

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 4743

By Delegate Kimble

[Introduced January 22, 2024; 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 §16-67-1 and §16-67-2, 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 67. PATIENT'S RIGHT TO CHOOSE PHYSICIAN.

§16-67-1. 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.

§16-67-2. 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.