asked in advance of the appointment or procedure if he or she  
 4 consents to receiving medical care from a resident and if the patient consents to the presence of a  
 5 resident observing the procedure. If the patient declines to be treated by a resident, then the  
 6 procedure or appointment must be conducted when a licensed physician can treat the patient.

7 (c) This in no way limits the residents from treating patients in emergency or other urgent  
 8 medical situations from treating a patient.

NOTE: The purpose of this bill is to require medical professionals to obtain consent for a resident to treat a patient in advance of the appointment or procedure.

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