

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5149

By Delegates E. Pritt, Kump, and Young

[Introduced January 25, 2024; Referred to the
Committee on Health and Human Resources then the
Judiciary]

1 A BILL to amend and reenact §30-3-7 of the Code of West Virginia, 1931, as amended, relating to
 2 requiring persons or entities rendering medical services to patients who were under the
 3 age of 18 years at the time of the services to notify these patients after they reach 18years
 4 of age to contact the providers of any adverse or negative effects experienced from the
 5 services.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. WEST VIRGINIA MEDICAL PRACTICE ACT.

§30-3-7. Powers and duties of West Virginia Board of Medicine.

1 (a) The board is autonomous and, in accordance with this article, shall determine
 2 qualifications of applicants for licenses to practice medicine and surgery, to practice podiatry, and
 3 to practice as a physician assistant for a physician licensed under this article, and shall issue
 4 licenses to qualified applicants and shall regulate the professional conduct and discipline of such
 5 individuals. In carrying out its functions, the board may:

6 (1) Adopt such rules as are necessary to carry out the purposes of this article;

7 (2) Hold hearings and conduct investigations, subpoena witnesses and documents and
 8 administer oaths;

9 (3) Institute proceedings in the courts of this state to enforce its subpoenas for the
 10 production of witnesses and documents and its orders and to restrain and enjoin violations of this
 11 article and of any rules promulgated under it;

12 (4) Employ investigators, attorneys, hearing examiners, consultants and such other
 13 employees as may be necessary, who shall be exempt from the classified service of the Division of
 14 Personnel and who shall serve at the will and pleasure of the board. In addition, all personnel
 15 employed through the Department of Health and Human Resources on June 30, 2009, to provide
 16 services for the board are hereby transferred to the board effective July 1, 2009. However, the
 17 employment, salary, benefits or position classification of any person transferred under this section
 18 may not be reduced or diminished by reason of this section. All persons transferred shall retain

19 their coverage under the classified service of the Division of Personnel and all matters relating to
20 job classification, job tenure and conditions of employment shall remain in force and effect from
21 and after the date of this section, to the same extent as if this section had not been reenacted.
22 Also, nothing herein shall prohibit the disciplining or dismissal of any employee for cause.

23 (5) Enter into contracts and receive and disburse funds according to law;

24 (6) Establish and certify standards for the supervision and certification of physician
25 assistants;

26 (7) Authorize medical and podiatry corporations in accordance with the limitations of
27 section fifteen of this article to practice medicine and surgery or podiatry through duly licensed
28 physicians or podiatrists; and

29 (8) Perform such other duties as are set forth in this article or otherwise provided for in this
30 code.

31 (b) The board shall submit an annual report of its activities to the Legislature. The report
32 shall include a statistical analysis of complaints received, charges investigated, charges
33 dismissed after investigation, the grounds for each such dismissal and disciplinary proceedings
34 and disposition.

35 (c) The board shall promulgate and adopt rules that, in cooperation with hospitals and
36 health care facilities subject to §16-5B-1 et seq. of this code, require notices be sent to all current
37 or former patients, who were under the age of 18 years when undergoing a medical or surgical
38 procedure, and advising these persons that if, after reaching the age 18 years, they experience
39 any negative or adverse effects from the medical or surgical procedure, they should notify the
40 provider of the issue.

NOTE: The purpose of this bill is to requires persons or entities rendering medical services to patients who were under the age of 18 years at the time of the services to notify these patients after they reach 18years of age to contact the providers of any adverse or negative effects experienced from the services.

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