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HOUSE BILL NO. 2302

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health, Welfare and Institutions
on January 21, 2003)

(Patron Prior to Substitute—Delegate Devolites)

A BILL to amend and reenact § 54.1-3408 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 32.1-50.2, relating to the administration of controlled substances by nurses.

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-3408 of the Code of Virginia is amended and reenacted, and that the Code of Virginia is amended by adding sections numbered 32.1-50.2 and 32.1-50.3 as follows:

§ 32.1-50.2. Administration of tuberculin purified protein derivative by nurses; policies and guidelines.

The Department shall issue policies and guidelines governing the possession and administration of tuberculin purified protein derivative (PPD) by registered nurses and licensed practical nurses pursuant to § 54.1-3408.

§ 54.1-3408. Professional use by practitioners.

A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine or a licensed nurse practitioner pursuant to § 54.1-2957.01, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 of this title shall only prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice.

The prescribing practitioner's order may be on a written prescription or pursuant to an oral prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may cause them to be administered by a nurse, physician assistant or intern under his direction and supervision, or he may prescribe and cause drugs and devices to be administered to patients in state-owned or state-operated hospitals or facilities licensed as hospitals by the Board of Health or psychiatric hospitals licensed by the State Mental Health, Mental Retardation and Substance Abuse Services Board by other persons who have been trained properly to administer drugs and who administer drugs only under the control and supervision of the prescriber or a pharmacist or a prescriber may cause drugs and devices to be administered to patients by emergency medical services personnel who have been certified and authorized to administer such drugs and devices pursuant to Board of Health regulations governing emergency medical services and who are acting within the scope of such certification. A prescriber may authorize a certified respiratory therapy practitioner as defined in § 54.1-2954 to administer by inhalation controlled substances used in inhalation or respiratory therapy.

Pursuant to an oral or written order or standing protocol, the prescriber, who is authorized by state or federal law to possess and administer radiopharmaceuticals in the scope of his practice, may authorize a nuclear medicine technologist to administer, under his supervision, radiopharmaceuticals used in the diagnosis or treatment of disease.

Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered nurses and licensed practical nurses to possess (i) epinephrine for administration in treatment of emergency medical conditions and (ii) heparin and sterile normal saline to use for the maintenance of intravenous access lines.

Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or licensed practical nurses under the immediate and direct supervision of a registered nurse to possess and administer tuberculin purified protein derivative (PPD) in the absence of a prescriber. The Department of Health's policies and guidelines shall be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention for preventing transmission of mycobacterium tuberculosis and shall be updated to incorporate any subsequently implemented standards of the Occupational Safety and Health Administration and the Department of Labor and Industry to the extent that they are inconsistent with the Department of Health's policies and guidelines. Such standing protocols shall explicitly describe the categories of persons to whom the tuberculin test is to be administered and shall provide for appropriate medical evaluation of those in whom the test is positive. The prescriber shall ensure that the nurse implementing such standing protocols has received adequate training in the practice and principles underlying tuberculin screening.

The Health Commissioner or his designee may authorize registered nurses, acting as agents of the Department of Health, to possess and administer, at the nurse's discretion, tuberculin purified protein

HOUSE SUBSTITUTE

HB2302H1

60 *derivative (PPD) to those persons in whom tuberculin skin testing is indicated based on protocols and*
61 *policies established by the Department of Health.*

62 Pursuant to a written order or standing protocol issued by the prescriber within the course of his
63 professional practice, such prescriber may authorize, with the consent of the parents as defined in
64 § 22.1-1, an employee of a school board who is trained in the administration of insulin and glucagon to
65 assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes
66 and who requires insulin injections during the school day or for whom glucagon has been prescribed for
67 the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed
68 nurse, nurse practitioner, physician or physician assistant is not present to perform the administration of
69 the medication.

70 A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the
71 administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is
72 not physically present, (i) by licensed pharmacists, (ii) by registered nurses, or (iii) licensed practical
73 nurses under the immediate and direct supervision of a registered nurse. A prescriber acting on behalf of
74 and in accordance with established protocols of the Department of Health may authorize the
75 administration of vaccines to any person by a pharmacist or nurse when the prescriber is not physically
76 present.

77 A dentist may cause Schedule VI topical drugs to be administered under his direction and
78 supervision by either a dental hygienist or by an authorized agent of the dentist.

79 This section shall not prevent the administration of drugs by a person who has satisfactorily
80 completed a training program for this purpose approved by the Board of Nursing and who administers
81 such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of
82 administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to
83 security and record keeping, when the drugs administered would be normally self-administered by (i) a
84 resident of a facility licensed or certified by the State Mental Health, Mental Retardation and Substance
85 Abuse Services Board; (ii) a resident of any assisted living facility which is licensed by the Department
86 of Social Services; (iii) a resident of the Virginia Rehabilitation Center for the Blind and Vision
87 Impaired; (iv) a resident of a facility approved by the Board or Department of Juvenile Justice for the
88 placement of children in need of services or delinquent or alleged delinquent youth; (v) a program
89 participant of an adult day-care center licensed by the Department of Social Services; or (vi) a resident
90 of any facility authorized or operated by a state or local government whose primary purpose is not to
91 provide health care services.

92 In addition, this section shall not prevent the administration of drugs by a person who administers
93 such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of
94 administration and with written authorization of a parent, and in accordance with school board
95 regulations relating to training, security and record keeping, when the drugs administered would be
96 normally self-administered by a student of a Virginia public school. Training for such persons shall be
97 accomplished through a program approved by the local school boards, in consultation with the local
98 departments of health.

99 Nothing in this title shall prohibit the administration of normally self-administered oral or topical
100 drugs by unlicensed individuals to a person in his private residence.

101 This section shall not interfere with any prescriber issuing prescriptions in compliance with his
102 authority and scope of practice and the provisions of this section to a Board agent for use pursuant to
103 subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid
104 prescriptions.

105 Nothing in this title shall prevent dialysis care technicians, in the ordinary course of their duties in a
106 Medicare-certified renal dialysis facility, from administering heparin, topical needle site anesthetics,
107 dialysis solutions and sterile normal saline solution for the purpose of facilitating renal dialysis
108 treatment, provided such administration of medications occurs under the orders of a licensed physician
109 and under the immediate and direct supervision of a licensed registered nurse. The dialysis care
110 technician administering the medications must have been trained in renal dialysis practices and
111 procedures by a licensed nurse, and must have demonstrated competency as evidenced by satisfactory
112 completion of a training program in accordance with the Core Curriculum for the Dialysis Technician,
113 also known as the Amgen Core Curriculum, or a comparable education and training curriculum.