

Obsolete
7/15/74

August 20, 1971

The Honorable John D. Rockefeller, IV
Secretary of State
State Capitol
Charleston, West Virginia 25305

Dear Sir:

Enclosed are two copies of "Regulations for Physician's Assistants", designated Series IV, Section 8 of the West Virginia Administrative Regulations.

I hereby certify that the attached regulations are true and accurate copies of official regulations adopted by this Department on July 12, 1971.

Sincerely,

N. H. Dyer, M. D., M. P. H.
State Director of Health

NHD:jc

Enclosure

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 8/23/71

THIS DATE 8/23/71

Sec. 8.01

Adm. Reg. 16-1
Series IV

Section 8. Regulations for Physician's Assistants

8.01. Definitions.--

- (a) As per the Medical Practice Act, Chapter 30, Article 3, Section 2 of the West Virginia Code, "The term 'practice medicine and surgery,' as used in this article, shall be construed to mean the treatment of any human ailment or infirmity by any method. To open an office for such purpose or to announce to the public in any way a readiness to treat the sick or afflicted shall be deemed to engage in the practice of medicine and surgery within the meaning of this article; provided, that the provisions of this article, with the exceptions of sections eight and ten, shall not apply to dentists, dental hygienists, nurses, optometrists, podiatrists, osteopathic physicians and surgeons, midwives, or chiropractors, regularly licensed or registered as such under the provisions of this chapter applicable to such professions and occupations, in the practice of their respective professions and occupations; nor to assistants to physicians or podiatrists; nor to physicians or surgeons living in other states and duly qualified to practice medicine therein who shall be called in consultation into this state by a physician or surgeon legally entitled to practice medicine and surgery in this state; nor to commissioned officers of the United States army, navy or marine hospital service when in the actual discharge of

their duties as such; nor to the practice of the religious tenets of any church in the administration to the sick or suffering by mental or spiritual means, whether gratuitously or for compensation: provided, however, that sanitary and public health laws shall be complied with; provided further, that no practices shall be used which may be dangerous or detrimental to life or health and that no person shall be denied the benefits of accepted medical and surgical practices.

- (b) "The 'physician's assistant' is a skilled person qualified by academic and practical training to provide patient services under supervision and direction of a licensed physician who is responsible for the performance of that assistant."
- (c) The term "Board" as hereinafter used refers to the Medical Licensing Board of West Virginia.
- (d) The term "Secretary" as hereinafter used refers to the Secretary of the Medical Licensing Board of West Virginia.
- (e) The regulations as promulgated are not intended to cover or in any way prejudice the activities of assistants not engaged in direct patient contact or the performance of assistants with tasks well-defined by statute or recognized custom of medical practice.
- (f) The term "applicant" as used herein refers to the assistant upon whose behalf an application is submitted.

8.02. Application for Certification.--

- (a) Application for certification of an assistant must be made by a physician or podiatrist licensed to practice in West Virginia stating qualifications and duties to be performed and in accordance with Section 8.07.
- (b) Applications submitted to the Board must be complete in every detail with supporting documents as deemed necessary. A fee of \$50.00 must accompany the application. Certification must be renewed annually at a fee of \$5.00.
- (c) If for any reason an assistant discontinues working at the direction and under the supervision of the physician or podiatrist who submitted the application under which the assistant is certified, such assistant and the physician or podiatrist shall so inform the Board and his certificate shall terminate until such time as a new application is submitted by the same or another physician or podiatrist and is certified by the Board.
- (d) The minimum age of all applicants must be twenty-one years.
- (e) Partnerships, corporations, or associations consisting of physicians, and organized in accordance with West Virginia law, in addition to physicians in solo practice, may employ assistants.

- (f) The secretary of the Board may issue temporary certification when credentials permit until the next regular meeting of the Board.

8.03. Requirements for Certification.--

- (a) Before being certified by the Board to perform as an assistant to a physician or podiatrist, an applicant shall be of good moral character and have satisfied the requirements of Section 8.04 hereof.
- (b) Initial certification may be denied for any of the reasons set forth in Section 8.04 (a) hereof as grounds for termination of certification, as well as for failure to satisfy the Board of the qualifications cited in Part (a) of Section 8.03.
- (c) Whenever the Board determines that an applicant has failed to satisfy the Board that he should be certified, the Board shall immediately notify such applicant of its decision and indicate in what respect the applicant has so failed to satisfy the Board. Such applicant shall be given a formal hearing before the Board upon request of such applicant filed with or mailed by registered mail to the Secretary of the Board at Charleston, West Virginia, within ten days after receipt of the Board's decision, stating the reasons for such request. The Board shall within 20 days of receipt of such request

notify such applicant of the time and place of a public hearing, which shall be held within a reasonable time. The burden of satisfying the Board of his qualifications for certification shall be upon the applicant. Following such hearing, the Board shall determine on the basis of these regulations whether the applicant is qualified to be certified, and this decision of the Board shall be final as to that application.

- (d) In hearings held in pursuant to this rule the Board shall admit and hear evidence in the same manner and form as prescribed by law for civil actions.

8.04. Moral Character.--

- (a) Every applicant shall be of good moral character, and the applicant shall have the burden of proving that he is possessed of good moral character, by submitting two documents to this effect.
- (b) All information furnished to the Board by an applicant shall be deemed material and such information shall be and become a permanent record of the Board.
- (c) All investigations by the Board in reference to the moral character of an applicant may be informal, but shall be thorough, with the object of ascertaining the truth. Neither the hearsay rule, nor any other technical rule of evidence need be observed.

8.05. Requirements for recognition of training programs.--

- (a) Application for recognition of an educational program for physician's assistants by the Board shall be made by letter and supporting documents from the director of the program and must demonstrate to the satisfaction of the Board that such program fulfills the requirements set forth in Parts (b) through (h) of Section 8.05 (to be effective 15 July 1972).
- (b) The educational program must be sponsored by a college or university with appropriate arrangements for the clinical education of its students, such as a hospital maintaining a teaching program. There must be evidence that the program has education as its primary orientation and objective.
- (c) The program must be under the supervision of a qualified director, who has at his disposal the resources of competent personnel adequately trained in the administration and operation of educational programs.
- (d) Adequate space, light, and modern equipment must be provided for all necessary teaching functions. A library, containing up-to-date textbooks, scientific periodicals, and reference materials pertaining to clinical medicine, its underlying scientific disciplines, and its specialities, shall be readily accessible to students and faculty.
- (e) The curriculum must provide adequate instruction in the basic sciences underlying medical practice. Instruction

shall include practical application and clinical experience under qualified supervision sufficient to provide understanding of and skill in performing those clinical functions which the assistant may be asked to perform. There must be sufficient evaluative procedures to assure adequate evidence of competence. Although the student may concentrate his effort and his interest in a particular specialty of medicine, the program must insure that he possesses a broad general understanding of medical practice and therapeutic techniques.

- (f) Although some variation may be possible for the individual student, dependent on aptitude, previous education, and experience, the curriculum shall be designed to require two or more academic years for completion.
- (g) The program must have a faculty competent to teach the didactic and clinical material which comprises the curriculum. The faculty shall include at least one instructor who is a graduate of medicine, licensed to practice in the location of the school, and whose training and experience enable him to properly supervise progress and teaching in clinical subjects. He shall be in attendance for sufficient time to insure proper exposure of the student to clinical teaching and practice. The program may utilize instructors other than physicians, but sufficient exposure to clinical medicine must be