

066580248

HOUSE BILL NO. 996

Offered January 11, 2006

Prefiled January 11, 2006

A BILL to amend and reenact §§ 54.1-2722 and 54.1-3408 of the Code of Virginia, relating to dental hygienists administering certain Schedule VI analgesia and anesthesia.

 Patron—Brink

 Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:**1. That §§ 54.1-2722 and 54.1-3408 of the Code of Virginia are amended and reenacted as follows:**

§ 54.1-2722. License; application; qualifications; practice of dental hygiene.

A. No person shall practice dental hygiene unless he possesses a current, active, and valid license from the Board of Dentistry. The licensee shall have the right to practice dental hygiene in the Commonwealth for the period of his license as set by the Board, under the direction of any licensed dentist.

B. An application for such license shall be made to the Board in writing, and shall be accompanied by satisfactory proof that the applicant (i) is of good moral character, (ii) is a graduate of an accredited dental hygiene program offered by an accredited institution of higher education, (iii) has passed the dental hygiene examination given by the Joint Commission on Dental Examinations, and (iv) has successfully completed a clinical examination acceptable to the Board.

C. The Board may grant a license to practice dental hygiene to an applicant licensed to practice in another jurisdiction if he (i) meets the requirements of subsection B of this section; (ii) holds a current, unrestricted license to practice dental hygiene in another jurisdiction in the United States; (iii) has not committed any act that would constitute grounds for denial as set forth in § 54.1-2706; and (iv) meets other qualifications as determined in regulations promulgated by the Board.

D. A licensed dental hygienist may, under the direction or general supervision of a licensed dentist and subject to the regulations of the Board, perform services that are educational, diagnostic, therapeutic, or preventive. These services shall not include the establishment of a final diagnosis or treatment plan for a dental patient.

A dentist may also authorize a dental hygienist under his direction to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia. In its regulations, the Board of Dentistry shall establish the education and training requirements for dental hygienists to administer such controlled substances under a dentist's direction.

For the purposes of this section, "general supervision" means that a dentist has evaluated the patient and prescribed authorized services to be provided by a dental hygienist; however, the dentist need not be present in the facility while the authorized services are being provided.

The Board shall provide for an inactive license for those dental hygienists who hold a current, unrestricted license to practice in the Commonwealth at the time of application for an inactive license and who do not wish to practice in Virginia. The Board shall promulgate such regulations as may be necessary to carry out the provisions of this section, including requirements for remedial education to activate a license.

§ 54.1-3408. Professional use by practitioners.

A. 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.

B. 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

INTRODUCED

HB996

59 regulations governing emergency medical services and who are acting within the scope of such
60 certification. A prescriber may authorize a licensed respiratory care practitioner as defined in
61 § 54.1-2954 to administer by inhalation controlled substances used in inhalation or respiratory therapy.

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

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

70 Pursuant to the regulations of the Board of Health, certain emergency medical services technicians
71 may possess and administer epinephrine in emergency cases of anaphylactic shock.

72 E. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course
73 of his professional practice, such prescriber may authorize licensed physical therapists to possess and
74 administer topical corticosteroids, topical lidocaine, and any other Schedule VI topical drug.

75 F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course
76 of his professional practice, such prescriber may authorize licensed athletic trainers to possess and
77 administer topical corticosteroids, topical lidocaine, or other Schedule VI topical drugs, or to possess and
78 administer epinephrine for use in emergency cases of anaphylactic shock.

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

93 The Health Commissioner or his designee may authorize registered nurses, acting as agents of the
94 Department of Health, to possess and administer, at the nurse's discretion, tuberculin purified protein
95 derivative (PPD) to those persons in whom tuberculin skin testing is indicated based on protocols and
96 policies established by the Department of Health.

97 H. Pursuant to a written order or standing protocol issued by the prescriber within the course of his
98 professional practice, such prescriber may authorize, with the consent of the parents as defined in
99 § 22.1-1, an employee of a school board who is trained in the administration of insulin and glucagon to
100 assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes
101 and who requires insulin injections during the school day or for whom glucagon has been prescribed for
102 the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed
103 nurse, nurse practitioner, physician or physician assistant is not present to perform the administration of
104 the medication.

105 I. A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the
106 administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is
107 not physically present, (i) by licensed pharmacists, (ii) by registered nurses, or (iii) licensed practical
108 nurses under the immediate and direct supervision of a registered nurse. A prescriber acting on behalf of
109 and in accordance with established protocols of the Department of Health may authorize the
110 administration of vaccines to any person by a pharmacist or nurse when the prescriber is not physically
111 present.

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

114 Further, pursuant to a written order and in accordance with a standing protocol issued by the dentist
115 in the course of his professional practice, a dentist may authorize a dental hygienist under his general
116 supervision, as defined in § 54.1-2722, to possess and administer topical oral fluorides, topical oral
117 anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions,
118 as well as any other Schedule VI topical drug approved by the Board of Dentistry.

119 *In addition, a dentist may authorize a dental hygienist under his direction to administer Schedule VI*
120 *nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, local*

121 *anesthesia.*

122 K. (For expiration date - See Editor's note) This section shall not prevent the administration of drugs
123 by a person who has satisfactorily completed a training program for this purpose approved by the Board
124 of Nursing and who administers such drugs in accordance with a physician's instructions pertaining to
125 dosage, frequency, and manner of administration, and in accordance with regulations promulgated by the
126 Board of Pharmacy relating to security and record keeping, when the drugs administered would be
127 normally self-administered by (i) a resident of a facility licensed or certified by the State Mental Health,
128 Mental Retardation and Substance Abuse Services Board; (ii) a resident of any assisted living facility
129 which is licensed by the Department of Social Services; (iii) a resident of the Virginia Rehabilitation
130 Center for the Blind and Vision Impaired; (iv) a resident of a facility approved by the Board or
131 Department of Juvenile Justice for the placement of children in need of services or delinquent or alleged
132 delinquent youth; (v) a program participant of an adult day-care center licensed by the Department of
133 Social Services; or (vi) a resident of any facility authorized or operated by a state or local government
134 whose primary purpose is not to provide health care services.

135 K. (For effective date - see Editor's note) This section shall not prevent the administration of drugs
136 by a person who has satisfactorily completed a training program for this purpose approved by the Board
137 of Nursing and who administers such drugs in accordance with a physician's instructions pertaining to
138 dosage, frequency, and manner of administration, and in accordance with regulations promulgated by the
139 Board of Pharmacy relating to security and record keeping, when the drugs administered would be
140 normally self-administered by (i) a resident of a facility licensed or certified by the Department of
141 Mental Health, Mental Retardation and Substance Abuse Services; (ii) a resident of the Virginia
142 Rehabilitation Center for the Blind and Vision Impaired; (iii) a resident of a facility approved by the
143 Board or Department of Juvenile Justice for the placement of children in need of services or delinquent
144 or alleged delinquent youth; (iv) a program participant of an adult day-care center licensed by the
145 Department of Social Services; or (v) a resident of any facility authorized or operated by a state or local
146 government whose primary purpose is not to provide health care services.

147 L. (For effective date - see Editor's note) Medication aides registered by the Board of Nursing
148 pursuant to Article 7 (§ 54.1-3041 et seq.) of Chapter 30 may administer drugs that would otherwise be
149 self-administered to residents of any assisted living facility licensed by the Department of Social
150 Services. A registered medication aide shall administer drugs pursuant to this section in accordance with
151 the prescriber's instructions pertaining to dosage, frequency, and manner of administration; in accordance
152 with regulations promulgated by the Board of Pharmacy relating to security and recordkeeping; in
153 accordance with the assisted living facility's Medication Management Plan; and in accordance with such
154 other regulations governing their practice promulgated by the Board of Nursing.

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

162 N. In addition, this section shall not prevent the administration or dispensing of drugs and devices by
163 persons if they are authorized by the State Health Commissioner in accordance with protocols
164 established by the State Health Commissioner pursuant to § 32.1-42.1 when (i) the Governor has
165 declared a disaster or a state of emergency caused by an act of terrorism or the United States Secretary
166 of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or
167 other actual or potential public health emergency; (ii) it is necessary to permit the provision of needed
168 drugs or devices; and (iii) such persons have received the training necessary to safely administer or
169 dispense the needed drugs or devices. Such persons shall administer or dispense all drugs or devices
170 under the direction, control and supervision of the State Health Commissioner.

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

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

177 Q. Nothing in this title shall prevent or interfere with dialysis care technicians or dialysis patient care
178 technicians who are certified by an organization approved by the Board of Health Professions pursuant
179 to Chapter 27.01 (§ 54.1-2729.1 et seq.) of this title, in the ordinary course of their duties in a
180 Medicare-certified renal dialysis facility, from administering heparin, topical needle site anesthetics,
181 dialysis solutions, sterile normal saline solution, and blood volumizers, for the purpose of facilitating

182 renal dialysis treatment, when such administration of medications occurs under the orders of a licensed
183 physician, nurse practitioner or physician assistant and under the immediate and direct supervision of a
184 licensed registered nurse.

185 The dialysis care technician or dialysis patient care technician administering the medications shall
186 have demonstrated competency as evidenced by holding current valid certification from an organization
187 approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.) of this
188 title.