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HOUSE BILL NO. 1156

Offered January 16, 2012

A BILL to amend and reenact §§ 8.01-225, 22.1-274, 22.1-274.2, 54.1-3303, and 54.1-3408 of the Code of Virginia, relating to public schools; administration of auto-injectable epinephrine.

Patrons—Farrell, Robinson, Greason, O'Bannon, Albo, Carr, Dance, Ingram, Kilgore, Loupassi, Massie, McClellan, McQuinn, Rust, Stolle, Toscano and Ware, R.L.

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-225, 22.1-274, 22.1-274.2, 54.1-3303, and 54.1-3408 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-225. Persons rendering emergency care, obstetrical services exempt from liability.

A. Any person who:

1. In good faith, renders emergency care or assistance, without compensation, to any ill or injured person (i) at the scene of an accident, fire, or any life-threatening emergency; (ii) at a location for screening or stabilization of an emergency medical condition arising from an accident, fire, or any life-threatening emergency; or (iii) en route to any hospital, medical clinic or doctor's office, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such care or assistance.

2. In the absence of gross negligence, renders emergency obstetrical care or assistance to a female in active labor who has not previously been cared for in connection with the pregnancy by such person or by another professionally associated with such person and whose medical records are not reasonably available to such person shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care or assistance. The immunity herein granted shall apply only to the emergency medical care provided.

3. In good faith and without compensation, including any emergency medical services technician certified by the Board of Health, administers epinephrine in an emergency to an individual shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if such person has reason to believe that the individual receiving the injection is suffering or is about to suffer a life-threatening anaphylactic reaction.

4. Provides assistance upon request of any police agency, fire department, rescue or emergency squad, or any governmental agency in the event of an accident or other emergency involving the use, handling, transportation, transmission or storage of liquefied petroleum gas, liquefied natural gas, hazardous material or hazardous waste as defined in § 10.1-1400 or regulations of the Virginia Waste Management Board shall not be liable for any civil damages resulting from any act of commission or omission on his part in the course of his rendering such assistance in good faith.

5. Is an emergency medical care attendant or technician possessing a valid certificate issued by authority of the State Board of Health who in good faith renders emergency care or assistance whether in person or by telephone or other means of communication, without compensation, to any injured or ill person, whether at the scene of an accident, fire or any other place, or while transporting such injured or ill person to, from or between any hospital, medical facility, medical clinic, doctor's office or other similar or related medical facility, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment or assistance, including but in no way limited to acts or omissions which involve violations of State Department of Health regulations or any other state regulations in the rendering of such emergency care or assistance.

6. In good faith and without compensation, renders or administers emergency cardiopulmonary resuscitation, cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator, or other emergency life-sustaining or resuscitative treatments or procedures which have been approved by the State Board of Health to any sick or injured person, whether at the scene of a fire, an accident or any other place, or while transporting such person to or from any hospital, clinic, doctor's office or other medical facility, shall be deemed qualified to administer such emergency treatments and procedures and shall not be liable for acts or omissions resulting from the rendering of such emergency resuscitative treatments or procedures.

7. Operates an automated external defibrillator at the scene of an emergency, trains individuals to be operators of automated external defibrillators, or orders automated external defibrillators, shall be immune from civil liability for any personal injury that results from any act or omission in the use of an automated external defibrillator in an emergency where the person performing the defibrillation acts as

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HB1156

58 an ordinary, reasonably prudent person would have acted under the same or similar circumstances,
59 unless such personal injury results from gross negligence or willful or wanton misconduct of the person
60 rendering such emergency care.

61 8. Is a volunteer in good standing and certified to render emergency care by the National Ski Patrol
62 System, Inc., who, in good faith and without compensation, renders emergency care or assistance to any
63 injured or ill person, whether at the scene of a ski resort rescue, outdoor emergency rescue or any other
64 place or while transporting such injured or ill person to a place accessible for transfer to any available
65 emergency medical system unit, or any resort owner voluntarily providing a ski patroller employed by
66 him to engage in rescue or recovery work at a resort not owned or operated by him, shall not be liable
67 for any civil damages for acts or omissions resulting from the rendering of such emergency care,
68 treatment or assistance, including but not limited to acts or omissions which involve violations of any
69 state regulation or any standard of the National Ski Patrol System, Inc., in the rendering of such
70 emergency care or assistance, unless such act or omission was the result of gross negligence or willful
71 misconduct.

72 9. Is an employee of a school board, authorized by a prescriber and trained in the administration of
73 insulin and glucagon, who, upon the written request of the parents as defined in § 22.1-1, assists with
74 the administration of insulin or administers glucagon to a student diagnosed as having diabetes who
75 requires insulin injections during the school day or for whom glucagon has been prescribed for the
76 emergency treatment of hypoglycemia shall not be liable for any civil damages for ordinary negligence
77 in acts or omissions resulting from the rendering of such treatment if the insulin is administered
78 according to the child's medication schedule or such employee has reason to believe that the individual
79 receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any
80 employee of a school board is covered by the immunity granted herein, the school board employing him
81 shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the
82 rendering of such insulin or glucagon treatment.

83 10. *Is a school nurse or an employee of a school board, authorized by a prescriber and trained in*
84 *the administration of auto-injectable epinephrine pursuant to subsection E of § 22.1-274, who provides,*
85 *administers, or assists in the administration of auto-injectable epinephrine to a student believed in good*
86 *faith to be having an anaphylactic reaction shall not be liable for any civil damages for ordinary*
87 *negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee*
88 *of a school board is covered by the immunity granted herein, the school board employing him shall not*
89 *be liable for any civil damages for ordinary negligence in acts or omissions resulting from the*
90 *rendering of such treatment.*

91 B. Any licensed physician serving without compensation as the operational medical director for a
92 licensed emergency medical services agency in this Commonwealth shall not be liable for any civil
93 damages for any act or omission resulting from the rendering of emergency medical services in good
94 faith by the personnel of such licensed agency unless such act or omission was the result of such
95 physician's gross negligence or willful misconduct.

96 Any person serving without compensation as a dispatcher for any licensed public or nonprofit
97 emergency services agency in this Commonwealth shall not be liable for any civil damages for any act
98 or omission resulting from the rendering of emergency services in good faith by the personnel of such
99 licensed agency unless such act or omission was the result of such dispatcher's gross negligence or
100 willful misconduct.

101 Any individual, certified by the State Office of Emergency Medical Services as an emergency
102 medical services instructor and pursuant to a written agreement with such office, who, in good faith and
103 in the performance of his duties, provides instruction to persons for certification or recertification as a
104 certified basic life support or advanced life support emergency medical services technician shall not be
105 liable for any civil damages for acts or omissions on his part directly relating to his activities on behalf
106 of such office unless such act or omission was the result of such emergency medical services instructor's
107 gross negligence or willful misconduct.

108 Any licensed physician serving without compensation as a medical advisor to an E-911 system in
109 this Commonwealth shall not be liable for any civil damages for any act or omission resulting from
110 rendering medical advice in good faith to establish protocols to be used by the personnel of the E-911
111 service, as defined in § 58.1-1730, when answering emergency calls unless such act or omission was the
112 result of such physician's gross negligence or willful misconduct.

113 Any licensed physician who directs the provision of emergency medical services, as authorized by
114 the State Board of Health, through a communications device shall not be liable for any civil damages
115 for any act or omission resulting from the rendering of such emergency medical services unless such act
116 or omission was the result of such physician's gross negligence or willful misconduct.

117 Any licensed physician serving without compensation as a supervisor of an automated external
118 defibrillator in this Commonwealth shall not be liable for any civil damages for any act or omission
119 resulting from rendering medical advice in good faith to the owner of the automated external

120 defibrillator relating to personnel training, local emergency medical services coordination, protocol
121 approval, automated external defibrillator deployment strategies, and equipment maintenance plans and
122 records unless such act or omission was the result of such physician's gross negligence or willful
123 misconduct.

124 C. Any communications services provider, as defined in § 58.1-647, including mobile service, and
125 any provider of Voice-over-Internet Protocol service, in this Commonwealth shall not be liable for any
126 civil damages for any act or omission resulting from rendering such service with or without charge
127 related to emergency calls unless such act or omission was the result of such service provider's gross
128 negligence or willful misconduct.

129 Any volunteer engaging in rescue or recovery work at a mine or any mine operator voluntarily
130 providing personnel to engage in rescue or recovery work at a mine not owned or operated by such
131 operator, shall not be liable for civil damages for acts or omissions resulting from the rendering of such
132 rescue or recovery work in good faith unless such act or omission was the result of gross negligence or
133 willful misconduct. For purposes of this subsection, the term "Voice-over-Internet Protocol service" or
134 "VoIP service" means any Internet protocol-enabled services utilizing a broadband connection, actually
135 originating or terminating in Internet Protocol from either or both ends of a channel of communication
136 offering real time, multidirectional voice functionality, including, but not limited to, services similar to
137 traditional telephone service.

138 D. Nothing contained in this section shall be construed to provide immunity from liability arising out
139 of the operation of a motor vehicle.

140 E. [Expired.]

141 F. For the purposes of this section, the term "compensation" shall not be construed to include (i) the
142 salaries of police, fire or other public officials or personnel who render such emergency assistance, (ii)
143 the salaries or wages of employees of a coal producer engaging in emergency medical technician service
144 or first aid service pursuant to the provisions of § 45.1-161.38, 45.1-161.101, 45.1-161.199 or
145 45.1-161.263, (iii) complimentary lift tickets, food, lodging or other gifts provided as a gratuity to
146 volunteer members of the National Ski Patrol System, Inc., by any resort, group or agency, (iv) the
147 salary of any person who (a) owns an automated external defibrillator for the use at the scene of an
148 emergency, (b) trains individuals, in courses approved by the Board of Health, to operate automated
149 external defibrillators at the scene of emergencies, (c) orders automated external defibrillators for use at
150 the scene of emergencies, or (d) operates an automated external defibrillator at the scene of an
151 emergency, or (v) expenses reimbursed to any person providing care or assistance pursuant to this
152 section.

153 For the purposes of this section, an emergency medical care attendant or technician shall be deemed
154 to include a person licensed or certified as such or its equivalent by any other state when he is
155 performing services which he is licensed or certified to perform by such other state in caring for a
156 patient in transit in this Commonwealth, which care originated in such other state.

157 Further, the public shall be urged to receive training on how to use cardiopulmonary resuscitation
158 (CPR) and an automated external defibrillator (AED) in order to acquire the skills and confidence to
159 respond to emergencies using both CPR and an AED.

160 § 22.1-274. School health services.

161 A. A school board shall provide pupil personnel and support services, in compliance with
162 § 22.1-253.13:2. A school board may employ school nurses, physicians, physical therapists, occupational
163 therapists and speech therapists. No such personnel shall be employed unless they meet such standards
164 as may be determined by the Board of Education. Subject to the approval of the appropriate local
165 governing body, a local health department may provide personnel for health services for the school
166 division.

167 B. In implementing subsection O of § 22.1-253.13:2, relating to providing support services which are
168 necessary for the efficient and cost-effective operation and maintenance of its public schools, each
169 school board may strive to employ, or contract with local health departments for, nursing services
170 consistent with a ratio of at least one nurse (i) per 2,500 students by July 1, 1996; (ii) per 2,000
171 students by July 1, 1997; (iii) per 1,500 students by July 1, 1998; and (iv) per 1,000 students by July 1,
172 1999. In those school divisions in which there are more than 1,000 students in average daily
173 membership in school buildings, this section shall not be construed to encourage the employment of
174 more than one nurse per school building. Further, this section shall not be construed to mandate the
175 aspired-to ratios.

176 C. The Board of Education shall monitor the progress in achieving the ratios set forth in subsection
177 B of this section and any subsequent increase in prevailing statewide costs, and the mechanism for
178 funding health services, pursuant to subsection O of § 22.1-253.13:2 and the appropriation act. The
179 Board shall also determine how school health funds are used and school health services are delivered in
180 each locality and shall provide, by December 1, 1994, a detailed analysis of school health expenditures

181 to the House Committee on Education, the House Committee on Appropriations, the Senate Committee
182 on Education and Health, and the Senate Committee on Finance.

183 D. With the exception of school administrative personnel and persons employed by school boards
184 who have the specific duty to deliver health-related services, no licensed instructional employee,
185 instructional aide, or clerical employee shall be disciplined, placed on probation or dismissed on the
186 basis of such employee's refusal to (i) perform nonemergency health-related services for students or (ii)
187 obtain training in the administration of insulin and glucagon. However, instructional aides and clerical
188 employees may not refuse to dispense oral medications.

189 For the purposes of this subsection, "health-related services" means those activities which, when
190 performed in a health care facility, must be delivered by or under the supervision of a licensed or
191 certified professional.

192 E. Each school board shall ensure that, in school buildings with an instructional and administrative
193 staff of ~~ten~~ 10 or more, (i) at least two employees have current certification in cardiopulmonary
194 resuscitation or have received training, within the last two years, in emergency first aid and
195 cardiopulmonary resuscitation ~~and~~; (ii) if one or more students diagnosed as having diabetes attend such
196 school, at least two employees have been trained in the administration of insulin and glucagon; *and (iii)*
197 *at least two employees have been trained in the administration of auto-injectable epinephrine.* In school
198 buildings with an instructional and administrative staff of fewer than ~~ten~~ 10, school boards shall ensure
199 that ~~(i)~~ (a) at least one employee has current certification in cardiopulmonary resuscitation or has
200 received training, within the last two years, in emergency first aid and cardiopulmonary resuscitation ~~and~~
201 ~~(ii)~~; (b) if one or more students diagnosed as having diabetes attend such school, at least one employee
202 has been trained in the administration of insulin and glucagon; *and (c) at least one employee has been*
203 *trained in the assistance of administration of auto-injectable epinephrine.* "Employee" shall include any
204 person employed by a local health department who is assigned to the public school pursuant to an
205 agreement between the local health department and the school board. When a registered nurse, nurse
206 practitioner, physician or physician assistant is present, no employee who is not a registered nurse, nurse
207 practitioner, physician or physician assistant shall assist with the administration of insulin or administer
208 glucagon. Prescriber authorization and parental consent shall be obtained for any employee who is not a
209 registered nurse, nurse practitioner, physician or physician assistant to assist with the administration of
210 insulin and administer glucagon.

211 § 22.1-274.2. Possession and self-administration of inhaled asthma medications and auto-injectable
212 epinephrine by certain students.

213 A. ~~Effective on July 1, 2000, local~~ *Local* school boards shall develop and implement policies
214 permitting a student with a diagnosis of asthma or anaphylaxis, or both, to possess and self-administer
215 inhaled asthma medications or auto-injectable epinephrine, or both, as the case may be, during the
216 school day, at school-sponsored activities, or while on a school bus or other school property. Such
217 policies shall include, but not be limited to, provisions for:

218 1. Written consent of the parent, as defined in § 22.1-1, of a student with a diagnosis of asthma or
219 anaphylaxis, or both, that the student may self-administer inhaled asthma medications or auto-injectable
220 epinephrine, or both, as the case may be.

221 2. Written notice from the student's primary care provider or medical specialist, or a licensed
222 physician or licensed nurse practitioner that (i) identifies the student; (ii) states that the student has a
223 diagnosis of asthma or anaphylaxis, or both, and has approval to self-administer inhaled asthma
224 medications or auto-injectable epinephrine, or both, as the case may be, that have been prescribed or
225 authorized for the student; (iii) specifies the name and dosage of the medication, the frequency in which
226 it is to be administered and certain circumstances which may warrant the use of inhaled asthma
227 medications or auto-injectable epinephrine, such as before exercising or engaging in physical activity to
228 prevent the onset of asthma symptoms or to alleviate asthma symptoms after the onset of an asthma
229 episode; and (iv) attests to the student's demonstrated ability to safely and effectively self-administer
230 inhaled asthma medications or auto-injectable epinephrine, or both, as the case may be.

231 3. Development of an individualized health care plan, including emergency procedures for any
232 life-threatening conditions.

233 4. Consultation with the student's parent before any limitations or restrictions are imposed upon a
234 student's possession and self-administration of inhaled asthma medications and auto-injectable
235 epinephrine, and before the permission to possess and self-administer inhaled asthma medications and
236 auto-injectable epinephrine at any point during the school year is revoked.

237 5. Self-administration of inhaled asthma medications and auto-injectable epinephrine to be consistent
238 with the purposes of the Virginia School Health Guidelines and the Guidelines for Specialized Health
239 Care Procedure Manuals, which are jointly issued by the Department of Education and the Department
240 of Health.

241 6. Disclosure or dissemination of information pertaining to the health condition of a student to school
242 board employees to comply with §§ 22.1-287 and 22.1-289 and the federal Family Education Rights and

243 Privacy Act of 1974, as amended, 20 U.S.C. § 1232g, which govern the disclosure and dissemination of
244 information contained in student scholastic records.

245 B. The permission granted a student with a diagnosis of asthma or anaphylaxis, or both, to possess
246 and self-administer inhaled asthma medications or auto-injectable epinephrine, or both, shall be effective
247 for one school year. Permission to possess and self-administer such medications shall be renewed
248 annually. For the purposes of this section, "one school year" means 365 calendar days.

249 C. *Local school boards shall develop and implement policies for the possession of at least two*
250 *auto-injectable epinephrine pens in every school, to be administered by a school nurse or an employee*
251 *of the school board who is authorized and trained in the administration of epinephrine auto-injectors*
252 *pursuant to subsection E of § 22.1-274. The policies shall authorize a school nurse, or an employee of*
253 *the school board who is authorized and trained in the administration of epinephrine auto-injectors*
254 *pursuant to subsection E of § 22.1-274, to provide auto-injectable epinephrine to a student with a*
255 *prescription on file. The local school board shall also authorize a school nurse, or an employee of the*
256 *school board who is authorized and trained in the administration of epinephrine auto-injectors pursuant*
257 *to subsection E of § 22.1-274, to administer auto-injectable epinephrine to any student believed to be*
258 *having an anaphylactic reaction.*

259 § 54.1-3303. Prescriptions to be issued and drugs to be dispensed for medical or therapeutic purposes
260 only.

261 A. A prescription for a controlled substance may be issued only by a practitioner of medicine,
262 osteopathy, podiatry, dentistry or veterinary medicine who is authorized to prescribe controlled
263 substances, or by a licensed nurse practitioner pursuant to § 54.1-2957.01, a licensed physician assistant
264 pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of
265 Chapter 32. The prescription shall be issued for a medicinal or therapeutic purpose and may be issued
266 only to persons or animals with whom the practitioner has a bona fide practitioner-patient relationship.

267 For purposes of this section, a bona fide practitioner-patient-pharmacist relationship is one in which a
268 practitioner prescribes, and a pharmacist dispenses, controlled substances in good faith to his patient for
269 a medicinal or therapeutic purpose within the course of his professional practice. In addition, a bona fide
270 practitioner-patient relationship means that the practitioner shall (i) ensure that a medical or drug history
271 is obtained; (ii) provide information to the patient about the benefits and risks of the drug being
272 prescribed; (iii) perform or have performed an appropriate examination of the patient, either physically
273 or by the use of instrumentation and diagnostic equipment through which images and medical records
274 may be transmitted electronically; except for medical emergencies, the examination of the patient shall
275 have been performed by the practitioner himself, within the group in which he practices, or by a
276 consulting practitioner prior to issuing a prescription; and (iv) initiate additional interventions and
277 follow-up care, if necessary, especially if a prescribed drug may have serious side effects. Any
278 practitioner who prescribes any controlled substance with the knowledge that the controlled substance
279 will be used otherwise than medicinally or for therapeutic purposes shall be subject to the criminal
280 penalties provided in § 18.2-248 for violations of the provisions of law relating to the distribution or
281 possession of controlled substances.

282 B. In order to determine whether a prescription that appears questionable to the pharmacist results
283 from a bona fide practitioner-patient relationship, the pharmacist shall contact the prescribing practitioner
284 or his agent and verify the identity of the patient and name and quantity of the drug prescribed. The
285 person knowingly filling an invalid prescription shall be subject to the criminal penalties provided in
286 § 18.2-248 for violations of the provisions of law relating to the sale, distribution or possession of
287 controlled substances.

288 No prescription shall be filled unless there is a bona fide practitioner-patient-pharmacist relationship.
289 A prescription not issued in the usual course of treatment or for authorized research is not a valid
290 prescription.

291 C. Notwithstanding any provision of law to the contrary and consistent with recommendations of the
292 Centers for Disease Control and Prevention or the Department of Health, a practitioner may prescribe
293 Schedule VI antibiotics and antiviral agents to other persons in close contact with a diagnosed patient
294 when (i) the practitioner meets all requirements of a bona fide practitioner-patient relationship, as
295 defined in subsection A, with the diagnosed patient; (ii) in the practitioner's professional judgment, the
296 practitioner deems there is urgency to begin treatment to prevent the transmission of a communicable
297 disease; (iii) the practitioner has met all requirements of a bona fide practitioner-patient relationship, as
298 defined in subsection A, for the close contact except for the physical examination required in clause (iii)
299 of subsection A; and (iv) when such emergency treatment is necessary to prevent imminent risk of
300 death, life-threatening illness, or serious disability.

301 D. A pharmacist may dispense a controlled substance pursuant to a prescription of an out-of-state
302 practitioner of medicine, osteopathy, podiatry, dentistry or veterinary medicine authorized to issue such
303 prescription if the prescription complies with the requirements of this chapter and Chapter 34

304 (§ 54.1-3400 et seq.), known as the "Drug Control Act."

305 E. A licensed nurse practitioner who is authorized to prescribe controlled substances pursuant to
306 § 54.1-2957.01 may issue prescriptions or provide manufacturers' professional samples for controlled
307 substances and devices as set forth in Chapter 34 (§ 54.1-3400 et seq.) in good faith to his patient for a
308 medicinal or therapeutic purpose within the scope of his professional practice.

309 F. A licensed physician assistant who is authorized to prescribe controlled substances pursuant to
310 § 54.1-2952.1 may issue prescriptions or provide manufacturers' professional samples for controlled
311 substances and devices as set forth in Chapter 34 (§ 54.1-3400 et seq.) in good faith to his patient for a
312 medicinal or therapeutic purpose within the scope of his professional practice.

313 G. A TPA-certified optometrist who is authorized to prescribe controlled substances pursuant to
314 Article 5 (§ 54.1-3222 et seq.) of Chapter 32 may issue prescriptions in good faith or provide
315 manufacturers' professional samples to his patients for medicinal or therapeutic purposes within the
316 scope of his professional practice for the drugs specified on the TPA-Formulary, established pursuant to
317 § 54.1-3223, which shall be limited to (i) oral analgesics included in Schedules III through VI, as
318 defined in §§ 54.1-3450 and 54.1-3455 of the Drug Control Act (§ 54.1-3400 et seq.), which are
319 appropriate to relieve ocular pain, (ii) other oral Schedule VI controlled substances, as defined in
320 § 54.1-3455 of the Drug Control Act, appropriate to treat diseases and abnormal conditions of the human
321 eye and its adnexa, (iii) topically applied Schedule VI drugs, as defined in § 54.1-3455 of the Drug
322 Control Act, and (iv) intramuscular administration of epinephrine for treatment of emergency cases of
323 anaphylactic shock.

324 H. The requirement for a bona fide practitioner-patient relationship shall be deemed to be satisfied by
325 a member or committee of a hospital's medical staff when approving a standing order or protocol for the
326 administration of influenza vaccinations and pneumococcal vaccinations in a hospital in compliance with
327 § 32.1-126.4.

328 *I. Notwithstanding any provision of law to the contrary, a physician may issue a prescription to a*
329 *local school board for auto-injectable epinephrine.*

330 § 54.1-3408. Professional use by practitioners.

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

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

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

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

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

359 *Pursuant to § 22.1-274.2, a school nurse, or any school board employee who is authorized and*
360 *trained in the administration of epinephrine auto-injectors pursuant to subsection E of § 22.1-274, may*
361 *possess and administer auto-injectable epinephrine.*

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

365 F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course

366 of his professional practice, such prescriber may authorize licensed athletic trainers to possess and
 367 administer topical corticosteroids, topical lidocaine, or other Schedule VI topical drugs, or to possess and
 368 administer epinephrine for use in emergency cases of anaphylactic shock.

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

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

387 H. Pursuant to a written order or standing protocol issued by the prescriber within the course of his
 388 professional practice, such prescriber may authorize, with the consent of the parents as defined in
 389 § 22.1-1, an employee of a school board who is trained in the administration of insulin and glucagon to
 390 assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes
 391 and who requires insulin injections during the school day or for whom glucagon has been prescribed for
 392 the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed
 393 nurse, nurse practitioner, physician or physician assistant is not present to perform the administration of
 394 the medication.

395 I. A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the
 396 administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is
 397 not physically present, by (i) licensed pharmacists, (ii) registered nurses, or (iii) licensed practical nurses
 398 under the immediate and direct supervision of a registered nurse. A prescriber acting on behalf of and in
 399 accordance with established protocols of the Department of Health may authorize the administration of
 400 vaccines to any person by a pharmacist, nurse, certified emergency medical technician-intermediate, or
 401 emergency medical technician-paramedic under the direction of an operational medical director when the
 402 prescriber is not physically present. Emergency medical services personnel shall provide documentation
 403 of the vaccines to be recorded in the Virginia Immunization Information System.

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

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

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

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

419 L. This section shall not prevent the administration of drugs by a person who has satisfactorily
 420 completed a training program for this purpose approved by the Board of Nursing and who administers
 421 such drugs in accordance with a prescriber's instructions pertaining to dosage, frequency, and manner of
 422 administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to
 423 security and record keeping, when the drugs administered would be normally self-administered by (i) an
 424 individual receiving services in a program licensed by the Department of Behavioral Health and
 425 Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision
 426 Impaired; (iii) a resident of a facility approved by the Board or Department of Juvenile Justice for the

427 placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program
428 participant of an adult day-care center licensed by the Department of Social Services; (v) a resident of
429 any facility authorized or operated by a state or local government whose primary purpose is not to
430 provide health care services; (vi) a resident of a private children's residential facility, as defined in
431 § 63.2-100 and licensed by the Department of Social Services, Department of Education, or Department
432 of Behavioral Health and Developmental Services; or (vii) a student in a school for students with
433 disabilities, as defined in § 22.1-319 and licensed by the Board of Education.

434 M. Medication aides registered by the Board of Nursing pursuant to Article 7 (§ 54.1-3041 et seq.)
435 of Chapter 30 may administer drugs that would otherwise be self-administered to residents of any
436 assisted living facility licensed by the Department of Social Services. A registered medication aide shall
437 administer drugs pursuant to this section in accordance with the prescriber's instructions pertaining to
438 dosage, frequency, and manner of administration; in accordance with regulations promulgated by the
439 Board of Pharmacy relating to security and recordkeeping; in accordance with the assisted living
440 facility's Medication Management Plan; and in accordance with such other regulations governing their
441 practice promulgated by the Board of Nursing.

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

449 O. In addition, this section shall not prevent the administration of drugs by a person to a child in a
450 child day program as defined in § 63.2-100 and regulated by the State Board of Social Services, the
451 Child Day Care Council, or a local government pursuant to § 15.2-914, provided such person (i) has
452 satisfactorily completed a training program for this purpose approved by the Board of Nursing and
453 taught by a registered nurse, licensed practical nurse, doctor of medicine or osteopathic medicine, or
454 pharmacist; (ii) has obtained written authorization from a parent or guardian; (iii) administers drugs only
455 to the child identified on the prescription label in accordance with the prescriber's instructions pertaining
456 to dosage, frequency, and manner of administration; and (iv) administers only those drugs that were
457 dispensed from a pharmacy and maintained in the original, labeled container that would normally be
458 administered by a parent or guardian to the child.

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

468 Q. Nothing in this title shall prohibit the administration of normally self-administered drugs by
469 unlicensed individuals to a person in his private residence.

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

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

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

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

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

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

500 W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may
501 authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse,
502 licensed practical nurse under the direction and immediate supervision of a registered nurse, certified
503 emergency medical technician-intermediate, or emergency medical technician-paramedic when the
504 prescriber is not physically present.

505 **2. That an emergency exists and this act is in force from its passage.**

INTRODUCED

HB1156