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SENATE BILL NO. 194

Offered January 13, 2010

Prefiled January 12, 2010

A BILL to amend and reenact §§ 54.1-2901, 54.1-3001, and 54.1-3408 of the Code of Virginia, relating to certain consumer-directed home health care tasks.

Patron—Northam

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2901, 54.1-3001, and 54.1-3408 of the Code of Virginia are amended and reenacted as follows:

§ 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;

8. The domestic administration of family remedies;

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

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

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

12. The fitting by nonitinerant persons or manufacturers of artificial eyes, limbs or other apparatus or appliances or the fitting of plaster cast counterparts of deformed portions of the body by a nonitinerant bracemaker 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 ministrations 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

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59 practicing medicine or the duties of the profession for which he is licensed or certified (i) in a summer
60 camp or in conjunction with patients who are participating in recreational activities, (ii) while
61 participating in continuing educational programs prescribed by the Board, or (iii) by rendering at any
62 site any health care services within the limits of his license, voluntarily and without compensation, to
63 any patient of any clinic which is organized in whole or in part for the delivery of health care services
64 without charge as provided in § 54.1-106;

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

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

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

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

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

78 22. Any commissioned or contract medical officer of the army, navy, coast guard or air force
79 rendering services voluntarily and without compensation while deemed to be licensed pursuant to
80 § 54.1-106;

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

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

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

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

96 27. Any practitioner of the healing arts or other profession regulated by the Board from rendering
97 free health care to an underserved population of Virginia who (i) does not regularly practice his
98 profession in Virginia, (ii) holds a current valid license or certificate to practice his profession in another
99 state, territory, district or possession of the United States, (iii) volunteers to provide free health care to
100 an underserved area of this Commonwealth under the auspices of a publicly supported all volunteer,
101 nonprofit organization that sponsors the provision of health care to populations of underserved people,
102 (iv) files a copy of the license or certification issued in such other jurisdiction with the Board, (v)
103 notifies the Board at least five business days prior to the voluntary provision of services of the dates and
104 location of such service, and (vi) acknowledges, in writing, that such licensure exemption shall only be
105 valid, in compliance with the Board's regulations, during the limited period that such free health care is
106 made available through the volunteer, nonprofit organization on the dates and at the location filed with
107 the Board. The Board may deny the right to practice in Virginia to any practitioner of the healing arts
108 whose license or certificate has been previously suspended or revoked, who has been convicted of a
109 felony or who is otherwise found to be in violation of applicable laws or regulations. However, the
110 Board shall allow a practitioner of the healing arts who meets the above criteria to provide volunteer
111 services without prior notice for a period of up to three days, provided the nonprofit organization
112 verifies that the practitioner has a valid, unrestricted license in another state;

113 28. Any registered nurse, acting as an agent of the Department of Health, from obtaining specimens
114 of sputum or other bodily fluid from persons in whom the diagnosis of active tuberculosis disease, as
115 defined in § 32.1-49.1, is suspected and submitting orders for testing of such specimens to the Division
116 of Consolidated Laboratories or other public health laboratories, designated by the State Health
117 Commissioner, for the purpose of determining the presence or absence of tubercle bacilli as defined in
118 § 32.1-49.1;

119 29. Any physician of medicine or osteopathy or nurse practitioner from delegating to a registered
120 nurse under his supervision the screening and testing of children for elevated blood-lead levels when

121 such testing is conducted (i) in accordance with a written protocol between the physician or nurse
 122 practitioner and the registered nurse and (ii) in compliance with the Board of Health's regulations
 123 promulgated pursuant to §§ 32.1-46.1 and 32.1-46.2. Any follow-up testing or treatment shall be
 124 conducted at the direction of a physician or nurse practitioner;

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

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

133 32. *Any person from performing consumer-directed health care tasks, which are typically*
 134 *self-performed, for an individual who lives in a private residence and who, by reason of disability, is*
 135 *unable to perform such tasks but who is capable of directing the appropriate performance of such tasks.*

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

140 § 54.1-3001. Exemptions.

141 This chapter shall not apply to the following:

142 1. The furnishing of nursing assistance in an emergency;

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

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

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

160 5. The practice of nursing by any registered nurse who holds a current unrestricted license in another
 161 state, the District of Columbia, or a United States possession or territory, or a nurse who holds an
 162 equivalent credential in a foreign country, while enrolled in an advanced professional nursing program
 163 requiring clinical practice. This exemption extends only to clinical practice required by the curriculum;

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

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

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

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

177 10. The practice of nursing by any nurse who is a graduate of a foreign nursing school and has met
 178 the credential, language, and academic testing requirements of the Commission on Graduates of Foreign
 179 Nursing Schools for a period not to exceed ninety days from the date of approval of an application
 180 submitted to the Board when such nurse is working as a nonsupervisory staff nurse in a licensed nursing
 181 home or certified nursing facility. During such ninety-day period, such nurse shall take and pass the

182 licensing examination to remain eligible to practice nursing in Virginia; no exemption granted under this
183 subdivision shall be extended; ~~or~~

184 11. The practice of nursing by any nurse rendering free health care to an underserved population in
185 Virginia who (i) does not regularly practice nursing in Virginia, (ii) holds a current valid license or
186 certification to practice nursing in another state, territory, district or possession of the United States, (iii)
187 volunteers to provide free health care to an underserved area of this Commonwealth under the auspices
188 of a publicly supported all volunteer, nonprofit organization that sponsors the provision of health care to
189 populations of underserved people, (iv) files a copy of the license or certification issued in such other
190 jurisdiction with the Board, (v) notifies the Board at least five business days prior to the voluntary
191 provision of services of the dates and location of such service, and (vi) acknowledges, in writing, that
192 such licensure exemption shall only be valid, in compliance with the Board's regulations, during the
193 limited period that such free health care is made available through the volunteer, nonprofit organization
194 on the dates and at the location filed with the Board. The Board may deny the right to practice in
195 Virginia to any nurse whose license or certificate has been previously suspended or revoked, who has
196 been convicted of a felony or who is otherwise found to be in violation of applicable laws or
197 regulations. However, the Board shall allow a nurse who meets the above criteria to provide volunteer
198 services without prior notice for a period of up to three days, provided the nonprofit organization
199 verifies that the practitioner has a valid, unrestricted license in another state; *or*

200 12. *Any person performing consumer-directed health care tasks, which are typically self-performed,*
201 *for an individual who lives in a private residence and who, by reason of disability, is unable to perform*
202 *such tasks but who is capable of directing the appropriate performance of such tasks.*

203 § 54.1-3408. Professional use by practitioners.

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

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

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

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

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

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

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

239 G. Pursuant to an oral or written order or standing protocol issued by the prescriber within the
240 course of his professional practice, and in accordance with policies and guidelines established by the
241 Department of Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or
242 licensed practical nurses under the immediate and direct supervision of a registered nurse to possess and
243 administer tuberculin purified protein derivative (PPD) in the absence of a prescriber. The Department of

244 Health's policies and guidelines shall be consistent with applicable guidelines developed by the Centers
 245 for Disease Control and Prevention for preventing transmission of mycobacterium tuberculosis and shall
 246 be updated to incorporate any subsequently implemented standards of the Occupational Safety and
 247 Health Administration and the Department of Labor and Industry to the extent that they are inconsistent
 248 with the Department of Health's policies and guidelines. Such standing protocols shall explicitly describe
 249 the categories of persons to whom the tuberculin test is to be administered and shall provide for
 250 appropriate medical evaluation of those in whom the test is positive. The prescriber shall ensure that the
 251 nurse implementing such standing protocols has received adequate training in the practice and principles
 252 underlying tuberculin screening.

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

257 H. Pursuant to a written order or standing protocol issued by the prescriber within the course of his
 258 professional practice, such prescriber may authorize, with the consent of the parents as defined in
 259 § 22.1-1, an employee of a school board who is trained in the administration of insulin and glucagon to
 260 assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes
 261 and who requires insulin injections during the school day or for whom glucagon has been prescribed for
 262 the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed
 263 nurse, nurse practitioner, physician or physician assistant is not present to perform the administration of
 264 the medication.

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

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

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

279 In addition, a dentist may authorize a dental hygienist under his direction to administer Schedule VI
 280 nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI
 281 local anesthesia.

282 K. Pursuant to an oral or written order or standing protocol issued by the prescriber within the
 283 course of his professional practice, such prescriber may authorize registered professional nurses certified
 284 as sexual assault nurse examiners-A (SANE-A) under his supervision and when he is not physically
 285 present to possess and administer preventive medications for victims of sexual assault as recommended
 286 by the Centers for Disease Control and Prevention.

287 L. This section shall not prevent the administration of drugs by a person who has satisfactorily
 288 completed a training program for this purpose approved by the Board of Nursing and who administers
 289 such drugs in accordance with a prescriber's instructions pertaining to dosage, frequency, and manner of
 290 administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to
 291 security and record keeping, when the drugs administered would be normally self-administered by (i) an
 292 individual receiving services in a program licensed by the Department of Behavioral Health and
 293 Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision
 294 Impaired; (iii) a resident of a facility approved by the Board or Department of Juvenile Justice for the
 295 placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program
 296 participant of an adult day-care center licensed by the Department of Social Services; (v) a resident of
 297 any facility authorized or operated by a state or local government whose primary purpose is not to
 298 provide health care services; (vi) a resident of a private children's residential facility, as defined in
 299 § 63.2-100 and licensed by the Department of Social Services, Department of Education, or Department
 300 of Behavioral Health and Developmental Services; or (vii) a student in a school for students with
 301 disabilities, as defined in § 22.1-319 and licensed by the Board of Education.

302 M. Medication aides registered by the Board of Nursing pursuant to Article 7 (§ 54.1-3041 et seq.)
 303 of Chapter 30 may administer drugs that would otherwise be self-administered to residents of any
 304 assisted living facility licensed by the Department of Social Services. A registered medication aide shall

305 administer drugs pursuant to this section in accordance with the prescriber's instructions pertaining to
306 dosage, frequency, and manner of administration; in accordance with regulations promulgated by the
307 Board of Pharmacy relating to security and recordkeeping; in accordance with the assisted living
308 facility's Medication Management Plan; and in accordance with such other regulations governing their
309 practice promulgated by the Board of Nursing.

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

317 O. In addition, this section shall not prevent the administration of drugs by a person to a child in a
318 child day program as defined in § 63.2-100 and regulated by the State Board of Social Services or the
319 Child Day Care Council, provided such person (i) has satisfactorily completed a training program for
320 this purpose approved by the Board of Nursing and taught by a registered nurse, licensed practical
321 nurse, doctor of medicine or osteopathic medicine, or pharmacist; (ii) has obtained written authorization
322 from a parent or guardian; (iii) administers drugs only to the child identified on the prescription label in
323 accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of
324 administration; and (iv) administers only those drugs that were dispensed from a pharmacy and
325 maintained in the original, labeled container that would normally be administered by a parent or
326 guardian to the child.

327 P. In addition, this section shall not prevent the administration or dispensing of drugs and devices by
328 persons if they are authorized by the State Health Commissioner in accordance with protocols
329 established by the State Health Commissioner pursuant to § 32.1-42.1 when (i) the Governor has
330 declared a disaster or a state of emergency or the United States Secretary of Health and Human Services
331 has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public
332 health emergency; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such
333 persons have received the training necessary to safely administer or dispense the needed drugs or
334 devices. Such persons shall administer or dispense all drugs or devices under the direction, control and
335 supervision of the State Health Commissioner.

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

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

342 S. Nothing in this title shall prevent or interfere with dialysis care technicians or dialysis patient care
343 technicians who are certified by an organization approved by the Board of Health Professions or persons
344 authorized for provisional practice pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.) of this title, in the
345 ordinary course of their duties in a Medicare-certified renal dialysis facility, from administering heparin,
346 topical needle site anesthetics, dialysis solutions, sterile normal saline solution, and blood volumizers, for
347 the purpose of facilitating renal dialysis treatment, when such administration of medications occurs under
348 the orders of a licensed physician, nurse practitioner or physician assistant and under the immediate and
349 direct supervision of a licensed registered nurse. Nothing in this chapter shall be construed to prohibit a
350 patient care dialysis technician trainee from performing dialysis care as part of and within the scope of
351 the clinical skills instruction segment of a supervised dialysis technician training program, provided such
352 trainee is identified as a "trainee" while working in a renal dialysis facility.

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

357 T. Persons who are otherwise authorized to administer controlled substances in hospitals shall be
358 authorized to administer influenza or pneumococcal vaccines pursuant to § 32.1-126.4.

359 U. Pursuant to a specific order for a patient and under his direct and immediate supervision, a
360 prescriber may authorize the administration of controlled substances by personnel who have been
361 properly trained to assist a doctor of medicine or osteopathic medicine, provided the method does not
362 include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for
363 such administration.

364 V. A nurse or a dental hygienist may possess and administer topical fluoride varnish to the teeth of
365 children aged six months to three years pursuant to an oral or written order or a standing protocol issued
366 by a doctor of medicine, osteopathic medicine, or dentistry that conforms to standards adopted by the

367 Virginia Department of Health.

368 W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may
369 authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse, or
370 licensed practical nurse under the direction and immediate supervision of a registered nurse, when the
371 prescriber is not physically present.
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