

Chapter 30 Article 20

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§30-20-1. Legislative findings and declaration of public policy.

The Legislature of the state of West Virginia hereby determines and finds that in the public interest persons should not engage in the practice of physical therapy or act as physical therapy assistants without the requisite experience and training and without adequate regulation and control; and that it is necessary to protect the citizens of this state from the unauthorized, unqualified and unregulated practice of physical therapy. It is therefore declared to be the public policy of this state that the practice of physical therapy affects the general welfare and public interest of the state and its citizens; that persons without the necessary qualifications, training and education and persons not of good character should not engage in the practice of physical therapy or act as physical therapy assistants; and that the evils of such unauthorized and unqualified practice may be best prevented and the interests of the public best served by regulating and controlling such practice as provided in this article.

§30-20-2. Definitions.

Unless the context in which used clearly requires a different meaning, as used in this article:

- (a) "Applicant" means any person making application for an original or renewal license or a temporary permit under the provisions of this article.
- (b) "Board" means the West Virginia board of physical therapy.
- (c) "Licensed physical therapist" means any physical therapist holding a license or temporary permit issued under the provisions of this article or under the former provisions of this article.
- (d) "Licensed physical therapy assistant" means any physical therapy assistant holding a license or temporary permit issued under the provisions of this article.
- (e) "Licensee" means any person holding a license or temporary permit issued under the provisions of this article or under the former provisions of this article.
- (f) "Physical therapy" means the therapeutic treatment of any person by the use of massage, mechanical stimulation, heat, cold, light, air, water, electricity, sound and exercise, including mobilization of the joints and training in functional activities, for the purpose of correcting or alleviating any physical or mental condition or preventing the development of any physical or mental disability, and the performance of neuro-muscular-skeletal tests and measurements as an aid in diagnosis, evaluation or determination of the existence of and the extent of any body malfunction: Provided, That electromyography examination and electrodiagnostic studies other than the determination of chronaxia and strength duration curves shall not be performed except under the supervision of a physician electromyographer and electrodiagnostician. Physical therapy does not include the use of radiology and radium for diagnostic and therapeutic purposes, or the use of electricity for surgical purposes, including cauterization.
- (g) "Physical therapist" means a person who engages in the practice of physical therapy.
- (h) "Physical therapy aide" means a person, other than a physical therapy assistant, who assists a licensed physical therapist in the practice of physical therapy under the direct supervision of such licensed physical therapist and who also performs activities supportive of but not involving assistance in the practice of physical therapy.
- (1) As contained in this section, the term "direct supervision" means the actual physical presence of the physical therapist in the immediate treatment area where the treatment is being rendered.

(i) "Physical therapy assistant" means a person who assists in the practice of physical therapy by performing patient-related activities delegated to him or her by a licensed physical therapist and performed under the supervision of a licensed physical therapist, with the scope of such supervision to be defined by the board by legislative rule, and which patient-related activities are commensurate with his or her education and training, including physical therapy procedures, but not the performance of evaluation procedures or determination and modification of patient programs: Provided, That the board shall, on or before the first day of July, one thousand nine hundred ninety-nine, propose rules for legislative approval in accordance with article three, chapter twenty-nine-a of this code, which rules shall govern the scope of supervision of physical therapy assistants.

(j) "Practice of physical therapy" means the rendering or offering to render for a fee, salary or other compensation, monetary or otherwise, any service involving physical therapy. However, for the purpose of section three of this article, the term "practice of physical therapy" shall not include:

(1) Teaching physical therapy as part of employment at an institution of higher learning;

(2) The activities of a student of physical therapy, physical therapy extern or physical therapy intern, which activities are a part of and are engaged in pursuant to a course of study at an institution of higher learning, including, but not limited to, activities conducted at the institution of higher learning and activities conducted outside the institution if under the direct supervision of a licensed physical therapist;

(3) The activities of a physical therapy aide if all activities of such physical therapy aide involving assistance in the practice of physical therapy are performed under the direct supervision of a licensed physical therapist; or

(4) The administration of simple massages and the operation of health clubs so long as not intended to constitute or represent the practice of physical therapy.

§30-20-3. License required; exception; firms, associations and corporations engaging in the practice of physical therapy; unauthorized practice of physical therapy.

(a) No person shall engage in, offer to engage in or hold himself out to the public as being engaged in, the practice of physical therapy in this state unless he is a licensed physical therapist: **Provided,** That the foregoing prohibition shall not apply to the activities of a licensed physical therapy assistant performed in accordance with the definitional requirements of a physical therapy assistant as specified in subdivision (1), section two of this article. No person shall use in connection with his name the words "physical therapy technician," "registered physical therapist," "physical therapist," "licensed physical therapist" or "physiotherapist" or use the initials "R.P.T.," "P.T.T.," "P.T." or any other letters, words or insignia which induces or tends to induce the belief that such person is qualified to engage or is engaged in the practice of physical therapy unless he is a licensed physical therapist. No person shall use in connection with his name the words "physical therapy assistant," "registered physical therapy assistant" or "licensed physical therapy assistant" or use the initials "P.T.A.," "A.P.T." or any other letters, words or insignia which induces or tends to induce the belief that such person is qualified to act or is acting as a physical therapy assistant unless he is a licensed physical therapy assistant. No firm, association or corporation shall, except through a licensee or licensees, render any service or engage in any activity which if rendered or engaged in by any individual would constitute the practice of physical therapy.

(b) Notwithstanding the provisions of subsection (a) of this section, any person who practiced physical therapy in this state for five continuous years prior to July one, one thousand nine hundred sixty-three, and who was eligible to qualify for a license under the former provisions of this article by successful completion of a written examination provided by the board and who has not yet successfully completed such examination, may continue to practice physical therapy without a license or temporary permit issued under the provisions of this article, and notwithstanding that such person does not meet the educational requirement specified in subdivision (5), subsection (a), section six of this article, may continue to take such examination: **Provided**, That unless and until such person passes such examination, such person shall not use in connection with his name the words "physical therapy technician," "registered physical therapist," "physical therapist," "licensed physical therapist" or "physiotherapist" or use the initials "R.P.T.," "P.T.T.," "P.T." or any other letters, words or insignia which induces or tends to induce the belief that such person is a licensed physical therapist.

(c) No person shall act, nor hold himself out as being able to act, as a physical therapy assistant unless he is a licensed physical therapy assistant.

(d) Nothing contained within this article shall prohibit any person licensed in this state under any other article of this code from engaging in the practice for which he is licensed.

(e) Nothing contained within this article shall be construed as authorizing a physical therapist, or physical therapy assistant, or any other person to practice medicine, surgery, osteopathy, homeopathy, chiropractics, naturopathy or any other form, branch or method of healing as authorized by the laws of the state of West Virginia.

(f) A licensed physical therapy assistant shall not practice physical therapy other than in accordance with the definitional requirements of a physical therapy assistant as specified in subdivision (i), section two of this article.

§30-20-4. West Virginia board of physical therapy continued; members, terms, meetings, officers, oath, compensation and expenses; general provisions.

(a) The West Virginia state board of examiners and registration of physical therapists heretofore created shall continue in existence but on and after the effective date of this article shall be known and designated as "the West Virginia board of physical therapy", and shall consist of five members appointed by the governor by and with the advice and consent of the Senate. The three members of the board in office on the effective date of this article shall, unless sooner removed, continue to serve until their terms expire and until their successors have been appointed and have qualified. Members shall be appointed for overlapping terms of five years, so that one term expires each year, or until their successors have been appointed and have qualified. Any vacancy shall be filled by appointment by the governor for the unexpired term of the member whose office shall be vacant and any such appointment shall be made within sixty days of the occurrence of such vacancy. The governor may remove any member of the board in case of incompetency, neglect of duty, gross immorality or malfeasance in office.

(b) Each member of the board must be licensed under the provisions of this article or under the former provisions of this article, have at least three years' experience as a physical therapist and be actively engaged in the practice of physical therapy. Members may be reappointed for any number of terms. Before entering upon the performance of this duty, each member shall take and subscribe to the oath prescribed by section five, article IV of the constitution of this state.

(c) The board shall elect from its membership a chairman and secretary who shall serve at the will and pleasure of the board. A majority of the members of the board shall constitute a quorum and meetings shall be held at the call of the chairman or upon the written request of three members at such time and place as designated in such call or request, and, in any event, the board shall meet at least once annually to transact business as may come before it. Members may be paid such reasonable compensation as the board may from time to time determine, and in addition may be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their duties, which compensation and expenses shall be paid in accordance with the provisions of subsection (b), section five of this article.

§30-20-5. Powers and duties of board; funds of board.

(a) The board shall:

- (1) Examine applicants and determine their eligibility for a license or temporary permit to engage in the practice of physical therapy or to act as a physical therapy assistant, as the case may be;
- (2) Provide for the administration of an examination of applicants for a license to engage in the practice of physical therapy and a separate examination of applicants for a license to act as a physical therapy assistant;
- (3) Determine the time and place for any such examinations and the passing score for each such separate examination;
- (4) Propose rules for legislative approval in accordance with article three, chapter twenty-nine-a of this code implementing the provisions of this article and the powers and duties conferred upon the board hereby, including, but not limited to:
 - (A) Reasonable rules establishing standards to ensure that the activities of a licensed physical therapy assistant are performed in accordance with the definitional requirements of a physical therapy assistant as specified in subsection (i), section two of this article, which reasonable rules shall require that there be no more than two physical therapy assistants licensed to practice in this state for every physical therapist so licensed and shall require that no more than two physical therapy assistants be performing under the supervision of a licensed physical therapist at any one time;
 - (B) Reasonable rules establishing standards to ensure that those activities of a physical therapy aide are performed in accordance with the definitional requirements specified in subsection (h), section two of this article; and
 - (C) Rules establishing reasonable licensing and examination fees as provided in this article and in accordance with section six, article one, chapter thirty of this code;
- (5) Issue, renew, deny, suspend or revoke licenses and temporary permits to engage in the practice of physical therapy or licenses and temporary permits to act as physical therapy assistants in accordance with the provisions of this article and, in accordance with the administrative procedures hereinafter provided, may renew, affirm, reverse, vacate or modify its order with respect to any such denial, suspension or revocation;
- (6) Investigate alleged violations of any provision of this article, any reasonable rule promulgated hereunder and any order or final decision of the board and take appropriate disciplinary action against any licensee for the violation thereof or institute appropriate legal action for the enforcement of any provision of this article, any reasonable rule promulgated hereunder and any order or final decision of the board or take such disciplinary action and institute such legal action;

(7) Purchase or rent necessary office space, equipment and supplies and employ, direct, discharge and define the duties of an executive secretary and other full-time or part-time professional, clerical or other personnel necessary to effectuate the provisions of this article;

(8) Maintain a register listing the name of every licensed physical therapist and licensed physical therapy assistant, his or her last known place of business or employment and last known residence, and the date and certificate number of his or her license; prepare annually from such register a list of every such licensed physical therapist and licensed physical therapy assistant; furnish the list to any hospital, physician or other interested person who makes application therefor and who pays to the board the reasonable cost of the copy of such list;

(9) Keep accurate and complete records of its proceedings, certify the same as may be appropriate and submit to the governor a report on the transactions of the board including an accounting of all money received and disbursed;

(10) Whenever it deems it appropriate, confer with the attorney general or his or her assistants in connection with all legal matters and questions, whose responsibility it shall be to render all legal assistance required; and

(11) Take such other action as may be reasonably necessary and appropriate to effectuate the provisions of this article.

(b) All moneys paid to the board shall be accepted by a person designated by the board and deposited by him or her with the treasurer of the state and credited to an account to be known as the "West Virginia Board of Physical Therapy": Provided, That all moneys collected as fines shall be paid into the general revenue fund. The compensation of and the reimbursement of all reasonable and necessary expenses actually incurred by the members of the board and all other costs and expenses incurred by the board in the administration of this article shall be paid from the board's fund, and no part of the state's general revenue fund shall be expended for such purpose.

§30-20-6. Qualifications of applicants for license; application fee.

(a) To be eligible for a license to engage in the practice of physical therapy, the applicant must:

(1) Be at least eighteen years of age;

(2) Be of good moral character;

(3) Not be addicted to the intemperate use of alcohol or narcotic drugs or other controlled substances;

(4) Not have been convicted of a felony in any state or federal court in this or any other state within ten years preceding the date of application for license, which conviction remains unreversed; and not have been convicted of a felony in any state or federal court in this or any other state at any time if the offense for which he or she was convicted related to the practice of physical therapy, which conviction remains unreversed;

(5) Present evidence that the applicant is a graduate of an accredited school of physical therapy approved by the commission on accreditation in physical therapy education and the board: Provided, That any person who received his or her education in physical therapy outside of the United States may qualify for a license by fulfilling the requirements specified by the commission on accreditation in physical therapy education and the board, including successful completion of a period of supervised clinical experience; and

(6) Either have passed the examination prescribed by the board for a license to engage in the practice of physical therapy, or be entitled to be licensed without examination as provided in subsection (d) of this section.

(b) To be eligible for a license to act as a physical therapy assistant, the applicant must:

(1) Satisfy the requirements of subdivisions (1) through (4), subsection (a) of this section;

(2) Present evidence that he or she is a graduate of a two-year college level education program for physical therapy assistants which meets the standards established by the commission on accreditation in physical therapy education and the board; and

(3) Either have passed the examination prescribed by the board for a license to act as a physical therapy assistant, or be entitled to be licensed without examination as provided in subsection (d) of this section.

(c) Although an applicant does not meet the educational requirement specified in subdivision (2), subsection (b) of this section, the board may, nevertheless, issue a license to act as a physical therapy assistant to such applicant if such applicant: (i) Presents evidence that he or she has a high school diploma or its equivalent; (ii) meets the requirements of subdivision (1), subsection (b) of this section; (iii) presents sufficient and satisfactory written evidence to the board on or before the first day of July, one thousand nine hundred seventy-nine, that such applicant has been employed as a physical therapy aide under the supervision of a licensed physical therapist in this state on a full-time basis for a continuous period of at least two years, or for cumulative periods of time either full-time or part-time which equal two years full-time employment, between the first day of January, one thousand nine hundred seventy-one, and the first day of July, one thousand nine hundred seventy-nine; and (iv) successfully passes the examination required for a license to act as a physical therapy assistant: Provided, That such applicant shall be afforded only two opportunities to pass such examination.

(d) The board may issue a license to practice physical therapy or a license to act as a physical therapy assistant, without examination, to any applicant who holds a valid license or is registered to engage in the practice of physical therapy or to act as a physical therapy assistant, as the case may be, issued to him or her under the laws of another state or territory or possession of the United States: Provided, That the applicant's qualifications are in the opinion of the board equal to or greater than the requirements of this article and the rules promulgated by the board.

(e) Any applicant for a license under the provisions of subsection (a), (b), (c) or (d) of this section shall submit an application therefor at such time, in such manner, on such forms and containing such information as the board shall from time to time by reasonable rule prescribe, and pay to the board a nonrefundable application fee which shall be established by the board by legislative rule.

§30-20-7. Examination of applicants.

The board shall offer the prescribed examination to applicants for a license to engage in the practice of physical therapy and the prescribed examination to applicants for a license to act as a physical therapy assistant, who meet the appropriate other requirements of section six of this article. Examinations shall be offered within this state, at least once each year, at such time and place as the board shall determine.

§30-20-8. Issuance of license; renewal of license; renewal fee; display of license.

(a) Whenever the board finds that an applicant meets all of the requirements of this article for a license to engage in the practice of physical therapy or to act as a physical therapy assistant, as the case may be, it shall forthwith issue to him or her such license; and otherwise the board shall deny the same.

(b) Every licensee shall renew his or her license every two years at such time and upon such forms as prescribed by the board, and upon the payment of a license fee established by the board by legislative rule. Any license which is not so renewed shall automatically lapse. A license which has lapsed may be renewed within five years of its expiration date by payment to the board of the appropriate renewal fee for each year or part thereof during which the license was not renewed. After the expiration of a five-year period, a license may be renewed only by complying with the provisions herein relating to the issuance of an original license.

(c) A licensee desiring to cease engaging in the practice of physical therapy temporarily or to cease acting temporarily as a physical therapy assistant shall send a written notice to the board. Upon receipt of the notice, the board shall place the name of the person upon the inactive list. While his or her name remains on this list, the person shall not be subject to the payment of any fee and shall not engage in the practice of physical therapy or act as a physical therapy assistant, as the case may be, in this state. When the person again desires to engage in the practice of physical therapy or to act as a physical therapy assistant, application for renewal of the license and the payment of a renewal fee for the then current year shall be made to the board.

(d) The board may deny any application for renewal of a license for any reason which would justify the denial of an original application for a license.

(e) The board shall prescribe the form of licenses and each license shall be conspicuously displayed by the licensee at his or her principal place of practice.

(f) Any license issued under the former provisions of this article, which license remains unsuspended and unrevoked, shall be valid and considered for all purposes as having been issued under the provisions of this article and may be renewed, suspended or revoked as licenses issued under the provisions of this article, and any license issued under the former provisions of this article which has lapsed or shall hereafter lapse is subject to the provisions of subsection (b) of this section pertaining to the lapse of a license issued under the provisions of this article and the renewal thereof.

§30-20-9. Temporary permits.

(a) Upon proper application and the payment of a nonrefundable fee which shall be established by the board by legislative rule, the board may issue, without examination, a temporary permit to engage in the practice of physical therapy in this state:

(1) To any applicant who meets the requirements of subdivisions (1) through (5), subsection (a), section six of this article and who has applied to take the examination. A temporary permit so issued shall expire thirty days after the permittee receives notice of the results of the examination, if the permittee receives a passing score on the examination. The temporary permit shall expire immediately if the permittee receives a failing score on the examination. An applicant under this subsection may be issued only one temporary permit, and upon the expiration of that permit, may not practice as a physical therapist until fully licensed under the provisions of this article. In no event may a permittee practice on a temporary permit beyond a period of ninety consecutive days. A temporary permittee under this subsection shall work under the supervision of a licensed physical therapist, with the scope of such supervision to be defined by the board by legislative rule; and

(2) To an applicant who is licensed outside of this state and who meets the requirements of subdivisions (1) through (5), subsection (a), section six of this article, which temporary permit shall be valid only for a period of ninety consecutive days.

(b) Upon proper application and the payment of a nonrefundable fee which shall be established by the board by legislative rule, the board may issue, without examination, a temporary permit to act as a physical therapy assistant in this state:

(1) To an applicant who meets the requirements of subdivisions (1) and (2), subsection (b), section six of this article. A temporary permit so issued shall expire thirty days after the permittee receives notice of the results of the examination, if the permittee receives a passing score on the examination. The temporary permit shall expire immediately if the permittee receives a failing score on the examination. An applicant under this subsection may be issued only one temporary permit, and upon the expiration of that permit, may not practice as a physical therapy assistant until fully licensed under the provisions of this article. In no event may a permittee practice on a temporary permit beyond a period of ninety consecutive days. A temporary permittee under this subsection shall work under the supervision of a licensed physical therapist, with the scope of such supervision to be defined by the board by legislative rule; and

(2) To an applicant who is licensed outside of this state and who meets the requirements of subdivisions (1) and (2), subsection (b), section six of this article, which temporary permit shall be valid only for a period of ninety consecutive days.

~~§30-20~~10. Suspension or revocation of license or temporary permit.

(a) The board may at any time upon its own motion, and shall upon the written complaint of any person, conduct an investigation to determine whether there are any grounds for the suspension or revocation of a license or temporary permit issued under the provisions of this article.

(b) The board shall have the authority to reprimand, enter into consent decrees, enter into probation orders, levy fines not to exceed one thousand dollars per day per violation, assess administration fees, suspend or revoke the license or temporary permit of any licensee who the board determines has:

- (1) Used narcotic drugs, other controlled substances or alcohol to the extent that it affects his or her professional competency; or
- (2) Been convicted of violating any state or federal law relating to controlled substances, which conviction remains unreversed;
- (3) Been, in the judgment of the board, guilty of immoral or unprofessional conduct;
- (4) Been convicted of a felony or a crime involving moral turpitude;
- (5) Been declared mentally incompetent by a court of competent jurisdiction;
- (6) Obtained or attempted to obtain a license issued under the provisions of this article by fraud or willful misrepresentation;
- (7) Been grossly negligent in the practice of physical therapy or in acting as a physical therapy assistant, as the case may be;

(8) Treated or undertaken to treat a human being otherwise than by physical therapy and as authorized by this article;

(9) Failed or refused to comply with the provisions of this article or any reasonable rule promulgated by the board hereunder or any order or final decision of the board;

(10) In the case of a physical therapist, employed a physical therapy assistant who is not a licensed physical therapy assistant; or employed or utilized a licensed physical therapy assistant or physical therapy aide without complying with the provisions of this article or the rules of the board; or

(11) In the case of a physical therapy assistant, practiced physical therapy other than in accordance with the definitional requirements of a physical therapy assistant as specified in subdivision (i), section two of this article.

§30-20-11. Procedures for hearing.

(a) Whenever the board shall deny an application for any original or renewal license or any application for a temporary permit or shall suspend or revoke any license or temporary permit it shall make and enter an order to that effect and serve a copy thereof on the applicant or licensee, by certified mail, return receipt requested. The order shall state the grounds for the action taken. Before the board may take any disciplinary action against a licensee, the licensee shall be provided with a written statement of the charges against him or her and notice of the right of the licensee to demand a hearing.

(b) Any applicant or licensee shall be entitled to a hearing thereon (as to all issues not excluded from the definition of a "contested case" as set forth in article one, chapter twenty-nine-a of this code) if, within twenty days after receipt of a copy thereof, he or she files with the board a written demand for a hearing. The board may require the applicant or licensee to give reasonable security for the costs thereof, and, if the applicant or licensee does not substantially prevail at the hearing, costs shall be assessed against him or her and may be collected by a civil action or other proper remedy.

(c) Upon request of a hearing to be conducted in accordance with this section, the board shall set a time and place within thirty days thereafter. Any scheduled hearing may be continued by the board upon its own motion or for good cause shown by the applicant or licensee.

(d) All of the pertinent provisions of article five, chapter twenty-nine-a of this code shall apply to and govern the hearing and the administrative procedures in connection with and following the hearing, with like effect as if the provisions of said article were set forth in this subsection.

(e) Any hearing shall be conducted by a quorum of the board or by a hearing examiner designated by the board. For the purpose of conducting any hearing any member of the board or its designee shall have the power and authority to issue subpoenas and subpoenas duces tecum which shall be issued and served within the time and for the fees and shall be enforced, as specified in section one, article five of chapter twenty-nine-a, and all of the said section one provisions dealing with subpoenas and subpoenas duces tecum shall apply to subpoenas and subpoenas duces tecum issued for the purpose of a hearing hereunder.

(f) At any hearing the applicant or licensee may represent himself or herself or be represented by an attorney at law admitted to practice before any circuit court of this state. Upon request by the board, it shall be represented at any hearing by the attorney general or his or her assistants.

(g) After any hearing and consideration of all of the testimony, evidence and record in the case, the board shall render its decision in writing. The written decision of the board shall be accompanied by findings of fact and conclusions of law as specified in section three, article five, chapter twenty-nine-a of this code, and a copy of the decision and accompanying findings and conclusions shall be served by certified mail, return receipt requested, upon the applicant or licensee and his or her attorney of record, if any.

(h) The decision of the board shall be final unless reversed, vacated or modified upon judicial review thereof in accordance with the provisions of section twelve of this article.

§30-20-12. Judicial review; appeal to supreme court of appeals; legal representation for board.

Any person adversely affected by a decision of the board rendered after a hearing held in accordance with the provisions of section eleven of this article shall be entitled to judicial review thereof. All of the pertinent provisions of section four, article five, chapter twenty-nine-a of this code shall apply to and govern such judicial review with like effect as if the provisions of said section four were set forth in this section.

The judgment of the circuit court shall be final unless reversed, vacated or modified on appeal to the supreme court of appeals in accordance with the provisions of section one, article six, chapter twenty-nine-a of this code.

Legal counsel and services for the board in all appeal proceedings in any circuit court and the supreme court of appeals shall be provided by the attorney general or his assistants and in any circuit court by the prosecuting attorney of the county as well, all without additional compensation.

§30-20-13. Penalties.

Any person who violates any provision of this article, any reasonable rule and regulation promulgated hereunder or any order or any final decision of the board shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than five hundred dollars, or imprisoned in the county jail not more than six months, or both fined and imprisoned.

§30-20-14. Actions to enjoin violations.

Whenever it appears to the board that any person has been or is violating or is about to violate any provision of this article, any reasonable rule and regulation promulgated hereunder or any order or final decision of the board, the board may apply in the name of the state to the circuit court of the county in which the violation or violations or any part thereof has occurred, is occurring or is about to occur, or the judge thereof in vacation, for an injunction against such person and any other persons who have been, are or are about to be, involved in any practices, acts or omissions, so in violation, enjoining such person or persons from any such violation or violations. Such application may be made and prosecuted to conclusion whether or not any such violation or violations have resulted or shall result in prosecution or conviction under the provisions of section thirteen of this article.

Upon application by the board, the circuit courts of this state may by mandatory or prohibitory injunction compel compliance with the provisions of this article, the reasonable rules and regulations promulgated

hereunder and all orders and final decisions of the board. The court may issue a temporary injunction in any case pending a decision on the merits of any application filed.

The judgment of the circuit court upon any application permitted by the provisions of this section shall be final unless reversed, vacated or modified on appeal to the supreme court of appeals. Any such appeal shall be sought in the manner and within the time provided by law for appeals from circuit courts in other civil actions.

The board shall be represented in all such proceedings by the attorney general or his assistants and in such proceedings in the circuit court by the prosecuting attorneys of the several counties as well, all without additional compensation.

§30-20-15. Termination date.

The West Virginia board of physical therapy shall terminate on the first day of July, two thousand one, pursuant to the provisions of article ten, chapter four of this code.