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HOUSE BILL NO. 1222

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health, Welfare and Institutions
on January 22, 2008)

(Patron Prior to Substitute—Delegate Bowling)

A BILL to amend and reenact §§ 54.1-2701, 54.1-2901, 54.1-3001, 54.1-3202, 54.1-3301, 54.1-3601, and 54.1-3801 of the Code of Virginia, relating to charitable medical events.

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2701, 54.1-2901, 54.1-3001, 54.1-3202, 54.1-3301, 54.1-3601, and 54.1-3801 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2701. Exemptions.

This chapter shall not:

1. Apply to a licensed physician or surgeon unless he practices dentistry as a specialty;
2. Apply to a nurse practitioner certified by the Board of Nursing and the Board of Medicine except that intraoral procedures shall be performed only under the direct supervision of a licensed dentist;
3. Apply to a dentist or a dental hygienist of the United States Army, Navy, Coast Guard, Air Force, Public Health Service, or Veterans Administration;
4. Apply to any dentist of the United States Army, Navy, Coast Guard, or Air Force rendering services voluntarily and without compensation while deemed to be licensed pursuant to § 54.1-106;
5. Apply to any dentist or dental hygienist who (i) does not regularly practice dentistry in Virginia, (ii) holds a current valid license or certificate to practice as a dentist or dental hygienist 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 that sponsors the provision of health care to populations of underserved people, (iv) files a copy of the license or certificate 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 Virginia to any dentist or dental hygienist whose license has been previously suspended or revoked, who has been convicted of a felony or who is otherwise found to be in violation of applicable laws or regulations; or
6. Prevent an office assistant from performing usual secretarial duties or other assistance as set forth in regulations promulgated by the Board.

§ 54.1-2901. Exceptions and exemptions generally.

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

1. Any person entitled to practice his profession under any prior law on June 24, 1944, from continuing such practice within the scope of the definition of his particular school of practice;
2. Any person licensed to practice naturopathy prior to June 30, 1980, from continuing such practice in accordance with regulations promulgated by the Board;
3. Any licensed nurse practitioner from rendering care under the supervision of a duly licensed physician when such services are authorized by regulations promulgated jointly by the Board of Medicine and the Board of Nursing;
4. Any registered professional nurse, licensed nurse practitioner, graduate laboratory technician or other technical personnel who have been properly trained from rendering care or services within the scope of their usual professional activities which shall include the taking of blood, the giving of intravenous infusions and intravenous injections, and the insertion of tubes when performed under the orders of a person licensed to practice medicine;
5. Any dentist, pharmacist or optometrist from rendering care or services within the scope of his usual professional activities;
6. Any practitioner licensed or certified by the Board from delegating to personnel supervised by him, such activities or functions as are nondiscretionary and do not require the exercise of professional judgment for their performance and which are usually or customarily delegated to such persons by practitioners of the healing arts, if such activities or functions are authorized by and performed for such practitioners of the healing arts and responsibility for such activities or functions is assumed by such practitioners of the healing arts;
7. The rendering of medical advice or information through telecommunications from a physician licensed to practice medicine in Virginia or an adjoining state to emergency medical personnel acting in an emergency situation;

- 60 8. The domestic administration of family remedies;
- 61 9. The giving or use of massages, steam baths, dry heat rooms, infrared heat or ultraviolet lamps in
- 62 public or private health clubs and spas;
- 63 10. The manufacture or sale of proprietary medicines in this Commonwealth by licensed pharmacists
- 64 or druggists;
- 65 11. The advertising or sale of commercial appliances or remedies;
- 66 12. The fitting by nonitinerant persons or manufacturers of artificial eyes, limbs or other apparatus or
- 67 appliances or the fitting of plaster cast counterparts of deformed portions of the body by a nonitinerant
- 68 bracer or prosthetist for the purpose of having a three-dimensional record of the deformity, when
- 69 such bracer or prosthetist has received a prescription from a licensed physician directing the fitting
- 70 of such casts and such activities are conducted in conformity with the laws of Virginia;
- 71 13. Any person from the rendering of first aid or medical assistance in an emergency in the absence
- 72 of a person licensed to practice medicine or osteopathy under the provisions of this chapter;
- 73 14. The practice of the religious tenets of any church in the ministration to the sick and suffering by
- 74 mental or spiritual means without the use of any drug or material remedy, whether gratuitously or for
- 75 compensation;
- 76 15. Any legally qualified out-of-state or foreign practitioner from meeting in consultation with legally
- 77 licensed practitioners in this Commonwealth;
- 78 16. Any practitioner of the healing arts licensed or certified and in good standing with the applicable
- 79 regulatory agency in another state or Canada when that practitioner of the healing arts is in Virginia
- 80 temporarily and such practitioner has been issued a temporary license or certification by the Board from
- 81 practicing medicine or the duties of the profession for which he is licensed or certified (i) in a summer
- 82 camp or in conjunction with patients who are participating in recreational activities, (ii) while
- 83 participating in continuing educational programs prescribed by the Board, or (iii) by rendering at any
- 84 site any health care services within the limits of his license, voluntarily and without compensation, to
- 85 any patient of any clinic which is organized in whole or in part for the delivery of health care services
- 86 without charge as provided in § 54.1-106. *The Board shall allow a practitioner of the healing arts, other*
- 87 *than a dentist or dental hygienist, who can immediately produce a copy of a license or certificate in*
- 88 *good standing from another state or Canada, to provide such volunteer services without prior notice for*
- 89 *a period of up to three days;*
- 90 17. The performance of the duties of any commissioned or contract medical officer, or podiatrist in
- 91 active service in the army, navy, coast guard, marine corps, air force, or public health service of the
- 92 United States while such individual is so commissioned or serving;
- 93 18. Any masseur, who publicly represents himself as such, from performing services within the scope
- 94 of his usual professional activities and in conformance with state law;
- 95 19. Any person from performing services in the lawful conduct of his particular profession or
- 96 business under state law;
- 97 20. Any person from rendering emergency care pursuant to the provisions of § 8.01-225;
- 98 21. Qualified emergency medical services personnel, when acting within the scope of their
- 99 certification, and licensed health care practitioners, when acting within their scope of practice, from
- 100 following Durable Do Not Resuscitate Orders issued in accordance with § 54.1-2987.1 and Board of
- 101 Health regulations, or licensed health care practitioners from following any other written order of a
- 102 physician not to resuscitate a patient in the event of cardiac or respiratory arrest;
- 103 22. Any commissioned or contract medical officer of the army, navy, coast guard or air force
- 104 rendering services voluntarily and without compensation while deemed to be licensed pursuant to
- 105 § 54.1-106;
- 106 23. Any provider of a chemical dependency treatment program who is certified as an "acupuncture
- 107 detoxification specialist" by the National Acupuncture Detoxification Association or an equivalent
- 108 certifying body, from administering auricular acupuncture treatment under the appropriate supervision of
- 109 a National Acupuncture Detoxification Association certified licensed physician or licensed acupuncturist;
- 110 24. Any employee of any assisted living facility who is certified in cardiopulmonary resuscitation
- 111 (CPR) acting in compliance with the patient's individualized service plan and with the written order of
- 112 the attending physician not to resuscitate a patient in the event of cardiac or respiratory arrest;
- 113 25. Any person working as a health assistant under the direction of a licensed medical or osteopathic
- 114 doctor within the Department of Corrections, the Department of Juvenile Justice or local correctional
- 115 facilities;
- 116 26. Any employee of a school board, authorized by a prescriber and trained in the administration of
- 117 insulin and glucagon, when, upon the authorization of a prescriber and the written request of the parents
- 118 as defined in § 22.1-1, assisting with the administration of insulin or administering glucagon to a
- 119 student diagnosed as having diabetes and who requires insulin injections during the school day or for
- 120 whom glucagon has been prescribed for the emergency treatment of hypoglycemia;
- 121 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 Virginia to any practitioner of the healing arts whose license or certificate has been previously suspended or revoked, who has been convicted of a felony or who is otherwise found to be in violation of applicable laws or regulations;

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

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

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

31. Any licensed nurse practitioner in the category of certified nurse midwife from rendering care in collaboration and consultation with a duly licensed physician when such services are authorized by regulations promulgated jointly by the Board of Medicine and the Board of Nursing.

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

§ 54.1-3001. Exemptions.

This chapter shall not apply to the following:

1. The furnishing of nursing assistance in an emergency;
2. The practice of nursing, which is prescribed as part of a study program, by nursing students enrolled in nursing education programs approved by the Board or by graduates of approved nursing education programs for a period not to exceed ninety days following successful completion of the nursing education program pending the results of the licensing examination, provided proper application and fee for licensure have been submitted to the Board and unless the graduate fails the licensing examination within the ninety-day period;

3. The practice of any legally qualified nurse of another state who is employed by the United States government while in the discharge of his official duties;

4. The practice of nursing by a nurse who holds a current unrestricted license in another state, the District of Columbia, a United States possession or territory, or who holds a current unrestricted license in Canada and whose training was obtained in a nursing school in Canada where English was the primary language, for a period of thirty days pending licensure in Virginia, if the nurse, upon employment, has furnished the employer satisfactory evidence of current licensure and submits proper application and fees to the Board for licensure before, or within ten days after, employment. At the discretion of the Board, additional time may be allowed for nurses currently licensed in another state, the District of Columbia, a United States possession or territory, or Canada who are in the process of attaining the qualification for licensure in this Commonwealth;

5. The practice of nursing by any registered nurse who holds a current unrestricted license in another state, the District of Columbia, or a United States possession or territory, or a nurse who holds an equivalent credential in a foreign country, while enrolled in an advanced professional nursing program

183 requiring clinical practice. This exemption extends only to clinical practice required by the curriculum;

184 6. The practice of nursing by any nurse who holds a current unrestricted license in another state, the
185 District of Columbia, or a United States possession or territory and is employed to provide care to any
186 private individual while such private individual is traveling through or temporarily staying, as defined in
187 the Board's regulations, in the Commonwealth;

188 7. General care of the sick by nursing assistants, companions or domestic servants that does not
189 constitute the practice of nursing as defined in this chapter;

190 8. The care of the sick when done solely in connection with the practice of religious beliefs by the
191 adherents and which is not held out to the public to be licensed practical or professional nursing;

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

197 10. The practice of nursing by any nurse who is a graduate of a foreign nursing school and has met
198 the credential, language, and academic testing requirements of the Commission on Graduates of Foreign
199 Nursing Schools for a period not to exceed ninety days from the date of approval of an application
200 submitted to the Board when such nurse is working as a nonsupervisory staff nurse in a licensed nursing
201 home or certified nursing facility. During such ninety-day period, such nurse shall take and pass the
202 licensing examination to remain eligible to practice nursing in Virginia; no exemption granted under this
203 subdivision shall be extended; or

204 11. The practice of nursing by any nurse rendering free health care to an underserved population in
205 Virginia who (i) does not regularly practice nursing in Virginia, (ii) holds a current valid license or
206 certification to practice nursing in another state, territory, district or possession of the United States, (iii)
207 volunteers to provide free health care to an underserved area of this Commonwealth under the auspices
208 of a publicly supported all volunteer, nonprofit organization with no paid employees that sponsors the
209 provision of health care to populations of underserved people throughout the world, (iv) ~~files~~*presents* a
210 copy of the license or certification issued in such other jurisdiction ~~with~~*to* the Board, (v) *whenever*
211 *possible*, notifies the Board at least fifteen days prior to the voluntary provision of services of the dates
212 and location of such service, and (vi) acknowledges, in writing, that such licensure exemption shall only
213 be valid, in compliance with the Board's regulations, during the limited period that such free health care
214 is made available through the volunteer, nonprofit organization on the dates and at the location filed
215 with the Board. *The Board shall allow a nurse who meets the above criteria to provide such volunteer*
216 *services without prior notice for a period of up to three days.* The Board may deny the right to practice
217 in Virginia to any nurse whose license or certificate has been previously suspended or revoked, who has
218 been convicted of a felony or who is otherwise found to be in violation of applicable laws or
219 regulations.

220 § 54.1-3202. Exemptions.

221 This chapter shall not apply to:

222 1. Physicians licensed to practice medicine by the Board of Medicine or to prohibit the sale of
223 nonprescription eyeglasses and sunglasses. Contact lenses shall not be sold as merchandise from a retail
224 business other than one operated by a physician, an optometrist or an optician; or

225 2. Any optometrist rendering free health care to an underserved population in Virginia who (i) does
226 not regularly practice optometry in Virginia, (ii) holds a current valid license or certificate to practice
227 optometry in another state, territory, district or possession of the United States, (iii) volunteers to
228 provide free health care in an underserved area of this Commonwealth under the auspices of a publicly
229 supported all volunteer, nonprofit organization with no paid employees that sponsors the provision of
230 health care to populations of underserved people throughout the world, (iv) ~~files~~*presents* a copy of his
231 license or certification in such other jurisdiction ~~with~~*to* the Board, (v) *whenever possible*, notifies the
232 Board at least fifteen days prior to the voluntary provision of services of the dates and location of such
233 service, and (vi) acknowledges, in writing, that such licensure exemption shall only be valid, in
234 compliance with the Board's regulations, during the limited period that such free health care is made
235 available through the volunteer, nonprofit organization on the dates and at the location filed with the
236 Board. *The Board shall allow an optometrist who meets the above criteria to provide such volunteer*
237 *services without prior notice for a period of up to three days.* The Board may deny the right to practice
238 in Virginia to any optometrist whose license or certificate has been previously suspended or revoked,
239 who has been convicted of a felony or who is otherwise found to be in violation of applicable laws or
240 regulations.

241 § 54.1-3301. Exceptions.

242 This chapter shall not be construed to:

243 1. Interfere with any legally qualified practitioner of dentistry, or veterinary medicine or any
244 physician acting on behalf of the Virginia Department of Health or local health departments, in the

compounding of his prescriptions or the purchase and possession of drugs as he may require;

2. Prevent any legally qualified practitioner of dentistry, or veterinary medicine or any prescriber, as defined in § 54.1-3401, acting on behalf of the Virginia Department of Health or local health departments, from administering or supplying to his patients the medicines that he deems proper under the conditions of § 54.1-3303 or from causing drugs to be administered or dispensed pursuant to §§ 32.1-42.1 and 54.1-3408;

3. Prohibit the sale by merchants and retail dealers of proprietary medicines as defined in Chapter 34 (§ 54.1-3400 et seq.) of this title;

4. Prevent the operation of automated drug dispensing systems in hospitals pursuant to Chapter 34 (§ 54.1-3400 et seq.) of this title;

5. Prohibit the employment of ancillary personnel to assist a pharmacist as provided in the regulations of the Board;

6. Interfere with any legally qualified practitioner of medicine, osteopathy, or podiatry from purchasing, possessing or administering controlled substances to his own patients or providing controlled substances to his own patients in a bona fide medical emergency or providing manufacturers' professional samples to his own patients;

7. Interfere with any legally qualified practitioner of optometry, certified or licensed to use diagnostic pharmaceutical agents, from purchasing, possessing or administering those controlled substances as specified in § 54.1-3221 or interfere with any legally qualified practitioner of optometry certified to prescribe therapeutic pharmaceutical agents from purchasing, possessing, or administering to his own patients those controlled substances as specified in § 54.1-3222 and the TPA formulary or providing manufacturers' samples of these drugs to his own patients;

8. Interfere with any physician assistant with prescriptive authority receiving and dispensing to his own patients manufacturers' professional samples of controlled substances and devices that he is authorized, in compliance with the provisions of § 54.1-2952.1, to prescribe according to his practice setting and a written agreement with a physician or podiatrist;

9. Interfere with any licensed nurse practitioner with prescriptive authority receiving and dispensing to his own patients manufacturers' professional samples of controlled substances and devices that he is authorized, in compliance with the provisions of § 54.1-2957.01, to prescribe according to his practice setting and a written agreement with a physician;

10. Interfere with any legally qualified practitioner of medicine or osteopathy participating in an indigent patient program offered by a pharmaceutical manufacturer in which the practitioner sends a prescription for one of his own patients to the manufacturer, and the manufacturer donates a stock bottle of the prescription drug ordered at no cost to the practitioner or patient. The practitioner may dispense such medication at no cost to the patient without holding a license to dispense from the Board of Pharmacy. However, the container in which the drug is dispensed shall be labeled in accordance with the requirements of § 54.1-3410, and, unless directed otherwise by the practitioner or the patient, shall meet standards for special packaging as set forth in § 54.1-3426 and Board of Pharmacy regulations. In lieu of dispensing directly to the patient, a practitioner may transfer the donated drug with a valid prescription to a pharmacy for dispensing to the patient. The practitioner or pharmacy participating in the program shall not use the donated drug for any purpose other than dispensing to the patient for whom it was originally donated, except as authorized by the donating manufacturer for another patient meeting that manufacturer's requirements for the indigent patient program. Neither the practitioner nor the pharmacy shall charge the patient for any medication provided through a manufacturer's indigent patient program pursuant to this subdivision. A participating pharmacy may charge a reasonable dispensing or administrative fee to offset the cost of dispensing, not to exceed the comparable allowable fee reimbursed by the Virginia Medicaid program. However, if the patient is unable to pay such fee, the dispensing or administrative fee shall be waived;

11. Interfere with any legally qualified practitioner of medicine or osteopathy from providing controlled substances to his own patients in a free clinic without charge when such controlled substances are donated by an entity other than a pharmaceutical manufacturer as authorized by subdivision 10. The practitioner shall first obtain a controlled substances registration from the Board and shall comply with the labeling and packaging requirements of this chapter and the Board's regulations; or

12. Prevent any pharmacist from providing free health care to an underserved population in Virginia who (i) does not regularly practice pharmacy in Virginia, (ii) holds a current valid license or certificate to practice pharmacy 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~~*represents* a copy of the license or certificate issued in such other jurisdiction ~~with~~*to* the Board, (v) ~~whenever possible~~*whenever possible*, 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 shall allow a pharmacist who meets the above criteria to provide such volunteer services without prior notice for a period of up to three days.* The Board may deny the right to practice in Virginia to any pharmacist whose license has been previously suspended or revoked, who has been convicted of a felony or who is otherwise found to be in violation of applicable laws or regulations.

This section shall not be construed as exempting any person from the licensure, registration, permitting and record keeping requirements of this chapter or Chapter 34 of this title.

§ 54.1-3601. Exemption from requirements of licensure.

The requirements for licensure provided for in this chapter shall not be applicable to:

1. Persons who render services that are like or similar to those falling within the scope of the classifications or categories in this chapter, so long as the recipients or beneficiaries of such services are not subject to any charge or fee, or any financial requirement, actual or implied, and the person rendering such service is not held out, by himself or otherwise, as a licensed practitioner or a provider of clinical or school psychology services.

2. The activities or services of a student pursuing a course of study in psychology in an institution accredited by an accrediting agency recognized by the Board or under the supervision of a practitioner licensed or certified under this chapter, if such activities or services constitute a part of his course of study and are adequately supervised.

3. The activities of rabbis, priests, ministers or clergymen of any religious denomination or sect when such activities are within the scope of the performance of their regular or specialized ministerial duties, and no separate charge is made or when such activities are performed, whether with or without charge, for or under the auspices or sponsorship, individually or in conjunction with others, of an established and legally cognizable church, denomination or sect, and the person rendering service remains accountable to its established authority.

4. Persons employed as salaried employees or volunteers of the federal government, the Commonwealth, a locality, or any agency established or funded, in whole or part, by any such governmental entity or of a private, nonprofit organization or agency sponsored or funded, in whole or part, by a community-based citizen group or organization, except that any such person who renders psychological services, as defined in this chapter, shall be (i) supervised by a licensed psychologist or clinical psychologist; (ii) licensed by the Department of Education as a school psychologist; or (iii) employed by a school for students with disabilities which is certified by the Board of Education. Any person who, in addition to the above enumerated employment, engages in an independent private practice shall not be exempt from the licensure requirements.

5. Persons regularly employed by private business firms as personnel managers, deputies or assistants so long as their counseling activities relate only to employees of their employer and in respect to their employment.

6. Any psychologist holding a license or certificate in another state, the District of Columbia, or a United States territory or foreign jurisdiction consulting with licensed psychologists in this Commonwealth.

7. Any psychologist holding a license or certificate in another state, the District of Columbia, or a United States territory or foreign jurisdiction when in Virginia temporarily and such psychologist has been issued a temporary license by the Board to participate in continuing education programs or rendering psychological services 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. *The Board shall allow a psychologist, who can immediately produce a copy of a license or certificate in good standing from another state, the District of Columbia, or a United States territory or foreign jurisdiction, to provide such volunteer services without prior notice for a period of up to three days.*

8. The performance of the duties of any commissioned or contract clinical psychologist 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.

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

10. Any person duly licensed as a psychologist in another state or the District of Columbia who testifies as a treating psychologist or who is employed as an expert for the purpose of possibly testifying as an expert witness.

§ 54.1-3801. Exceptions.

This chapter shall not apply to:

1. The owner of an animal and the owner's full-time, regular employee caring for and treating the animal belonging to such owner, except where the ownership of the animal was transferred for the purpose of circumventing the requirements of this chapter;

2. Veterinarians licensed in other states called in actual consultation or to attend a case in this Commonwealth who do not open an office or appoint a place to practice within this Commonwealth;

3. Veterinarians employed by the United States or by this Commonwealth while actually engaged in the performance of their official duties; or

4. Veterinarians providing free care in underserved areas of Virginia who (i) do not regularly practice veterinary medicine in Virginia, (ii) hold a current valid license or certificate to practice veterinary medicine in another state, territory, district or possession of the United States, (iii) volunteer to provide free care in 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) ~~file~~*represent* copies of their licenses or certificates issued in such other jurisdiction ~~with~~*to* the Board, (v) *whenever possible*, notify the Board at least fifteen days prior to the voluntary provision of services of the dates and location of such service, and (vi) acknowledge, 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 shall allow a veterinarian who meets the above criteria to provide such volunteer services without prior notice for a period of up to three days.* The Board may deny the right to practice in Virginia to any veterinarian whose license has been previously suspended or revoked, who has been convicted of a felony or who is otherwise found to be in violation of applicable laws or regulations.