

062367304

HOUSE BILL NO. 1399

FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Delegate Gear
on January 31, 2006)

(Patron Prior to Substitute—Delegate Hargrove)

A BILL to amend and reenact §§ 15.2-912, 54.1-700, 54.1-702, and 54.1-2901 of the Code of Virginia and §§ 54.1-701, 54.1-703, 54.1-704.1, 54.1-704.2, 54.1-705, and 54.1-706 of the Code of Virginia, as they are currently effective and as they shall become effective, and to amend the Code of Virginia by adding sections numbered 54.1-700.1 and 54.1-703.4, relating to regulation of laser or light therapy technicians, and permanent cosmetic procedures.

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-912, 54.1-700, 54.1-702, and 54.1-2901 of the Code of Virginia and §§ 54.1-701, 54.1-703, 54.1-704.1, 54.1-704.2, 54.1-705, and 54.1-706 of the Code of Virginia, as they are currently effective and as they shall become effective, are amended and reenacted, and that the Code of Virginia is amended by adding sections numbered 54.1-700.1 and 54.1-703.4 as follows:

§ 15.2-912. Regulation of tattoo parlors and body-piercing salons; definition; exception.

A. Any locality may by ordinance regulate the sanitary condition of the personnel, equipment and premises of tattoo parlors and body-piercing salons and specify procedures for enforcement of compliance with the disease control and disclosure requirements of § 18.2-371.3.

B. For the purposes of this section:

"Body-piercing salon" means any place in which a fee is charged for the act of penetrating the skin to make a hole, mark, or scar, generally permanent in nature. "Body piercing" does not include the use of a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both.

"Tattoo parlor" means any place in which is offered or practiced the placing of designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin, including permanent make-up or permanent jewelry, by the aid of needles or any other instrument designed to touch or puncture the skin.

C. This section shall not apply to medical doctors, veterinarians, registered nurses or any other medical services personnel licensed pursuant to Title 54.1 in performance of their professional duties, or persons employed to practice permanent cosmetic procedures by a licensed physician or dentist under the direct supervision of a licensed physician or dentist in the physician's or dentist's office or a licensed health care or medical facility.

D. Localities requiring regulation of tattoo parlors and piercing salons by ordinance shall include in such ordinance authorization for unannounced inspections by appropriate personnel of the locality.

§ 54.1-700. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Barber" means any person who shaves, shapes or trims the beard; cuts, singes, shampoos or dyes the hair or applies lotions thereto; applies, treats or massages the face, neck or scalp with oils, creams, lotions, cosmetics, antiseptics, powders, clays or other preparations in connection with shaving, cutting or trimming the hair or beard, and practices barbering for compensation and when such services are not performed for the treatment of disease.

"Barbering" means any one or any combination of the following acts, when done on the human body for compensation and not for the treatment of disease, shaving, shaping and trimming the beard; cutting, singeing, shampooing or dyeing the hair or applying lotions thereto; applications, treatment or massages of the face, neck or scalp with oils, creams, lotions, cosmetics, antiseptics, powders, clays, or other preparations in connection with shaving, cutting or trimming the hair or a beard. The term "barbering" shall not apply to the acts described hereinabove when performed by any person in his home if such service is not offered to the public.

"Barber instructor" means any person who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of barbering.

"Barbershop" means any establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers.

"Board" means the Board for Barbers and Cosmetology.

"Body-piercer" means any person who for remuneration penetrates the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing" means the act of penetrating the skin of a person to make a hole, mark, or scar, generally permanent in nature.

60 "Body-piercing salon" means any place in which a fee is charged for the act of penetrating the skin
61 of a person to make a hole, mark, or scar, generally permanent in nature.

62 "Body-piercing school" means a place or establishment licensed by the Board to accept and train
63 students in body-piercing.

64 "Braiding salon" means any commercial establishment, residence, vehicle, or other establishment,
65 place, or event wherein hair braiding is offered or practiced on a regular basis for compensation.

66 "Braiding school" means a place or establishment licensed by the Board to accept and train students
67 and which offers a hair braiding curriculum approved by the Board.

68 "Cosmetologist" means any person who administers cosmetic treatments; manicures or pedicures the
69 nails of any person; arranges, braids, dresses, curls, waves, cleanses, cuts, shapes, singes, waxes,
70 tweezes, shaves, bleaches, colors, relaxes, straightens, or performs similar work, upon human hair, or a
71 wig or hairpiece, by any means, including hands or mechanical or electrical apparatus or appliances
72 unless such acts as adjusting, combing, or brushing prestyled wigs or hairpieces do not alter the
73 prestyled nature of the wig or hairpiece, and practices cosmetology for compensation.

74 "Cosmetology" includes, but is not limited to, the following practices: administering cosmetic
75 treatments; manicuring or pedicuring the nails of any person; arranging, braiding, dressing, curling,
76 waving, cleansing, cutting, shaping, singeing, waxing, tweezing, shaving, bleaching, coloring, relaxing,
77 straightening, or similar work, upon human hair, or a wig or hairpiece, by any means, including hands
78 or mechanical or electrical apparatus or appliances, but shall not include such acts as adjusting,
79 combing, or brushing prestyled wigs or hairpieces when such acts do not alter the prestyled nature of
80 the wig or hairpiece.

81 "Cosmetology instructor" means a person who has been certified by the Board as having completed
82 an approved curriculum and who meets the competency standards of the Board as an instructor of
83 cosmetology.

84 "Cosmetology salon" means any commercial establishment, residence, vehicle or other establishment,
85 place or event wherein cosmetology is offered or practiced on a regular basis for compensation and may
86 include the training of apprentices under regulations of the Board.

87 (Effective July 1, 2007) "Esthetician" means a person who engages in the practice of esthetics for
88 compensation.

89 (Effective July 1, 2007) "Esthetics" includes, but is not limited to, the following practices of
90 administering cosmetic treatments to enhance or improve the appearance of the skin: cleansing, toning,
91 performing effleurage or other related movements, stimulating, exfoliating, or performing any other
92 similar procedure on the skin of the human body or scalp by means of cosmetic preparations, treatments,
93 any nonlaser device, electrical, mechanical, or manual, for care of the skin; applying make-up or
94 eyelashes to any person, tinting or perming eyelashes and eyebrows, and lightening hair on the body
95 except the scalp; and removing unwanted hair from the body of any person by the use of tweezing,
96 chemical, or mechanical means. However, "esthetics" is not a healing art and shall not include any
97 practice, activity, or treatment that constitutes the practice of medicine, osteopathic medicine, or
98 chiropractic. The terms "healing arts," "practice of medicine," "practice of osteopathic medicine," and
99 "practice of chiropractic" shall mean the same as those terms are defined in § 54.1-2900.

100 (Effective July 1, 2007) "Esthetics instructor" means a licensed esthetician who has been certified by
101 the Board as having completed an approved curriculum and who meets the competency standards of the
102 Board as an instructor of esthetics.

103 (Effective July 1, 2007) "Esthetics spa" means any commercial establishment, residence, vehicle, or
104 other establishment, place, or event wherein esthetics is offered or practiced on a regular basis for
105 compensation under regulations of the Board.

106 "Hair braider" means a person who engages in the practice of hair braiding on a regular basis for
107 compensation.

108 "Hair braiding" means the braiding, twisting, wrapping, weaving, extending, or locking of natural
109 human hair by hand or mechanical device, provided that the service does not include hair cutting or the
110 application of dyes, reactive chemicals, or other preparations to alter the color of the hair or to
111 straighten, curl, or alter the structure of the hair.

112 "Laser or light therapy" means the nonabrasive photorejuvenation of the skin or the removal of hair
113 by selective photothermolysis, using laser or light therapy devices.

114 "Laser or light therapy clinic" means any commercial establishment, residence, vehicle, or other
115 establishment, place, or event, wherein laser or light therapy is offered or practiced on a regular basis
116 for compensation.

117 "Laser or light therapy instructor" means a licensed laser or light therapy technician certified by the
118 Board as having completed an approved curriculum and who meets the competency standards of the
119 Board as an instructor of laser or light therapy.

120 "Laser or light therapy school" means a place or establishment licensed by the Board to accept and
121 train students and that offers a laser or light therapy curriculum approved by the Board.

"Laser or light therapy technician" means any person who for compensation performs laser or light therapy applications.

(Effective July 1, 2007) "Master esthetician" means a licensed esthetician who, in addition to the practice of esthetics, offers to the public for compensation, without the use of laser technology, lymphatic drainage, chemical exfoliation, or microdermabrasion, and who has met such additional requirements as determined by the Board to practice lymphatic drainage, chemical exfoliation with products other than Schedules II through VI controlled substances as defined in the Drug Control Act (§ 54.1-3400 et seq.), and microdermabrasion of the epidermis.

"Nail care" means manicuring or pedicuring natural nails or performing artificial nail services.

"Nail salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein nail care is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Nail school" means a place or establishment licensed by the board to accept and train students in nail care.

"Nail technician" means any person who for compensation manicures or pedicures natural nails, or who performs artificial nail services for compensation, or any combination thereof.

"Nail technician instructor" means a licensed nail technician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of nail care.

"Physical (wax) depilatory" means the wax depilatory product or substance used to remove superfluous hair.

"School of cosmetology" means a place or establishment licensed by the Board to accept and train students and which offers a cosmetology curriculum approved by the Board.

(Effective July 1, 2007) "School of esthetics" means a place or establishment licensed by the Board to accept and train students and which offers an esthetics curriculum approved by the Board.

"Tattoo parlor" means any place in which tattooing is offered or practiced.

"Tattoo school" means a place or establishment licensed by the Board to accept and train students in tattooing.

"Tattooer" means any person who for remuneration practices tattooing.

"Tattooing" means the placing of designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin, including permanent make-up or permanent jewelry, by the aid of needles or any other instrument designed to touch or puncture the skin.

"Wax technician" means any person licensed by the Board who removes hair from the hair follicle using a physical (wax) depilatory or by tweezing.

"Wax technician instructor" means a licensed wax technician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of waxing.

"Waxing" means the temporary removal of superfluous hair from the hair follicle on any area of the human body through the use of a physical (wax) depilatory or by tweezing.

"Waxing salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein waxing is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Waxing school" means a place or establishment licensed by the Board to accept and train students in waxing.

§ 54.1-700.1. *Practice of permanent cosmetic procedures.*

Notwithstanding the definitions in § 54.1-700 and the exemptions in § 54.1-701, no person who practices permanent cosmetic procedures shall be deemed a "tattooer" or engaged in "tattooing," if he is employed to perform permanent cosmetic procedures by a licensed physician or dentist, and performs such procedures under the direct supervision of a licensed physician or dentist in his office or a licensed health care or medical facility.

§ 54.1-701. (Effective until July 1, 2007) Exemptions.

The provisions of this chapter shall not apply to:

1. Persons authorized by the laws of the Commonwealth to practice medicine and surgery or osteopathy or chiropractic;

2. Registered nurses licensed to practice in the Commonwealth performing activities under this chapter as part of their official duties in a medical facility under the responsibility of persons authorized by the laws of the Commonwealth to practice medicine and surgery or osteopathy or chiropractic;

3. Persons employed in state or local penal or correctional institutions, rehabilitation centers, sanatoria, or institutions for care and treatment of the mentally ill or mentally deficient or for care and treatment of geriatric patients, as barbers, cosmetologists, wax technicians, nail technicians, hair braiders,

183 *laser or light therapy technicians*, barber instructors, cosmetology instructors, wax technician instructors
184 ~~or~~, nail technician instructors, *or laser or light therapy instructors* who practice only on inmates of or
185 patients in such sanatoria or institutions;

186 4. Persons licensed as funeral directors or embalmers in the Commonwealth;

187 5. Gratuitous services as a barber, nail technician, cosmetologist, wax technician, hair braider,
188 tattooer, ~~or~~ body-piercer, *or laser or light therapy technician*;

189 6. Students enrolled in an approved school taking a course in barbering, nail care, cosmetology,
190 waxing, hair braiding, tattooing, ~~or~~ body-piercing, *or laser light therapy*;

191 7. Persons working in a cosmetology salon whose duties are expressly confined to hair braiding or
192 the shampooing and cleansing of human hair under the direct supervision of a cosmetologist or barber;

193 8. Apprentices serving in a barbershop, nail salon, waxing salon, cosmetology salon, or hair braiding
194 salon licensed by the Board in accordance with the Board's regulations; and

195 9. Schools of barbering, nail care, waxing, cosmetology, or hair braiding in public schools.

196 § 54.1-701. (Effective July 1, 2007) Exemptions.

197 The provisions of this chapter shall not apply to:

198 1. Persons authorized by the laws of the Commonwealth to practice medicine and surgery or
199 osteopathy or chiropractic;

200 2. Registered nurses licensed to practice in the Commonwealth *performing activities under this*
201 *chapter as part of their official duties in a medical facility under the responsibility of persons authorized*
202 *by the laws of the Commonwealth to practice medicine and surgery or osteopathy or chiropractic*;

203 3. Persons employed in state or local penal or correctional institutions, rehabilitation centers,
204 sanatoria, or institutions for care and treatment of the mentally ill or mentally deficient or for care and
205 treatment of geriatric patients, as barbers, cosmetologists, wax technicians, nail technicians, hair braiders,
206 estheticians, *laser or light therapy technicians*, barber instructors, cosmetology instructors, wax
207 technician instructors, nail technician instructors, ~~or~~ esthetics instructors, *or laser or light therapy*
208 *instructors* who practice only on inmates of or patients in such sanatoria or institutions;

209 4. Persons licensed as funeral directors or embalmers in the Commonwealth;

210 5. Gratuitous services as a barber, nail technician, cosmetologist, wax technician, hair braider,
211 tattooer, body-piercer, ~~or~~ esthetician, *or laser or light therapy technician*;

212 6. Students enrolled in an approved school taking a course in barbering, nail care, cosmetology,
213 waxing, hair braiding, tattooing, body-piercing, ~~or~~ esthetics, *or laser or light therapy*;

214 7. Persons working in a cosmetology salon whose duties are expressly confined to hair braiding or
215 the shampooing and cleansing of human hair under the direct supervision of a cosmetologist or barber;

216 8. Apprentices serving in a barbershop, nail salon, waxing salon, cosmetology salon, hair braiding
217 salon, or esthetics spa licensed by the Board in accordance with the Board's regulations;

218 9. Schools of barbering, nail care, waxing, cosmetology, or hair braiding in public schools; and

219 10. Persons whose activities are confined solely to applying make-up, including such activities that
220 are ancillary to applying make-up.

221 § 54.1-702. Board for Barbers and Cosmetology; membership; officers; quorum.

222 A. The Board for Barbers and Cosmetology shall be composed of ~~10~~11 members as follows: two
223 members shall be licensed barbers, one of whom may be an owner or operator of a barber school; two
224 members shall be licensed cosmetologists, at least one of whom shall be a salon owner and one of
225 whom may be an owner or operator of a cosmetology school; one member shall be a licensed nail
226 technician or a licensed cosmetologist engaged primarily in the practice of nail care, each of whom shall
227 have been licensed in their respective professions for at least three years immediately prior to
228 appointment; one member shall be either a licensed tattooer or a licensed body-piercer; two members
229 shall be licensed estheticians, at least one of whom shall be an esthetics salon owner and one of whom
230 may be an owner, operator, or designated representative of a licensed esthetics school; *one member shall*
231 *be a licensed laser or light therapy technician*; and two citizen members. The terms of Board members
232 shall be four years. No member shall serve for more than two full successive terms. The Board shall
233 elect a chairman and a vice-chairman. A majority of the Board shall constitute a quorum.

234 B. The Governor shall appoint to the Board two estheticians who have practiced as an esthetician for
235 at least five consecutive years immediately prior to appointment, effective July 1, 2005. The esthetician
236 members shall not vote on any matters before the Board, except matters related to esthetics, until July 1,
237 2007.

238 Of the esthetician members initially appointed to the Board, one shall be appointed for a term of two
239 years. Thereafter, all such appointments shall be for terms of four years, except that appointment to fill
240 vacancies shall be for the unexpired terms.

241 C. The Governor shall appoint to the Board *one laser or light therapy technician who has practiced*
242 *as a laser or light therapy technician for at least five consecutive years immediately prior to*
243 *appointment, effective July 1, 2006. The laser or light therapy technician member shall not vote on any*
244 *matters before the Board, except matters related to laser or light therapy, until July 1, 2008.*

§ 54.1-703. (Effective until July 1, 2007) License required.

No person shall offer to engage in or engage in barbering, cosmetology, nail care, waxing, hair braiding, tattooing, ~~or~~ body-piercing, *or laser or light therapy* without a valid license issued by the Board, except as provided in § 54.1-701.

§ 54.1-703. (Effective July 1, 2007) License required.

No person shall offer to engage in or engage in barbering, cosmetology, nail care, waxing, hair braiding, tattooing, body-piercing, ~~or~~ esthetics, *or laser or light therapy* without a valid license issued by the Board, except as provided in § 54.1-701.

§ 54.1-703.4. *Waiver of examination; laser or light therapy technician.*

The Board shall waive the examination requirements for licensure as a laser or light therapy technician for any individual who (i) makes application for licensure between July 1, 2008, and July 1, 2009; (ii) otherwise complies with Board regulations relating to moral turpitude; and (iii) meets any of the following conditions:

1. Has at least three years of documented work experience as a laser or light therapy technician that is deemed satisfactory by the Board;

2. Has completed a training program that is deemed satisfactory by the Board; or

3. Holds an unexpired certificate of registration, certification, or license as a laser or light therapy technician issued to him on the basis of comparable requirements by a proper authority of a state, territory, or possession of the United States or the District of Columbia.

§ 54.1-704.1. (Effective until July 1, 2007) License required for barbershop, cosmetology salon, nail care salon, waxing salon, hair braiding salon, tattoo parlor, body-piercing salon, and laser or light therapy clinic.

No individual or entity shall operate a barbershop, cosmetology salon, nail care salon, waxing salon, hair braiding salon, tattoo parlor, ~~or~~ body-piercing salon, *or laser or light therapy clinic* without a valid license issued by the Board.

The provisions of this section shall not apply to a licensed barber, cosmetologist, nail technician, waxing technician, tattooer, ~~or~~ body-piercer, *or laser or light therapy technician* who does not have an ownership interest in a licensed barbershop, cosmetology salon, nail care salon, waxing salon, hair braiding salon, tattoo parlor, ~~or~~ body-piercing salon, *or laser or light therapy clinic* in which he is employed.

§ 54.1-704.1. (Effective July 1, 2007) License required for barbershop, cosmetology salon, nail care salon, waxing salon, hair braiding salon, tattoo parlor, body-piercing salon, esthetics spa, laser or light therapy clinic.

No individual or entity shall operate a barbershop, cosmetology salon, nail care salon, waxing salon, hair braiding salon, tattoo parlor, body-piercing salon, ~~or~~ esthetics spa, *or laser or light therapy clinic* without a valid license issued by the Board.

The provisions of this section shall not apply to a licensed barber, cosmetologist, nail technician, waxing technician, tattooer, body-piercer, ~~or~~ esthetician, *or laser or light therapy technician* who does not have an ownership interest in a licensed barbershop, cosmetology salon, nail care salon, waxing salon, hair braiding salon, tattoo parlor, body-piercing salon, ~~or~~ esthetics spa, *or laser or light therapy clinic* in which he is employed.

§ 54.1-704.2. (Effective until July 1, 2007) License required for schools of barbering, cosmetology, nail care, waxing, hair braiding, tattooing, body-piercing, laser or light therapy.

Except as provided in § 54.1-701, no person, firm or corporation shall operate or attempt to operate a school of barbering, cosmetology, nail care, waxing, hair braiding, tattooing, ~~or~~ body-piercing, *or laser or light therapy* unless licensed by the Board pursuant to its regulations.

§ 54.1-704.2. (Effective July 1, 2007) License required for schools of barbering, cosmetology, nail care, waxing, hair braiding, tattooing, body-piercing, esthetics, or laser or light therapy.

Except as provided in § 54.1-701, no person, firm or corporation shall operate or attempt to operate a school of barbering, cosmetology, nail care, waxing, hair braiding, tattooing, body-piercing, ~~or~~ esthetics, *or laser or light therapy* unless licensed by the Board pursuant to its regulations.

§ 54.1-705. (Effective until July 1, 2007) Inspections.

A. Inspectors and sanitarians of the State Department of Health, or an affiliated local health department, may inspect each barbershop, cosmetology salon, waxing salon, nail care salon, hair braiding salon, tattoo parlor, ~~and~~ body-piercing salon, *and laser or light therapy clinic* in the Commonwealth regularly. Any infractions shall be immediately reported to the Health Department and the Director of the Department of Professional and Occupational Regulation for disciplinary action.

B. The Board may inspect barbershops, barber schools, cosmetology salons and schools, waxing salons and schools, nail care salons and schools, hair braiding salons and schools, tattoo parlors and schools, ~~and~~ body-piercing salons and schools, *and laser or light therapy clinics and schools* for compliance with regulations promulgated by the Board.

306 C. The Board shall specify procedures for enforcement of compliance with the disease control and
307 disclosure requirements of § 18.2-371.3, including unannounced inspections by appropriate personnel.

308 D. The Board or the Virginia Department of Health, or an affiliated local health department, may
309 regulate the sanitary condition of the personnel, equipment and premises of tattoo parlors and
310 body-piercing salons.

311 § 54.1-705. (Effective July 1, 2007) Inspections.

312 A. Inspectors and sanitarians of the State Department of Health, or an affiliated local health
313 department, may inspect each barbershop, cosmetology salon, waxing salon, nail care salon, hair
314 braiding salon, tattoo parlor, body-piercing salon, ~~and~~ esthetics spa, *and laser or light therapy clinic* in
315 the Commonwealth regularly. Any infractions shall be immediately reported to the Health Department
316 and the Director of the Department of Professional and Occupational Regulation for disciplinary action.

317 B. The Board may inspect barbershops, barber schools, cosmetology salons and schools, waxing
318 salons and schools, nail care salons and schools, hair braiding salons and schools, tattoo parlors and
319 schools, body-piercing salons and schools, ~~and~~ esthetics spas and schools, *and laser or light therapy*
320 *clinics and schools* for compliance with regulations promulgated by the Board.

321 C. The Board shall specify procedures for enforcement of compliance with the disease control and
322 disclosure requirements of § 18.2-371.3, including unannounced inspections by appropriate personnel.

323 D. The Board or the Virginia Department of Health, or an affiliated local health department, may
324 regulate the sanitary condition of the personnel, equipment and premises of tattoo parlors and
325 body-piercing salons.

326 § 54.1-706. (Effective until July 1, 2007) Different requirements for licensure.

327 The Board shall have the discretion to impose different requirements for licensure for the practice of
328 barbering, cosmetology, nail care, waxing, hair braiding, tattooing, ~~and~~ body-piercing, *and laser or light*
329 *therapy*.

330 § 54.1-706. (Effective July 1, 2007) Different requirements for licensure.

331 The Board shall have the discretion to impose different requirements for licensure for the practice of
332 barbering, cosmetology, nail care, waxing, hair braiding, tattooing, body-piercing, ~~and~~ esthetics, *and*
333 *laser or light therapy*.

334 § 54.1-2901. Exceptions and exemptions generally.

335 A. The provisions of this chapter shall not prevent or prohibit:

336 1. Any person entitled to practice his profession under any prior law on June 24, 1944, from
337 continuing such practice within the scope of the definition of his particular school of practice;

338 2. Any person licensed to practice naturopathy prior to June 30, 1980, from continuing such practice
339 in accordance with regulations promulgated by the Board;

340 3. Any licensed nurse practitioner from rendering care under the supervision of a duly licensed
341 physician when such services are authorized by regulations promulgated jointly by the Board of
342 Medicine and the Board of Nursing;

343 4. Any registered professional nurse, licensed nurse practitioner, graduate laboratory technician or
344 other technical personnel who have been properly trained from rendering care or services within the
345 scope of their usual professional activities which shall include the taking of blood, the giving of
346 intravenous infusions and intravenous injections, and the insertion of tubes when performed under the
347 orders of a person licensed to practice medicine;

348 5. Any dentist, pharmacist or optometrist from rendering care or services within the scope of his
349 usual professional activities;

350 6. Any practitioner licensed or certified by the Board from delegating to personnel supervised by
351 him, such activities or functions as are nondiscretionary and do not require the exercise of professional
352 judgment for their performance and which are usually or customarily delegated to such persons by
353 practitioners of the healing arts, if such activities or functions are authorized by and performed for such
354 practitioners of the healing arts and responsibility for such activities or functions is assumed by such
355 practitioners of the healing arts;

356 7. The rendering of medical advice or information through telecommunications from a physician
357 licensed to practice medicine in Virginia or an adjoining state to emergency medical personnel acting in
358 an emergency situation;

359 8. The domestic administration of family remedies;

360 9. The giving or use of massages, steam baths, dry heat rooms, infrared heat or ultraviolet lamps in
361 public or private health clubs and spas;

362 10. The manufacture or sale of proprietary medicines in this Commonwealth by licensed pharmacists
363 or druggists;

364 11. The advertising or sale of commercial appliances or remedies;

365 12. The fitting by nonitinerant persons or manufacturers of artificial eyes, limbs or other apparatus or
366 appliances or the fitting of plaster cast counterparts of deformed portions of the body by a nonitinerant
367 bracer or prosthetist for the purpose of having a three-dimensional record of the deformity, when

such bracemaker or prosthetist has received a prescription from a licensed physician directing the fitting of such casts and such activities are conducted in conformity with the laws of Virginia;

13. Any person from the rendering of first aid or medical assistance in an emergency in the absence of a person licensed to practice medicine or osteopathy under the provisions of this chapter;

14. The practice of the religious tenets of any church in the ministration to the sick and suffering by mental or spiritual means without the use of any drug or material remedy, whether gratuitously or for compensation;

15. Any legally qualified out-of-state or foreign practitioner from meeting in consultation with legally licensed practitioners in this Commonwealth;

16. Any practitioner of the healing arts licensed or certified and in good standing with the applicable regulatory agency in another state or Canada when that practitioner of the healing arts is in Virginia temporarily and such practitioner has been issued a temporary license or certification by the Board from practicing medicine or the duties of the profession for which he is licensed or certified (i) in a summer camp or in conjunction with patients who are participating in recreational activities, (ii) while participating in continuing educational programs prescribed by the Board, or (iii) by rendering at any site any health care services within the limits of his license, voluntarily and without compensation, to any patient of any clinic which is organized in whole or in part for the delivery of health care services without charge as provided in § 54.1-106;

17. The performance of the duties of any commissioned or contract medical officer, or podiatrist in active service in the army, navy, coast guard, marine corps, air force, or public health service of the United States while such individual is so commissioned or serving;

18. Any masseur, who publicly represents himself as such, from performing services within the scope of his usual professional activities and in conformance with state law;

19. Any person from performing services in the lawful conduct of his particular profession or business under state law;

20. Any person from rendering emergency care pursuant to the provisions of § 8.01-225;

21. Qualified emergency medical services personnel, when acting within the scope of their certification, and licensed health care practitioners, when acting within their scope of practice, from following Durable Do Not Resuscitate Orders issued in accordance with § 54.1-2987.1 and Board of Health regulations, or licensed health care practitioners from following any other written order of a physician not to resuscitate a patient in the event of cardiac or respiratory arrest;

22. Any commissioned or contract medical officer of the army, navy, coast guard or air force rendering services voluntarily and without compensation while deemed to be licensed pursuant to § 54.1-106;

23. Any provider of a chemical dependency treatment program who is certified as an "acupuncture detoxification specialist" by the National Acupuncture Detoxification Association or an equivalent certifying body, from administering auricular acupuncture treatment under the appropriate supervision of a National Acupuncture Detoxification Association certified licensed physician or licensed acupuncturist;

24. Any employee of any assisted living facility who is certified in cardiopulmonary resuscitation (CPR) acting in compliance with the patient's individualized service plan and with the written order of the attending physician not to resuscitate a patient in the event of cardiac or respiratory arrest;

25. Any person working as a health assistant under the direction of a licensed medical or osteopathic doctor within the Department of Corrections, the Department of Juvenile Justice or local correctional facilities;

26. Any employee of a school board, authorized by a prescriber and trained in the administration of insulin and glucagon, when, upon the authorization of a prescriber and the written request of the parents as defined in § 22.1-1, assisting with the administration of insulin or administering glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia;

27. Any practitioner of the healing arts or other profession regulated by the Board from rendering free health care to an underserved population of Virginia who (i) does not regularly practice his profession in Virginia, (ii) holds a current valid license or certificate to practice his profession in another state, territory, district or possession of the United States, (iii) volunteers to provide free health care to an underserved area of this Commonwealth under the auspices of a publicly supported all volunteer, nonprofit organization with no paid employees that sponsors the provision of health care to populations of underserved people throughout the world, (iv) files a copy of the license or certification issued in such other jurisdiction with the Board, (v) notifies the Board at least 15 days prior to the voluntary provision of services of the dates and location of such service, and (vi) acknowledges, in writing, that such licensure exemption shall only be valid, in compliance with the Board's regulations, during the limited period that such free health care is made available through the volunteer, nonprofit organization on the dates and at the location filed with the Board. The Board may deny the right to practice in

429 Virginia to any practitioner of the healing arts whose license or certificate has been previously
430 suspended or revoked, who has been convicted of a felony or who is otherwise found to be in violation
431 of applicable laws or regulations;

432 28. Any registered nurse, acting as an agent of the Department of Health, from obtaining specimens
433 of sputum or other bodily fluid from persons in whom the diagnosis of active tuberculosis disease, as
434 defined in § 32.1-49.1, is suspected and submitting orders for testing of such specimens to the Division
435 of Consolidated Laboratories or other public health laboratories, designated by the State Health
436 Commissioner, for the purpose of determining the presence or absence of tubercle bacilli as defined in
437 § 32.1-49.1;

438 29. Any physician of medicine or osteopathy or nurse practitioner from delegating to a registered
439 nurse under his supervision the screening and testing of children for elevated blood-lead levels when
440 such testing is conducted (i) in accordance with a written protocol between the physician or nurse
441 practitioner and the registered nurse and (ii) in compliance with the Board of Health's regulations
442 promulgated pursuant to §§ 32.1-46.1 and 32.1-46.2. Any follow-up testing or treatment shall be
443 conducted at the direction of a physician or nurse practitioner; ~~or~~

444 30. Any practitioner of one of the professions regulated by the Board of Medicine who is in good
445 standing with the applicable regulatory agency in another state or Canada from engaging in the practice
446 of that profession when the practitioner is in Virginia temporarily with an out-of-state athletic team or
447 athlete for the duration of the athletic tournament, game, or event in which the team or athlete is
448 competing; *or*

449 31. *Any person who is employed to practice permanent cosmetic procedures by a licensed physician*
450 *or dentist and performs such procedures under the direct supervision of a licensed physician or dentist*
451 *in his office or a licensed health care or medical facility.*

452 B. Notwithstanding any provision of law or regulation to the contrary, a nurse practitioner licensed
453 by the Boards of Nursing and Medicine in the category of certified nurse midwife may practice without
454 the requirement for physician supervision while participating in a pilot program approved by the Board
455 of Health pursuant to § 32.1-11.5.

456 2. That the provisions of this act shall become effective on July 1, 2008, except that the provisions
457 of §§ 54.1-700.1, 54.1-702, and 54.1-2901 shall become effective on July 1, 2006.

458 3. That the Board for Barbers and Cosmetology shall promulgate regulations to implement the
459 provisions of this act to be effective on or before July 1, 2008.